



~~then on Handbooks.~~ Paper copies of the handbook may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting option 7 (800)377-8216.

~~(3) The following forms are incorporated by reference: Children's Medical Services Early Steps Certification for Provider of Early Intervention Services, AHCA Med Serv Form 020, August 2007, one page; and Early Steps, Children's Medical Services, Medicaid Freedom of Choice/Conflict of Interest Statement, AHCA Med Serv Form 021, August 2007, one page. These forms are available on the Early Steps provider website at <http://www.ems-kids.com/ESproviders.htm>. The following form that is included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook is incorporated by reference: Early Intervention Services Request to Exceed Medicaid Limitations Form, AHCA Med Serv Form 019, August 2007, four pages, Appendix B. The form is available by photocopying it from the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook.~~

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 4-30-00, Amended 8-9-04, 5-22-06, 1-10-08,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-3.0305  
 RULE TITLE: Pool Buying Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to cooperative or pool buying as approved by the Division of Alcoholic Beverages and Tobacco.

SUBJECT AREA TO BE ADDRESSED: The rule is under consideration for amendment and discussion will allow for input from interested parties.

RULEMAKING AUTHORITY: 561.11, 561.14(6) FS.

LAW IMPLEMENTED: 561.01(10), 561.14(3), 561.42 FS.

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

DATE AND TIME: August 29, 2011, 9:00 a.m. – conclusion of business

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kitrina Dean, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-4.0501  
 RULE TITLE: Cooperative or Pool Buying – Definition; Creation; Record Keeping; Restrictions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to cooperative or pool buying as approved by the Division of Alcoholic Beverages and Tobacco.

SUBJECT AREA TO BE ADDRESSED: The rule is under consideration for amendment and discussion will allow for input from interested parties.

RULEMAKING AUTHORITY: 561.11, 561.14(6) FS.

LAW IMPLEMENTED: 561.01(10), 561.14(3), 561.42 FS.

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

DATE AND TIME: August 29, 2011, 9:00 a.m. – conclusion of business

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202

Pursuant to the provisions of 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: Kitrina Dean at (850)717-1224. If you are 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: Kitrina Dean, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.002  
 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: 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 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: Bruce Detering, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Economic Self-Sufficiency Program

RULE NO.: 65A-4.222                      RULE TITLE: Pay After Performance Project

PURPOSE AND EFFECT: The proposed rule implements a Pay After Performance Pilot Project for all non-exempt and volunteer Temporary Cash Assistance applicants referred to the Alachua and Bradford Counties Regional Workforce Board for participation in the Welfare Transition Program.

SUBJECT AREA TO BE ADDRESSED: Pay After Performance Project requirements.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.065, 414.095, 445.024, 445.025 FS.

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

DATE AND TIME: September 1, 2011, 10:30 a.m.

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

Pursuant to the provisions of 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: Cindy Keil. If you are 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: Cindy

Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy\_keil@dcf.state.fl.us, (850)717-4113

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

## FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003                      RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to update the Florida Boating Improvement Program Guidelines (Jan. 2010), incorporated by reference in subsection 68-1.003(9), F.A.C., to improve and increase efficiency in the grant review and submittal process including: 1) revised evaluation criteria to increase the emphasis on cost efficiency and the need for the project; 2) reduce the number of required copies of the application; 3) provide more time to obtain permits for construction projects.

SUBJECT AREA TO BE ADDRESSED: The Florida Boating Improvement Program Grant Guidelines and the related submittal requirements.

RULEMAKING AUTHORITY: 206.606, 327.04, 327.47, 379.106 FS.

LAW IMPLEMENTED: 206.606, 327.47, 328.72, 379.106 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: Tim Woody, FBIP Program Administrator or Patricia Harrell, Boat Access Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399, telephone (850)410-0656, Extension 17173 or 17122 or email fbip@myfwc.com

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

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-21.007                      RULE TITLE: Responsibility of Funeral Director in Charge

**PURPOSE AND EFFECT:** This rulemaking action implements changes to Section 497.380(7), Florida Statutes, as enacted by the Florida legislature in s. 22 of Chapter 2010-125, Laws of Florida. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on January 6, 2011. Prior to said legislative change, a funeral director in charge (FDIC) of an establishment was only required to be licensed as a funeral director, whereas under the statutory amendment the FDIC must be licensed as a funeral director & embalmer. The rule is being amended to reflect this new statutory requirement.

**SUBJECT AREA TO BE ADDRESSED:** Required licensure of a funeral director in charge of an establishment, under Chapter 497, Florida Statutes.

**RULEMAKING AUTHORITY:** 497.103(1)(n), 497.103(5), 497.161(a), 497.380 FS.

**LAW IMPLEMENTED:** 497.380 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:** August 26, 2011, 10:00 a.m.

**PLACE:** Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

**RULE NO.:**                      **RULE TITLE:**

69K-23.006                      Courses Required for Licensure

**PURPOSE AND EFFECT:** This rulemaking action implements changes to Section 497.602(3)(b), Florida Statutes, as enacted by the Florida legislature in Chapter 2010-125, Laws of

Florida. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on January 6, 2011. Prior to said statutory amendment an applicant for direct disposer license was required to take and pass a college credit course in mortuary law. The said statutory amendment added a requirement that applicants also have taken and passed a college credit course in ethics.

**SUBJECT AREA TO BE ADDRESSED:** Educational requirements for licensure as a direct disposer, under Chapter 497, Florida Statutes.

**RULEMAKING AUTHORITY:** 497.103(5), 497.141(2), 497.161(1)(a) FS.

**LAW IMPLEMENTED:** 497.602 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:** August 26, 2011, 9:00 a.m.

**PLACE:** Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

**RULE NO.:**                      **RULE TITLE:**

69K-100.036                      Proof of Satisfying Educational Requirements

**PURPOSE AND EFFECT:** This rulemaking provides procedures by which applicants for licensure under Chapter 497, F.S., may demonstrate that they meet the education requirements of that chapter. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on December 2, 2010.

SUBJECT AREA TO BE ADDRESSED: Procedures for proving satisfaction of licensing education requirements.

RULEMAKING AUTHORITY: 497.103(5), 497.141(2) FS.

LAW IMPLEMENTED: 497.141 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: August 26, 2011, 11:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

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

Address Confidentiality Program, as well as the role of the program assistants assisting the victims in the enrollment process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 741.409 FS.

LAW IMPLEMENTED: 741.401, 741.402, 741.403, 741.404, 741.405, 741.406, 741.407, 741.408, 741.409, 741.465, 97.0585(3) 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: Christina Harris, Chief of Advocacy and Grants Management, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300

THE FULL TEXT OF THE PROPOSED RULES IS:

2A-7.001 Definitions.

(1) "Address Confidentiality Program" is the statutorily created program responsible for implementing the provisions of Sections 741.401-.409, F.S., within the Office of the Attorney General.

(2) "Agency or Governmental Entity" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of the aforementioned.

(3) "Applicant" means an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated under Chapter 744, F.S., who is applying to the department to have an address designated by the department serve as the person's address or the address of the minor or incapacitated person ~~a person who is applying for participation in the Address Confidentiality Program. An applicant may be primary (the victim) or secondary (minor).~~

(4) "Applicant Assistant" means an employee of a state or local agency, or a non-profit organization that has been designated by the department to assist individuals in applying for enrollment in the program.

(5) "Authorization code" is the identification number assigned to a participant.

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Division of Victim Services and Criminal Justice Programs

RULE NOS.:                      RULE TITLES:

2A-7.001                          Definitions

2A-7.0021                        Eligibility

2A-7.0022                        Application Process

PURPOSE AND EFFECT: Clarifies definitions, eligibility, application and documentation requirements and processes for victims of domestic violence and stalking to participate in the Address Confidentiality Program, as well as the role of the program assistants assisting the victims in the enrollment process.

SUMMARY: This rule provides the definitions, eligibility, application and documentation requirements and processes for victims of domestic violence and stalking to participate in the

(6) "Authorized personnel" means an employee of the Department of State, Division of Elections, or Supervisor of Elections, who has been designated by the chief executive officer of the respective agency to process and access voter application and voting records pertaining to program participants.

(7) "Department" means the Department of Legal Affairs, Office of the Attorney General.

(8) "Domestic Violence" means an act as defined in Section 741.28, F.S., and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(9)(8)~~ "Protected records voter" means a program participant who is registered and qualified to vote in this state and has requested an absentee ballot pursuant to Section 101.62, F.S.

~~(10)(9)~~ "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

~~(11)(10)~~ "Stalking" means an act as defined in Section 784.048, F.S.

~~(12)(11)~~ "Substitute mailing address" means the mailing address designated by the department which shall not be the participant's residential address.

Rulemaking Authority 741.409 FS. Law Implemented 741.402, 741.403, 741.405, 741.406, 471.408 FS. History--New 1-27-99, Amended 5-4-11, \_\_\_\_\_.

2A-7.0021 Eligibility.

(1) A person who is a victim of domestic violence as defined in Section 741.28, F.S., or stalking as defined in Section 784.048, F.S., is eligible to apply for participation in this program.

(2) A person who is a victim of domestic violence or stalking who relocates to Florida may apply for enrollment and is subject to the same eligibility criteria as Florida residents.

(3) A name change will result in the participant's cancellation from the program. However, an individual may re-apply by completing an application for enrollment.

(4) Participation in this program cannot be used to circumvent or nullify any other Florida law that requires an individual to register her or his address with another public agency.

Rulemaking Authority 741.409 FS. Law Implemented 97.058(3), 741.403, 741.404, 741.405, 741.406, 741.409, 741.465, 775.13, 775.21, 784.048, 944.606, 944.607, 944.608, 944.609 FS. History--New 5-4-11, Amended \_\_\_\_\_.

2A-7.0022 Application Process.

~~(1) The applicant~~ A person who wishes to apply or renew her or his participation shall provide the following information to the department:

- (a) ~~Full Applicant's full~~ legal name,
- (b) Date of birth,
- (c) Last four digits of social security number,
- (d) Actual home address (street number and name, city, state, zip code),
- (e) Mailing address (if different),
- (f) Home telephone number,
- (g) Work telephone number,
- (h) Other telephone number where applicant can be reached,
- (i) Name and physical address of employer(s),
- (j) School name and physical address if applicable,
- ~~(k) An affirmation that the applicant is not required to register her or his address with any other public agency under Florida law.~~

~~(k)(4)~~ A signed and dated sworn statement by the applicant that he or she has good reason to believe that he or she, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence or stalking, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made, that attests to the following: "I certify that I am a victim of (select the appropriate category) domestic violence (as defined in Section 741.28, F.S.) or stalking (as defined in Section 784.048, F.S.) I declare under penalty of perjury that the foregoing is true and correct."

(2) An application for enrollment may be obtained from an applicant assistant at selected state or local agencies or non-profit organizations that have been designated by the department to assist in the application process.

(3) The application must be received by the department at the following address: Office of the Attorney General, Address Confidentiality Program, P. O. Box 6298, Tallahassee, Florida 32314-6298.

(4) An eligible applicant who has filed a properly completed application with the department shall be certified as a participant. Upon certification, each participant will be issued an authorization card, which will include the following:

- (a) Participant's name,
  - (b) Authorization code,
  - (c) Substitute mailing address, and
  - (d) Expiration date.
- (5) Certification shall be effective on the date the application is approved by the department.

(6) Mail received by the department that does not include the name and authorization code of a certified participant may not be able to be forwarded.

(7) If mail forwarded by the department to the participant is returned by the post office, the department will attempt to contact the participant by telephone to verify the address. If contact is not successful within seven days, the participant's certification will be cancelled and the mail will be returned to the United States Postal Service.

Rulemaking Authority 741.409 FS. Law Implemented 97.058(3), 741.403, 741.404, 741.405, 741.406, 741.409, 741.465, ~~775-13, 775-21, 784.048, 944.606, 944.607, 944.608, 944.609~~ FS. History–New 5-4-11, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christina Harris, Chief of Advocacy and Grants  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Attorney General Pam Bondi  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2011

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

RULE NOS.:	RULE TITLES:
5H-5.001	Information for Weekly Report
5H-5.004	Tobacco Warehouses; Auction, Weighing and Handling Fees; Commission on Gross Sales

PURPOSE AND EFFECT: This rulemaking proposes to repeal existing Chapter 5H-5, F.A.C., which has become outdated.

SUMMARY: This rulemaking proposes to repeal existing Chapter 5H-5, F.A.C., which has become outdated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 574.08, 574.14 FS.

LAW IMPLEMENTED: 574.08 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: Marshall Wiseheart, (850)488-4131, Marshall.Wiseheart@freshfromflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

5H-5.001 Information for Weekly Report.

Rulemaking Specific Authority 574.08, 574.14 FS. Law Implemented 574.08 FS. History–Repromulgated 12-31-74, Formerly 5H-5.01, Amended 6-4-95, Repealed \_\_\_\_\_.

5H-5.004 Tobacco Warehouses; Auction, Weighing and Handling Fees; Commission on Gross Sales.

Rulemaking Specific Authority 574.14 FS. Law Implemented 574.12(1) FS. History–New 7-22-65, Repromulgated 12-31-74, Formerly 5H-5.04, Amended 8-12-91, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Flack, Assistant Director Division of Marketing and Development  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-208.403	Random Drug Testing of Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to generally modify the provisions concerning who is subject to random testing and the procedures associated with such testing.

SUMMARY: The proposed rule amends the provisions regarding who is subject to drug testing and the consequences of positive drug testing results.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. 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, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 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, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.403 Random Drug Testing of Employees.  
 (1) Definitions.

(a) Authorizing Individual – The person designated by the Chief of Personnel to interact with an employee regarding the drug testing program.

(b) Chain of Custody – The procedures used to account for the integrity of each specimen by tracking its handling and storage from the point of specimen collection to final disposition.

(c) Contact Person – The employees designated by the Chief of Personnel to interact with the laboratory and Medical Review Officer and coordinate the drug testing program.

(d) Medical Review Officer – A licensed physician under contract with the Department or the outside vendor used by the Department who reviews all drug tests from the laboratory and makes the final determination regarding the test result.

(e) Random Employee Drug Test – A drug test conducted upon based on a computer-generated random sampling of Department employees, administered for the purposes of detecting the presence of drugs, controlled substances, (including anabolic steroids), or their metabolites.

~~(f) Random Test Designated Position – An employee is in a random test designated position, and thus is required to submit to random testing, if the employee:~~

- ~~1. Has job duties that require or allow the employee to carry a firearm;~~
- ~~2. Possesses law enforcement powers;~~
- ~~3. Has job duties involving regular unsupervised access to and direct contact with inmates or offenders under community supervision;~~
- ~~4. Has job duties involving unsupervised access to controlled substances;~~
- ~~5. Operates dangerous instrumentalities such as vehicles;~~
- ~~6. Provides health care and psychological care to inmates;~~
- ~~7. Provides direct services to inmates;~~
- ~~8. Has access to investigations of criminal allegations and the ability to alter the investigation;~~
- ~~9. Has the ability to alter information in databases, computer systems, or records relating to inmates or offenders under community supervision; or~~
- ~~10. Is in any position, including a supervisory or management position, in which a drug impairment could constitute an immediate and direct threat to public health or safety.~~

(2) All Department Only employees shall be subject to mandatory random employee drug tests in random test designated positions, including employees required to maintain certification under Sections 943.13 and 943.135, F.S., random drug testing. Employees who are not in test designated positions will be included in the random drug testing pool only if such employees choose to voluntarily participate in the random testing program. An employee may seek review of the determination that he or she is working in a test designated

~~position within 14 days of notification of test designation or, subsequently, within 14 days of a change in the employee's job duties.~~

~~(a) To seek review, the employee shall submit a letter of explanation based upon the criteria in paragraph (1)(f) of this rule to the Chief, Bureau of Personnel.~~

~~(b) Additional review of position duties will be conducted by the Bureau of Personnel and the Office of the General Counsel and will include information provided in the employee's request as well as any other information obtained during the review.~~

~~(c) A written response from the Bureau of Personnel will be provided to the employee once a determination is made on the appeal.~~

~~(a)(3) The Department shall generate random lists of employees individual positions subject to testing each fiscal quarter. The time period for testing in an individual quarter shall be randomly chosen each quarter.~~

~~(b)(a) The Department shall disburse the list to the authorizing individuals during each random testing period.~~

~~(c)(b) The list shall include the date by which all tests for that testing period must be completed.~~

~~(d)(c) Each time an employee's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.~~

~~(e)(d) Listed employees shall not be excused from random drug testing unless they are on approved leave of absence or are, out of town on Department department business, or it is determined that the employee was listed in error. If the employee returns to his or her assigned worksite in time for the test to be rescheduled and completed within the prescribed time period deadline, the authorizing individual shall ensure testing is completed.~~

~~(f)(e) The list is confidential and shall not be disseminated to non-essential staff members prior to testing.~~

(4) Off-Site Testing and Confirmation Process. Once an employee is randomly selected for a drug test, the authorizing individual shall:

- (a) Initiate the chain of custody process;
- (b) Provide the employee with the drug testing instructions and directions to the designated collection site;
- (c) Provide the employee with a written notice and consent for testing form that advises the employee that he or she has been randomly selected for testing, and that he or she has 24 hours to complete the test.

(5) Once the necessary forms have been completed and signed, the employee shall be instructed to present the employee's Department of Corrections' employee identification card to collection site staff. The employee shall take all copies of the chain of custody form to the collection site.



(6) The employee shall remain at the collection site until able to produce a sufficient specimen unless the employee advises that a medical condition has caused the inability to produce a sufficient specimen. If the employee cannot produce a sufficient specimen quantity, the collection site staff shall contact the authorizing individual. The employee shall provide a doctor's statement to the authorizing individual within three 3 business days attesting to the medical condition. If the current random testing period has not expired, the employee will be given another notice that he or she has 24 hours to complete the test and will be required to report again for testing.

(7) If an employee's test results show the specimen to be adulterated, the employee will be considered to have failed the test.

(8) If the employee fails or refuses to cooperate in any way with the drug testing process as outlined in this Rule subsections (4) through (6), including completing and signing required paperwork; failing to report to the collection site within the specified time frame; failing to follow proper collection site protocols; failing to provide a specimen without a doctor's statement as specified in subsection (6); using a substitute specimen; or providing a specimen determined to be adulterated, the authorizing individual shall notify the servicing personnel office, and the employee shall be advised in writing that he is subject to disciplinary action up to and including dismissal for refusal to submit to testing.

(9) Refusal to submit to drug testing is considered to be a failed drug test. ~~Employees who are not in test-designated positions, but have volunteered for testing, are permitted to withdraw from their volunteer status at any point prior to the actual submission of a specimen and such withdrawal shall not be considered to be a failed drug test.~~

~~(10)(9)~~ If the employee's test results are negative for drugs but show possible dilution, the test shall be considered negative.

~~(11)(10)~~ If the test results are positive, the specimen will be retested by the laboratory for confirmation.

~~(12)(11)~~ All employees with a positive confirmed drug test shall be contacted by the Medical Review Officer within three 3 days of receipt of the results from the laboratory and offered the opportunity to produce valid documentation of lawful ingestion of the identified controlled substance. The Medical Review Officer may also request consent to review the employee's medical records to assist in evaluating the test results. The employee shall have five 15 days from the date of contact by the Medical Review Officer to present valid documentation of lawful intake of the identified controlled substance from the positive test results.

~~(13)(12)~~ If the Medical Review Officer cannot contact the employee within three 3 days, the Medical Review Officer shall request that the contact person direct the employee to contact the Medical Review Officer. If the employee does not

contact the Medical Review Officer within two 2 days from the request to the employee by the contact person, the Medical Review Officer shall report the test results as positive, which is considered to be a failed drug test.

~~(13) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:~~

~~(a) First time positive test result for staff not certified under Section 943.13, F.S.~~

~~1. All employees will be given a mandatory referral to the employee assistance program (in accordance with department procedure).~~

~~2. Any governing licensure/certification board (relevant to the employee's position requirements) will be advised of the positive test result.~~

~~3. Any employee in a safety sensitive position (as defined by Section 112.0544, F.S.), receiving a first time positive confirmed drug test will be immediately placed on leave status. If the employee refuses to be placed on leave status, the department will initiate official proceedings to remove the employee from her/his position.~~

~~4. All employees will be required to complete the course of treatment recommended by the employee assistance program treatment provider; however, employees in safety sensitive positions who are placed on leave status pursuant to subparagraph (13)(a)3. above, will be required to complete the recommended course of treatment or present a release to return to work from the treatment provider prior to returning to work.~~

~~5. If an employee refuses to comply with all requirements of subparagraph (13)(a)4. above, she/he will be dismissed in accordance with department procedure.~~

~~6. Once the employee is released to return to work by the treatment provider, the employee will be returned to work in the same or equivalent position, unless such action is prevented due to actions taken by the governing licensure or certification board or body relevant to the employee's position requirements.~~

~~7. If actions by a governing licensure or certification board or body prevent placement into or ongoing employment in the previously held position, the department will offer alternate position placement in accordance with the employee's qualifications, if such is available. If no alternate position placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed in accordance with department procedure.~~

~~8. Follow-Up Testing: All employees who remain employed following a first time positive confirmed drug test will be subject to follow-up urinalysis drug testing on a quarterly, semiannual, or annual basis for up to two years thereafter, pursuant to Section 112.0455, F.S.~~

~~(b) First time positive result for staff certified under Section 943.13, F.S.~~

~~1. All employees receiving a positive confirmed drug test will immediately be placed on leave status. If the employee refuses to be placed on leave status, the Department will initiate official proceedings to remove the employee from his position.~~

~~2. All employees receiving a positive confirmed drug test will be removed from the class. The Department will offer alternate non-certified position placement in accordance with the employee's qualifications, if such is available. If no alternative position placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed in accordance with department procedure.~~

~~3. All employees will be given a mandatory referral to the employee assistance program in accordance with department procedure.~~

~~4. The Criminal Justice Standards and Training Commission will be contacted and provided with a report in accordance with established reporting procedures.~~

~~5. All employees placed in an alternate position will be required to complete the course of treatment recommended by the employee assistance program treatment provider.~~

~~6. If an employee refuses to comply with all requirements for subparagraph (13)(b)5. above, he will be dismissed in accordance with department procedure.~~

~~7. Follow Up Testing: All employees who remain employed following a first time positive confirmed drug test will be subject to follow-up urinalysis drug testing on a quarterly, semiannual, or annual basis for up to two years thereafter, pursuant to Section 112.0455, F.S.~~

~~(c) Second time positive test result.~~

~~1. Any employee receiving a second time positive confirmed drug or alcohol test will be dismissed.~~

~~2. Any other governing licensure or certification board or body (relevant to the employee's position requirements) will be contacted and provided with a report in accordance with established reporting procedures.~~

~~(d) Employees in trainee or probationary status.~~

~~1. Any employee in trainee or probationary status receiving a positive confirmed drug test will be dismissed.~~

~~2. Any other governing licensure or certification board or body (relevant to the employee's position requirements) will be contacted and provided with a report in accordance with established reporting procedures.~~

(14) In the event of collection site or laboratory error, the Medical Review Officer will report the test results as cancelled and a retest shall be scheduled immediately. The employee shall be given no more than 24 hours notice for the retest. If a re-test cannot be conducted prior to the deadline for the random testing period, the authorizing individual shall provide an explanation to the Chief of Personnel.

(15) If the Medical Review Officer receives subsequent documentation that a positive test result was caused by a legitimate use of drugs, the Medical Review Officer shall report the result as negative and the Department's contact person shall be notified as such.

(16) Should subsequent documentation be received reflecting that the positive result was in error, the authorizing individual shall inform the Bureau of Personnel so that remedial action can be taken if necessary.

(17) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:

(a) For staff not certified under Section 943.13, F.S.:

1. First-time positive result:

a. All such employees will be given a mandatory referral to the employee assistance program (in accordance with Department procedure).

b. Any governing licensure/certification board (relevant to the employee's position requirements) will be advised of the positive test result.

c. The employee will be required to complete the course of treatment recommended by the employee assistance program treatment provider.

d. If the employee refuses to comply with all requirements of the course of treatment recommended by the employee assistance program treatment provider, she/he will be dismissed in accordance with Department procedure.

e. Once the employee is released to return to work by the treatment provider, the employee will be returned to work in the same or equivalent position, unless such action is prevented due to actions taken by the governing licensure or certification board or body relevant to the employee's position requirements.

f. If actions by a governing licensure or certification board or body prevent placement into or ongoing employment in the previously held position, the Department will offer alternate position placement in accordance with the employee's qualifications, if such is available. If no alternate position placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed in accordance with Department procedure.

g. Follow-Up Testing: All employees who remain employed following a first time positive confirmed drug test will be subject to follow-up urinalysis drug testing pursuant to Section 112.0455, F.S.

2. Second time positive test result.

a. Any such employee receiving a second-time positive confirmed drug or alcohol test will be dismissed.

b. Any governing licensure or certification board or body relevant to the employee's position requirements will be contacted and provided with a report in accordance with established reporting procedures.

(b) For staff certified under Section 943.13, F.S., who test positive:

1. All employees receiving a positive confirmed drug test will immediately be placed on leave status, and the Department will initiate official proceedings to remove the employee from his position.

2. The Criminal Justice Standards and Training Commission or other governing licensure/certification board relevant to the employee's position requirements will be contacted and provided with a report in accordance with established reporting procedures, and the Department shall move to terminate the employee in accordance with Department procedure.

(c) Employees in trainee or probationary status.

1. Any employee in trainee or probationary status receiving a positive confirmed drug test will be dismissed.

2. Any other governing licensure or certification board or body (relevant to the employee's position requirements) will be contacted and provided with a report in accordance with established reporting procedures.

(18)(17) The following appeal process shall be available to an employee who wants to appeal a positive confirmed drug test.

(a) Within 5 working days of the notification of the failed drug test, the employee may submit a letter to the Chief, Bureau of Personnel, contesting or explaining the result.

(b) Within 180 days after receipt of the notification of the failed drug test, the employee may request a re-test of the original specimen at the employee's expense by the same laboratory or another laboratory licensed and approved by the Agency for Health Care Administration. The re-test must be at an equal or greater sensitivity for the drug in question as was used in the first laboratory test. All costs associated with such re-tests shall be borne by the employee.

(19)(18) On-Site Presumptive Testing with Confirmation Process Follow-up for Presumptive Positives. If on-site presumptive testing is employed, the authorizing individual shall:

(a) Ensure administration of presumptive testing using an oral fluid device or other non-invasive process;

(b) Refer employees with presumptive positive results to off-site testing in accordance with subsection (4) of this rule.

(20) No employee selected for random urinalysis testing shall be required to provide the specimen in the direct visual or aural presence of the tester unless there is a documented reason to suspect that the employee has or will adulterate the specimen, such as a prior finding of adulteration.

(21)(19) All information, interviews, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the drug testing program shall be confidential.

Rulemaking Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History--New 9-11-05, Amended 12-18-06, 12-3-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

#### **DEPARTMENT OF HEALTH**

##### **Board of Podiatric Medicine**

RULE NO.: 64B18-16.006  
 RULE TITLE: Registration Requirements of Podiatric Residents

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the form referenced.

SUMMARY: The rule amendment will update the revision date of form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 461.005, 461.014(3) FS.

LAW IMPLEMENTED: 461.014(3) 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-16.006 Registration Requirements of Podiatric Residents

(1) Every podiatric resident participating in a residency program in a hospital in this state shall register with the Board within sixty (60) days of the date of commencement of residency using the Podiatric Resident Registration Form DH-MQA 1139 (revised ~~8/2010~~ ~~04/09~~), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine’s website at <http://www.doh.state.fl.us/mqa/podiatry/index.html>.

(2) The Board will deny the application for examination and licensure of any resident who is obliged to register with the Board pursuant to Section 461.014(1)(c), F.S., but who fails to do so.

Rulemaking Specific Authority 461.014(3) FS. Law Implemented 461.014(3) FS. History–New 11-24-80, Formerly 2IT-16.06, 61F12-16.006, Amended 1-4-96, Formerly 59Z-16.006, Amended 6-17-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

**DEPARTMENT OF HEALTH  
Board of Podiatric Medicine**

RULE NO.: 64B18-24.001  
RULE TITLE: Initial Certification for Podiatric X-Ray Assistants  
PURPOSE AND EFFECT: The Board proposes the rule amendment to update the form referenced.  
SUMMARY: The rule amendment will update the revision date of form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 461.005, 461.0135 FS.  
LAW IMPLEMENTED: 456.013(2), 456.025(1), 461.003(2), 461.0135 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-24.001 Initial Certification for Podiatric X-Ray Assistants.

(1) Each applicant for initial certification as a podiatric x-ray assistant shall submit an application, on form DH-MQA 1026, entitled, “Application for Certified Podiatric X-ray Assistant,” which is hereby incorporated by reference, effective ~~8/2010~~ ~~6/2008~~, copies of which may be obtained from the Board of Podiatric Medicine’s website [http://www.doh.state.fl.us/mqa/podiatry/po\\_applications.html](http://www.doh.state.fl.us/mqa/podiatry/po_applications.html) and shall include:

- (a) A certification fee of \$75.00; and
- (b) The name(s) of the applicant’s supervising Florida licensed podiatric physician(s).

(2) Any change of supervisor must be reported by the applicant/certified podiatric x-ray assistant to the Board within 30 days of the change on form DH-MQA 1118, entitled, “Update Supervisor for Certified Podiatric x-ray Assistant,” which is hereby incorporated by reference effective 2/2008, and can be obtained from the Board of Podiatric Medicine’s website [http://www.doh.state.fl.us/mqa/podiatry/po\\_applications.html](http://www.doh.state.fl.us/mqa/podiatry/po_applications.html).

(3) The Board shall verify successful passage of the course and examination required by Section 461.0135, F.S., prior to issuance of the podiatric x-ray assistant certification.

Rulemaking Specific Authority 461.005, 461.0135 FS. Law Implemented 456.013(2), 456.025(1), 461.003(2), 461.0135 FS. History–New 2-16-00, Amended 8-31-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-42.002	Definitions
68B-42.003	Prohibition of Harvest: Longspine Urchin, Bahama Starfish
68B-42.0035	Live Landing and Live Well Requirements
68B-42.0036	Closed Areas
68B-42.004	Size Limits
68B-42.005	Recreational Bag Limit
68B-42.006	Commercial Season, Harvest Limits
68B-42.0065	Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability
68B-42.008	Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed
68B-42.009	Prohibition on the Taking, Destruction, or Sale of Marine Corals Sea Fans, and Non-erect, Encrusting Octocorals; Exception

**PURPOSE AND EFFECT:** The purpose of these rule amendments is to extend Florida’s octocoral and marine life regulations into federal waters. The Gulf of Mexico Fishery Management Council intends to remove octocorals from its Coral and Coral Reefs Fishery Management Plan (FMP) and the South Atlantic Fishery Management Council is in the process of redefining the fishery management unit in their Coral, Coral Reef, and Live/Hardbottom Habitat FMP to exclude allowable octocorals in federal waters off Florida. These actions would result in the repeal of federal regulations for octocorals and allow Florida to take over management of these species in federal waters off Florida. Based on Commission direction and at the request of the Councils, Florida agreed to manage the octocoral fishery in both state and federal waters. In addition to extending existing state regulations into federal waters, the rule amendments would also establish an annual quota for octocoral harvest in state and federal waters off Florida. Additionally, the Commission would continue to prohibit all harvest of octocorals in Atlantic federal waters north of Cape Canaveral and in the Coral Habitat Areas of Particular Concern adjacent to Florida state waters (Stetson-Miami Terrace and Pourtales Terrace).

The effect of these rule amendments would be to extend Florida’s marine life regulations into federal waters in the absence of federal rules, establish an annual quota for octocoral harvest in state and federal waters off Florida, and to add federal waters closed areas to state rules. These rules would be effective upon repeal of federal octocoral regulations and are not expected to affect the octocoral fishery because similar

rules are currently in effect in federal waters. Additionally, the rule amendments would clarify that state marine life rules extend into federal waters.

**SUMMARY:** Rule 68B-42.002, F.A.C., (Definitions) would be modified to include a definition of “colony.” Rule 68B-42.003, F.A.C., (Prohibition of Harvest: Longspine Urchin, Bahama Starfish) would be modified to clarify that harvest and possession of longspine urchin and Bahama starfish are prohibited within or without state waters. Rule 68B-42.0035, F.A.C., (Live Landing and Live Well Requirements) would be modified to clarify that marine life species harvested within or without state waters must be landed alive and persons harvesting marine life within or without state waters must have aboard the vessel being used for harvest a continuously recirculating live well or aeration or oxygen system of adequate size and capacity to maintain harvested marine life organisms in a healthy condition. Rule 68B-42.0036, F.A.C., (Closed Areas – formerly titled Harvest in Biscayne National Park Prohibited; Exception) would prohibit harvest of octocorals in Atlantic federal waters north of Cape Canaveral (28°35.1'N latitude), Stetson-Miami Terrace Deepwater Coral Habitat Area of Particular Concern (HAPC), and Pourtales Terrace Deepwater Coral HAPC. Rule 68B-42.004, F.A.C., (Size Limits) would be modified to clarify that size limits established in this section for all marine life species apply in state and adjacent federal waters.

Rule 68B-42.005, F.A.C., (Recreational Bag Limit) and Rule 68B-42.006, F.A.C., (Commercial Season, Harvest Limits) would be modified to clarify that the bag limits established in these sections for all marine life species, including octocorals, apply in state and adjacent federal waters. Specifically, the 6-colony recreational bag limit for octocorals established in Rule 68B-42.005, F.A.C., would be extended into federal waters. The allowance for harvest of octocorals with attached substrate within 1 inch of the perimeter of the holdfast would be extended into federal waters. The proposed final rule would establish an annual quota of 70,000 colonies for octocoral harvest in state and adjacent federal waters. Additionally, these sections would be modified to specify that if the quota for octocoral harvest described in Rule 68B-42.006, F.A.C., is met before the end of the fishing year, all harvest of octocorals would be prohibited from the date the octocoral quota is projected to be met until the following October 1. Language that closes state waters to octocoral harvest when federal waters close would be removed. Finally, the zone north and west of the southernmost point of Egmont Key in the Gulf of Mexico in which ornamental sponges may be collected with attached substrate within 1 inch of the perimeter of the holdfast at the base of the sponge and extending 1 inch below the holdfast of the sponge would also be extended into adjacent federal waters.

Rule 68B-42.0065, F.A.C., (Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability) would be modified to clarify that a marine life tiered endorsement is required for commercial harvest of species listed in this rule in state and adjacent federal waters. Rule 68B-42.008, F.A.C., (Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed) would be modified to clarify that substrate that is lawfully harvested as part of the harvest of ornamental sponges pursuant to this chapter are exempt from prohibitions on the harvest, possession, or sale of live rock. Outdated references in this section would also be updated. Rule 68B-42.009, F.A.C., (Prohibition on the Taking, Destruction, or Sale of Marine Corals, Sea Fans, and Non-erect, Encrusting Octocorals; Exception – Formerly titled Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception.) would be modified to clarify that harvest and possession of any non-erect, encrusting species of the Subclass Octocorallia is prohibited. This prohibition would not apply to any non-erect, encrusting species of the Subclass Octocorallia that is 1) legally harvested outside state and adjacent federal waters and entering Florida in interstate or international commerce harvested or 2) harvested and possessed pursuant to state and federal aquacultured live rock regulations.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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:** Art. IV, Sec. 9, Florida Constitution.

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

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

**DATES AND TIME:** During the Commission's regular meeting, September 7-9, 2011, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** Naples Grande Beach Resort, 475 Seagate Drive Naples, FL 34103

Pursuant to the provisions of 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:** William Teehan, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

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

68B-42.002 Definitions.

As used in this rule chapter:

(1) No change.

(2) “Colony” means a continuous group of octocoral polyps forming a single unit.

(2) through (18) renumbered (3) through (19) No change.

**PROPOSED EFFECTIVE DATE:** October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05, 7-1-06, 7-1-09, 10-31-11.

68B-42.003 Prohibition of Harvest: Longspine Urchin, Bahama Starfish.

No person shall harvest, ~~or possess~~ within or without the waters of while in or on the waters of the state, or land any of the following species:

(1) Longspine urchin, *Diadema antillarum*.

(2) Bahama starfish, *Oreaster reticulatus*.

**PROPOSED EFFECTIVE DATE:** October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, Formerly 46-42.003, Amended 10-31-11.

68B-42.0035 Live Landing and Live Well Requirements.

(1) Each person harvesting any tropical ornamental marine life species or any tropical ornamental marine plant within or without state waters shall land such marine organism alive.

(2) Each person harvesting any tropical ornamental marine life species or any tropical ornamental marine plant within or without state waters shall have aboard the vessel being used for such harvest a continuously circulating live well or aeration or oxygenation system of adequate size and capacity to maintain such harvested marine organisms in a healthy condition.

**PROPOSED EFFECTIVE DATE:** October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-92, Formerly 46-42.0035, Amended 10-31-11.

68B-42.0036 Closed Areas Harvest in Biscayne National Park Prohibited; Exception.

(1) through (2) No change.

(3) No person shall harvest or possess any octocorals in the following areas:

(a) Federal Exclusive Economic Zone (EEZ) waters of the Atlantic Ocean north of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL).

(b) Stetson-Miami Terrace Deepwater Coral Habitat Area of Particular Concern.

(c) Pourtales Terrace Deepwater Coral Habitat Area of Particular Concern.

(4) For the purposes of this rule, the term “Stetson-Miami Terrace Deepwater Coral Habitat Area of Particular Concern” shall mean all waters lying within the following geographical boundary coordinates:

Point	Latitude	Longitude
133	<u>28°30'37"N</u>	<u>79°48'35"W</u>
134	<u>28°14'00"N</u>	<u>79°46'20"W</u>
135	<u>28°11'41"N</u>	<u>79°46'12"W</u>
136	<u>28°08'02"N</u>	<u>79°45'45"W</u>
137	<u>28°01'20"N</u>	<u>79°45'20"W</u>
138	<u>27°58'13"N</u>	<u>79°44'51"W</u>
139	<u>27°56'23"N</u>	<u>79°44'53"W</u>
140	<u>27°49'40"N</u>	<u>79°44'25"W</u>
141	<u>27°46'27"N</u>	<u>79°44'22"W</u>
142	<u>27°42'00"N</u>	<u>79°44'33"W</u>
143	<u>27°36'08"N</u>	<u>79°44'58"W</u>
144	<u>27°30'00"N</u>	<u>79°45'29"W</u>
145	<u>27°29'04"N</u>	<u>79°45'47"W</u>
146	<u>27°27'05"N</u>	<u>79°45'54"W</u>
147	<u>27°25'47"N</u>	<u>79°45'57"W</u>
148	<u>27°19'46"N</u>	<u>79°45'14"W</u>
149	<u>27°17'54"N</u>	<u>79°45'12"W</u>
150	<u>27°12'28"N</u>	<u>79°45'00"W</u>
151	<u>27°07'45"N</u>	<u>79°46'07"W</u>
152	<u>27°04'47"N</u>	<u>79°46'29"W</u>
153	<u>27°00'43"N</u>	<u>79°46'39"W</u>
154	<u>26°58'43"N</u>	<u>79°46'28"W</u>
155	<u>26°57'06"N</u>	<u>79°46'32"W</u>
156	<u>26°49'58"N</u>	<u>79°46'54"W</u>
157	<u>26°48'58"N</u>	<u>79°46'56"W</u>
158	<u>26°47'01"N</u>	<u>79°47'09"W</u>
159	<u>26°46'04"N</u>	<u>79°47'09"W</u>
160	<u>26°35'09"N</u>	<u>79°48'01"W</u>
161	<u>26°33'37"N</u>	<u>79°48'21"W</u>
162	<u>26°27'56"N</u>	<u>79°49'09"W</u>
163	<u>26°25'55"N</u>	<u>79°49'30"W</u>
164	<u>26°21'05"N</u>	<u>79°50'03"W</u>
165	<u>26°20'30"N</u>	<u>79°50'20"W</u>
166	<u>26°18'56"N</u>	<u>79°50'17"W</u>
167	<u>26°16'19"N</u>	<u>79°54'06"W</u>
168	<u>26°13'48"N</u>	<u>79°54'48"W</u>
169	<u>26°12'19"N</u>	<u>79°55'37"W</u>
170	<u>26°10'57"N</u>	<u>79°57'05"W</u>

171	<u>26°09'17"N</u>	<u>79°58'45"W</u>
172	<u>26°07'11"N</u>	<u>80°00'22"W</u>
173	<u>26°06'12"N</u>	<u>80°00'33"W</u>
174	<u>26°03'26"N</u>	<u>80°01'02"W</u>
175	<u>26°00'35"N</u>	<u>80°01'13"W</u>
176	<u>25°49'10"N</u>	<u>80°00'38"W</u>
177	<u>25°48'30"N</u>	<u>80°00'23"W</u>
178	<u>25°46'42"N</u>	<u>79°59'14"W</u>
179	<u>25°27'28"N</u>	<u>80°02'26"W</u>
180	<u>25°24'06"N</u>	<u>80°01'44"W</u>
181	<u>25°21'04"N</u>	<u>80°01'27"W</u>
182	<u>25°21'04"N</u>	<u>79°42'04"W</u>

(5) For the purposes of this rule, the term “Pourtales Terrace Deepwater Coral Habitat Area of Particular Concern” shall mean all waters lying within the following geographical boundary coordinates:

Point	Latitude	Longitude
Origin	<u>24°20'12"N</u>	<u>80°43'50"W</u>
1	<u>24°33'42"N</u>	<u>80°34'23"W</u>
2	<u>24°37'45"N</u>	<u>80°31'20"W</u>
3	<u>24°47'18"N</u>	<u>80°23'08"W</u>
4	<u>24°51'08"N</u>	<u>80°27'58"W</u>
5	<u>24°42'52"N</u>	<u>80°35'51"W</u>
6	<u>24°29'44"N</u>	<u>80°49'45"W</u>
7	<u>24°15'04"N</u>	<u>81°07'52"W</u>
8	<u>24°10'55"N</u>	<u>80°58'11"W</u>

PROPOSED EFFECTIVE DATE: October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-92, Formerly 46-42.0036, Amended 10-31-11.

68B-42.004 Size Limits.

(1) The regulations in this section apply in all state waters and, in absence of any regulations for the species in federal waters, apply in adjacent federal Exclusive Economic Zone (EEZ) waters.

(2)(4) Angelfishes:

(a) No person harvesting for commercial purposes shall harvest, possess ~~while in or on the waters of the state~~, or land any of the following species of angelfish (Family Pomacanthidae), of total length outside of the limits specified below:

1. through 3. No change.

(b) No change.

(3)(2) Butterflyfishes:

(a) No person harvesting for commercial purposes shall harvest, possess ~~while in or on the waters of the state~~, or land any butterflyfish (Family Chaetodontidae) of total length less than one (1) inch.

(b) No person shall harvest, possess ~~while in or on the waters of the state~~, or land any butterflyfish of total length greater than 4 inches.

~~(4)(3)~~ Gobies – No person shall harvest, possess ~~while in or on the waters of the state~~, or land any gobie (Family Gobiidae) of total length greater than 2 inches.

~~(5)(4)~~ Jawfishes – No person shall harvest, possess ~~while in or on the waters of the state~~, or land any jawfish (Family Opistognathidae) of total length greater than 4 inches.

~~(6)(5)~~ Porkfish – No person shall harvest, possess ~~while in or on the waters of this state~~, or land any porkfish (*Anisotremus virginicus*) of total length less than 1 1/2 inches.

~~(7)(6)~~ Cuban (Spotfin) and Spanish hogfish:

(a) No person shall harvest, possess ~~while in or on the waters of this state~~, or land any Spanish hogfish (*Bodianus rufus*) of total length less than 2 inches.

(b) No person shall harvest, possess ~~while in or on the waters of this state~~, or land any Cuban (spotfin) hogfish (*Bodianus pulchellus*) of total length less than 3 inches.

(c) No person shall harvest, possess ~~while in or on the waters of this state~~, or land any Spanish hogfish (*Bodianus rufus*) or Cuban (spotfin) hogfish (*Bodianus pulchellus*) of total length greater than 8 inches.

~~(8)(7)~~ Tangs – No person shall harvest, possess ~~while on the waters of the state~~, or land any tangs (Family Acanthuridae) of fork length greater than 9 inches.

~~(9)(8)~~ Parrotfish – No person shall harvest, possess ~~while on the waters of the state~~, or land any parrotfish (Family Scaridae) of total length greater than 12 inches.

PROPOSED EFFECTIVE DATE: October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.004, Amended 6-1-99, 7-1-09, 10-31-11.

68B-42.005 Recreational Bag Limit.

(1) The regulations in this section apply in all state waters and, in absence of any regulations for the species in federal waters, apply in adjacent federal Exclusive Economic Zone (EEZ) waters.

~~(2)(4)~~ Except as provided in Rule 68B-42.006, F.A.C., or subsection (3) or (4) of this rule, no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than 20 individuals per day of tropical ornamental marine life species. No more than 5 of any one species, as defined in subsections 68B-42.001(2) and (3), F.A.C., can be harvested within the 20 organism bag limit. No person shall possess more than 40 total marine life organisms anywhere at any time.

~~(3)(2)~~ Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than one (1) gallon per day of tropical

ornamental marine plants, in any combination of species. No person shall harvest or possess more than 2 gallons of tropical ornamental plants anywhere at any time.

~~(4)(3)~~ Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than 5 angelfishes (Family Pomacanthidae) per day. Each angelfish shall be counted for purposes of the 20 individual bag limit specified in subsection (1) of this rule.

~~(5)(4)(a)~~ Except as provided in Rule 68B-42.006, F.A.C., or unless ~~Unless~~ the season is closed pursuant to paragraph (b), no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than 6 colonies per day of octocorals. Each colony of octocorals or part thereof shall be considered an individual of the species for purposes of subsection ~~(2)(4)~~ of this rule and shall be counted for purposes of the 20 individual bag limit specified therein. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

~~(b) If the harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed to all harvesters~~ If the octocoral quota established in Rule 68B-42.006, F.A.C. is projected to be met prior to September 30 of any year, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Executive Director of the Fish and Wildlife Conservation Commission, in the manner provided in Section 120.81(5), F.S.

~~(6)(5)~~ Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than 5 single polyps in the order Corallimorpharia. Each polyp must be harvested using a flexible blade, such as a putty knife, razor blade, or paint scraper with a blade no wider than 2 inches.

~~(7)(6)~~ Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than 5 polyps of the order Zoanthidea. Each zoanthid polyp must be harvested using a flexible blade, such as a putty knife, razor blade, or paint scraper with a blade no wider than 2 inches.

~~(8)(7)~~ Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess ~~while in or on the waters of the state~~, or land more than 5 ornamental sponges as defined in Rule 68B-42.001, F.A.C. In all ~~state~~ waters north of a line extending due west from the southernmost point of Egmont Key in the Gulf of Mexico, northward and westward these sponges can be collected with substrate within 1 inch of the perimeter of the holdfast at the base of the sponge and extending 1 inch below the holdfast of the sponge. South of this line, no substrate is allowed.

PROPOSED EFFECTIVE DATE: October 31, 2011.



Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 1-1-95, Formerly 46-42.005, Amended 7-1-09, 10-31-11.

68B-42.006 Commercial Season, Harvest Limits.

(1) The regulations in this section apply in all state waters and, in absence of any regulations for the species in federal waters, apply in adjacent federal Exclusive Economic Zone (EEZ) waters.

(2)(4) Except as provided in Rule 68B-42.008, F.A.C., no person shall harvest, possess ~~while in or on the waters of the state~~, or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 68B-42.005, F.A.C., unless such person is fishing under or harvesting under a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(3)(2) Persons harvesting tropical ornamental marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess ~~while in or on the waters of the state~~, or land tropical ornamental marine life species in excess of the following limits:

(a) through (e) No change.

(f) There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals ~~in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters~~ is closed. The quota for all persons who harvest allowable octocoral is 70,000 colonies. When this quota is projected to be met, At such time, the season for harvest of octocorals ~~in state waters~~ shall also close until the following October 1, upon notice given by the Executive Director of the Fish and Wildlife Conservation Commission, in the manner provided in Section 120.81(5), F.S. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(g) through (m) No change.

(n) There is no harvest limit of ornamental sponges as defined in Rule 68B-42.001, F.A.C., however in all ~~state~~ waters north of a line extending due west from the southernmost point of Egmont Key in the Gulf of Mexico, northward and westward these sponges can be collected with substrate within 1 inch of the perimeter of the holdfast at the base of the sponge and extending 1 inch below the holdfast of the sponge. South of this line, no substrate is allowed.

PROPOSED EFFECTIVE DATE: October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, 1-1-95, Formerly 46-42.006, Amended 6-1-99, 2-28-02, 7-1-09, 10-31-11.

68B-42.0065 Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability.

(1)(a) Beginning in the 2005/2006 license year, in addition to a valid saltwater products license with a valid restricted species endorsement, a marine life tiered endorsement is required to harvest marine life species within or without state waters in quantities greater than the recreational bag limit or to sell marine life species as defined by Rule 68B-42.001, F.A.C.

(b) No change.

(2) through (17) No change.

PROPOSED EFFECTIVE DATE: October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-1-05, Amended 7-1-09, 5-1-11, 10-31-11.

68B-42.008 Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed.

(1) through (2) No change.

(3) Subsection (1) shall not apply to:

(a) No change.

(b) Any person lawfully harvesting substrate as part of the harvest of octocorals or ornamental sponges pursuant to subsection 68B-42.005~~(5)(4)~~, ~~or~~ paragraph 68B-42.006~~(3)(2)~~ (f), subsection 68B-42.005(7), or paragraph 68B-42.006(3)(n), F.A.C.

PROPOSED EFFECTIVE DATE: October 31, 2011

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-92, Amended 10-18-93, 1-1-95, Formerly 46-42.008, Amended 6-1-99, 10-31-11.

68B-42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals ~~and~~ Sea Fans, and Non-erect, Encrusting Octocorals; Exception.

(1) Except as provided in subsection (2), no person shall take, attempt to take, or otherwise destroy, or sell, or attempt to sell, any sea fan of the species *Gorgonia flabellum* or of the species *Gorgonia ventalina*, or any hard or stony coral (Order Scleractinia) or any fire coral (Genus *Millepora*). No person shall possess any such fresh, uncleaned, or uncured sea fan, hard or stony coral, or fire coral. No person shall harvest or possess any non-erect, encrusting species of the Subclass Octocorallia within or without state waters.

(2) Subsection (1) shall not apply to:

(a) Any sea fan, hard or stony coral, ~~or~~ fire coral, or non-erect, encrusting species of the Subclass Octocorallia legally harvested outside of state waters or federal Exclusive Economic Zone (EEZ) waters adjacent to state waters and entering Florida in interstate or international commerce. The burden shall be upon any person possessing such species to establish the chain of possession from the initial transaction

after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and any customs receipts, and to show that such species originated from a point outside the waters of the State of Florida or federal Exclusive Economic Zone (EEZ) adjacent to state waters and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(b) Any sea fan, hard or stony coral, ~~or~~ fire coral, or non-erect, encrusting species of the Subclass Octocorallia harvested and possessed pursuant to the aquacultured live rock provisions of paragraph 68B-42.008(3)(a), F.A.C., Chapter 597, F.S., or pursuant to a Live Rock Aquaculture Permit issued by the National Marine Fisheries Service under 50 C.F.R. Section 622.41(a) and meeting the following requirements:

1. through 3. No change.

4. Any sea fan, hard or stony coral, ~~or~~ fire coral, or non-erect, encrusting species of the Subclass Octocorallia harvested pursuant to paragraph 68B-42.008(3)(a), F.A.C., shall remain attached to the cultured rock.

PROPOSED EFFECTIVE DATE: October 31, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-95, Amended 7-15-96, Formerly 46-42.009, Amended 7-1-09, 10-31-11.

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: William Teehan, Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (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: June 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.:  
69B-125.004

RULE TITLE:  
Credit Report Use and Disclosure in Consideration of Insurance Applications

PURPOSE AND EFFECT: This rule is being repealed since it is duplicative of Rule 69O-125.004, F.A.C., which is administered by the Office of Insurance Regulation.

SUMMARY: Rule 69B-125.004, F.A.C., is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a)4., (x), 626.9641(1)(a), 627.318, 627.4091 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: August 29, 2011, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cindy Benefield, (850)413-5404 or Cindy.Benefield@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: Cindy Benefield, Senior Management Analyst, Division of Insurance Agents and Agency Services, 200 E. Gaines Street, Tallahassee, FL 32399 (850)413-5404

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-125.004 Credit Report Use and Disclosure in Consideration of Insurance Applications.

Rulemaking Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.9541(1)(a)4., (x), 626.9641(1)(a), 627.318, 627.4091 FS. History—New 10-10-96, Formerly 4-125.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas, Director, Division of Insurance Agents and Agency Services	6A-6.09021	Annual English Language Proficiency Assessment for English Language Learners
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services	6A-6.09022	Extension of Services in English for Speakers of Other Languages Program
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2011	6A-6.0903	Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners
	6A-6.09031	Post Reclassification of English Language Learners

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:	RULE TITLE:
1S-2.002	Placement of Races on Primary Ballots

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly. If adopted, the proposed rule repeal is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), Florida Statutes, and 2) based on past experiences with election-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-2.0040	Sanitation Standards in K-12 Private Schools

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 15, April 15, 2011 Florida Administrative Weekly has been continued from August 16, 2011 to September 20, 2011.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.0902	Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 20, May 20, 2011 Florida Administrative Weekly has been continued from August 16, 2011 to September 20, 2011.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.:	RULE TITLE:
69K-23.003	Renewal of direct disposer licenses

NOTICE OF CORRECTION

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. 37, No. 25, June 24, 2011 issue of the Florida Administrative Weekly. This notice advises of a change in the date and time of the hearing regarding this proposed rule. The hearing regarding this proposed rule was initially set for July 13, 2011, but has been changed as follows. The hearing regarding this proposed rule, if requested, will be held on August 25, 2011 at 9:00 a.m., at Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida. No changes have been made to the text of the proposed rule, as published in Vol. 37, No. 25, June 24, 2011 issue of the Florida Administrative Weekly.

### Section IV Emergency Rules

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.:	RULE TITLE:
12CER11-15	Adjustments for Excess Section 179 Expense and Special Bonus Depreciation

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-229, Laws of Florida, authorizes the Department of Revenue to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Chapter 2011-229, Laws of

Florida, retroactively makes changes related to bonus depreciation and section 179 expense of the Internal Revenue Code (I.R.C.). As a result of these changes, contained in Section 220.13(1)(e), F.S., taxpayers may need to file amended returns. This emergency rule establishes procedures for reporting the additions and claiming the subtractions required by Section 220.13(1)(e), F.S., and provides procedures for filing amended Florida corporate income tax return(s).

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2011-229, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. The law is retroactive, and as a result, some taxpayers need to amend their Florida corporate income tax return(s) if a return(s) affected by these changes was previously filed. This emergency rule establishes procedures for reporting additions and claiming the subtractions required by Section 220.13(1)(e), F.S., so that taxpayers may timely file the required amended returns.

**SUMMARY:** Emergency Rule 12CER11-15, (Adjustments for Section 179 Expense and Special Bonus Depreciation), provides procedures for taxpayers subject to the adjustments contained in Section 220.13(1)(e), F.S., for I.R.C. section 179 expense in excess of: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011) and bonus depreciation under I.R.C. sections 167 and 168(k). This emergency rule: (1) provides the additions that taxpayers are required to addback to the amount of the federal deduction claimed under I.R.C. sections 167 and 168(k) for bonus depreciation and under I.R.C. section 179 that exceeds: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011); (2) provides the subtractions that are available in each of seven tax years beginning with the year an addition is made under Section 220.13(1)(e), F.S.; (3) requires taxpayers to maintain a schedule reflecting all adjustments made under Section 220.13(1)(e), F.S.; (4) provides that these adjustments do not affect the basis of the property; and (5) provides when the subtractions under Section 220.13(1)(e), F.S., and when the deductions allowed under I.R.C. section 179 are not required to be included in a taxpayer's Florida corporate income tax return.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jermane L. Wright, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7602

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

12CER11-15 Adjustments for Excess Section 179 Expense and Special Bonus Depreciation.

(1) Scope. This rule only applies to taxpayers subject to the adjustments contained in Section 220.13(1)(e), F.S., for IRC section 179 expense in excess of \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011) and bonus depreciation under IRC sections 167 and 168(k).

(2) Additions Required:

(a)1. For tax years that begin in 2010, taxpayers are required to addback the amount of the federal deduction claimed under section 179 of the Internal Revenue Code ("IRC") that exceeds \$250,000. All amounts in excess of \$250,000 are required to be added back, including amounts carried over from previous tax years under IRC section 179(b)(3)(B). The increased overall investment limitation contained in IRC section 179(b)(2) is the same for Florida as it is for federal income tax purposes.

2. For tax years that begin in 2011 and 2012, taxpayers are required to addback the amount of the federal deduction claimed under section 179 of the Internal Revenue Code ("IRC") that exceeds \$128,000. All amounts in excess of \$128,000 are required to be added back, including amounts carried over from previous tax years under IRC section 179(b)(3)(B). The increased overall investment limitation contained in IRC section 179(b)(2) is the same for Florida as it is for federal income tax purposes.

(b) Taxpayers are required to addback the amount of the federal deduction claimed as bonus depreciation under IRC sections 167 and 168(k) for assets placed in service after December 31, 2009, and before January 1, 2013.

(3) Subtractions Allowed:

(a) In each of the seven tax years commencing with the year the addition is made under Section 220.13(1)(e), F.S., taxpayers may subtract one-seventh of the amount of excess IRC section 179 expense and one-seventh of the amount of bonus depreciation that is added back under Section 220.13(1)(e), F.S.

(b) The total amount that may be subtracted over the seven-year period should equal, but may not exceed, the amounts of IRC section 179 expense and bonus depreciation that have been added back to Florida taxable income under Section 220.13(1)(e), F.S.

(c) Subtractions may be transferred to the surviving company in a merger or acquisition. Otherwise, if a taxpayer ceases to do business during the seven-year period, it may not accelerate, transfer or otherwise utilize a subtraction.

(4) A schedule reflecting all of the adjustments made under Section 220.13(1)(e), F.S., must be created and maintained. Taxpayers must also report any additions on Schedule I, Additions and/or Adjustments to Federal Taxable

Income, of the Florida Corporate Income/Franchise and Emergency Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) and any subtractions on Schedule II, Subtractions from Federal Taxable Income, of the return for the applicable tax year. Partnerships filing a Florida Partnership Information Return (Form F-1065, incorporated by reference in Rule 12C-1.051, F.A.C.) are required to make the adjustments required by Section 220.13(1)(e), F.S., on Part I of Form F-1065.

(5) Basis of Property: The adjustments required by Section 220.13(1)(e)1. and 2., F.S., (relating to excess IRC section 179 expense and bonus depreciation), do not affect the basis of the underlying property. The basis of the property for Florida corporate income tax purposes is the same as the basis of the property for federal income tax purposes. If the property is sold or otherwise disposed of, the gain or loss for Florida corporate income tax purposes is the same as the gain or loss for federal income tax purposes and is included in federal taxable income apportioned to Florida. Differences in the apportionment fraction from one year to the next are disregarded. The applicable depreciation conventions, methods, and recovery periods are computed in the same manner as they are computed in determining federal taxable income.

(6) Amended Returns and Section 220.13(1)(e), F.S. Taxpayers that filed their Florida corporate income tax returns in a manner inconsistent with these changes in law are required to amend their Florida corporate income tax return(s) to conform to the new law. To the extent that any tax is due and paid on an amended return(s) as a result of these changes in law for the differences between the additions and subtractions required by Section 220.13(1)(e), F.S., and the adjustments required by Section 220.13(1)(e), F.S., reasonable cause exists under Rule 12-13.007, F.A.C., for a waiver of the resulting penalty. The provisions of this rule do not relieve a taxpayer of its obligation to file a Florida corporate income tax return and report the adjustments required by Section 220.13(1)(e), F.S.

(7) The subtractions allowed by Section 220.13(1)(e), F.S., are the means by which the additions required by Section 220.13(1)(e), F.S., are reconciled and recovered. If a taxpayer does not claim a deduction for bonus depreciation or a deduction for IRC section 179 expense in excess of \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011), no add-back is required or subtraction allowed for Florida corporate income tax purposes. Similarly, if a taxpayer did not add back bonus depreciation or excess section 179 expense because, for example, it was not subject to the Florida corporate income tax in that year, no subtraction is allowed for Florida corporate income tax purposes.

(8) Bonus depreciation claimed for assets placed in service after December 31, 2012, is not required to be added back under Section 220.13(1)(e), F.S. IRC section 179 expense claimed in tax years beginning after December 31, 2012, is not required to be added back. No subtraction is allowed for bonus

depreciation or IRC section 179 expense unless it has been added back in computing Florida taxable income under Section 220.13(1)(e), F.S.

Rulemaking Authority s. 4, Ch. 2011-229, L.O.F. Law Implemented Ch. 2011-229, L.O.F. History—New 7-22-11.

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: July 22, 2011

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on July 25, 2011, the Criminal Justice Standards and Training Commission, received a petition for a waiver of subsection 11B-35.003(4), F.A.C., by Barry Garcia. The rule requires individuals to complete high liability training at a Commission-certified training school under Commission-certified instructors for such training to count toward becoming fully certified officers. The Petitioner wishes to waive that portion of the rule requiring him to complete high liability courses at a Commission-certified training school. The petitioner completed high liability training at the agency at which he is an auxiliary officer and does not wish to repeat the courses as part of his officer certification process.

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 or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN that on July 20, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Miramar Police Department. The rule requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officers for whom the waiver is sought did successfully complete the course of fire, however, the instructors who supervised the mandatory shoots were not fully certified as a CJSTC firearms instructors at the time of the officers' requalifications. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete

the requirement simply because the instructors had not submitted all of their paperwork to become CJSTC certified firearms instructors.

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.

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NOTICE IS HEREBY GIVEN that on July 25, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from the University of West Florida Police Department on behalf of 19 officers. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by CJSTC certified firearms instructors. The petition supports the requested waiver by stating that the officers did successfully complete the course of fire, however, they were not supervised by CJSTC certified firearms instructors while qualifying during the 2008 and 2010 reporting cycles. Petitioner states that the agency's officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers affected by this situation did successfully complete the requirement simply because their instructors were not CJSTC certified firearms instructors.

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 or by telephoning (850)410-7676.

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#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that on July 20, 2011, the Florida Public Service Commission received a petition from Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications in Docket No.: 110231-TP, seeking waiver from Rule 25-4.118, Florida Administrative Code.

A copy of the petition can be obtained from the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The rule addresses local, local toll, or toll provider selection. Comments on the petition should be filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. For additional information, please contact: Kathryn G.W. Cowdery, Office of the General Counsel, at the above address or telephone (850)413-6199.

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#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on June 28, 2011, the Governing Board of the District issued an order granting a variance.

The District received a Petition from the City of Tampa on October 1, 2010, for a variance from District rules sub-subparagraphs 40D-80.073(8)(b)3.a., 40D-80.073(8)(b)3.b. and 40D-80.073(8)(b)3.c., F.A.C. Notice of the variance request that was published in Florida Administrative Weekly, Vol. 36, No. 41, October 15, 2010. requests an extension of the deadlines set forth in rules sub-subparagraphs 40D-80.073(8)(b)3.a. and 40D-80.073(8)(b)3.b., F.A.C., as extended pursuant to SWF Order No. 09-035, and the deadline in sub-subparagraph 40D-80.073(8)(b)3.c., F.A.C., for completion of the Sulphur Springs weirs modifications and the Blue Sink project as part of the recovery strategy for the Lower Hillsborough River Minimum Flow. The Order granted variances so that the deadline for completion of the Sulphur Springs lower weir modification described in sub-subparagraph 40D-80.073(8)(b)3.a., F.A.C., is now December 1, 2011, deadline for completion of the Sulphur Springs upper weir modification described in sub-subparagraph 40D-80.073(8)(b)3.b., F.A.C., is now October 1, 2012, and the deadline for completion of the Blue Sink project described in sub-subparagraph 40D-80.073(8)(b)3.c., F.A.C., is now October 31, 2013. The extension of the deadlines will not affect the City's recovery strategy obligation nor the ultimate deadlines to meet the minimum flows for Sulphur Springs and the Lower Hillsborough River.

A copy of the Order may be obtained by contacting: Pamela Gifford, at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN that on July 21, 2011, the Agency for Health Care Administration received a petition for "Revised Petition for Variance – Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook Page 1-4," which is treated as a Petition for Variance from Rule 59G-13.083, Florida Administrative Code ("Petition"). The Petition was filed by the National Deaf Academy, LLC d/b/a National Deaf Academy ("NDA") on behalf of resident, A.O. Rule 59G-13.083, Florida Administrative Code, entitled Developmental Disabilities Waiver Services, requires that all developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook ("DD Handbook"), May 2010, incorporated by reference, and the Florida Medicaid Provider

Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, Florida Administrative Code. The NDA seeks a variance from the portion of the DD Handbook, which limits community-based recipients with developmental disabilities ability to receive DD waiver services to residential habilitation centers, licensed in accordance with Chapter 393, Florida Statutes, and any other type of facility not listed in the Handbook, having a capacity of 16 or more persons if the recipient has continuously resided at the facility since August 1, 2001 or prior to this date.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Station 3, Tallahassee, Florida 32308. Written comments on the Petition may be submitted to the Agency Clerk at the address above within fourteen (14) days after publication of this notice.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on July 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 980 N. Federal Bldg. 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, that requires upgrading the elevators with 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 (VW 2011-234).

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

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NOTICE IS HEREBY GIVEN that on July 18, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Silver Beach Club. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 4.7.3 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 an anti-creep leveling device and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-235).

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

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NOTICE IS HEREBY GIVEN that on July 19, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Vue @ Lake Eola. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-236).

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

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NOTICE IS HEREBY GIVEN that on July 19, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Hampton Inn & Suites. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a 9.5 mm steel rope and a metallic sheave 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 (VW 2011-237).

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

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NOTICE IS HEREBY GIVEN that on July 20, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Adventist Health Systems. 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, that requires upgrading the elevators with 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 (VW 2011-238).

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

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NOTICE IS HEREBY GIVEN that on July 22, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Caravel #1. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.1(a)(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 two-way communication which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-241).

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

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NOTICE IS HEREBY GIVEN that on July 22, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Hodges University Phase I. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm 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 (VW 2011-242).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On June 29, 2011, the Department received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (6), Florida Administrative Code, from A & M Food Services located in Jacksonville, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 37, No. 28 on July 15, 2011. The Order for this Petition was signed on July 21, 2011 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN that on July 21, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Ben & Jerrys located in Orlando, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

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NOTICE IS HEREBY GIVEN that on July 25, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from JetBlue Park Cloverleaf located in Fort Myers, FL. The above referenced F.A.C. addresses the



requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment under the same ownership.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

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NOTICE IS HEREBY GIVEN that on July 26, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Naples Beach Club Beach Grill located in Naples, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment located on the same premise under the same ownership.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on June 23, 2011, the Department received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2001 FDA Food Code, subsection 61C-1.004(1), Florida Administrative Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Tacos Y'all located in Destin, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater; an area for food preparation, and dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to utilize holding tanks to provide potable water and to collect wastewater and to share warewashing and food preparation areas with a licensed establishment under the same ownership.

The Petition for this variance was published in Vol. 37, No. 28 on July 15, 2011. The Order for this Petition was signed on July 21, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tanks are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the food preparation and warewashing areas within the Tacos Y'all mobile food dispensing vehicle are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the owner of either of the Tacos Y'all establishments changes, the division must be notified immediately and provided with a signed agreement for use of the food preparation and warewashing areas in the mobile food dispensing vehicle.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN that on July 25, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Whiskey Blue Portable Bar located in Ft. Lauderdale, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and collect wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

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The Construction Industry Licensing Board hereby gives notice that the petition filed by Shelly Storves on April 19, 2011, seeking a variance or waiver from Rule 61G4-18.001, Florida Administrative Code, has been withdrawn. The Notice of Petition published in Vol. 37, No. 18, of the May 6, 2011, issue of the Florida Administrative Weekly.

A copy of the Board's Order may be obtained by contacting: G.W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that on July 12, 2011, the Department of Children and Families, received a petition for waiver of subparagraph 65E-9.005(5)(b)12., Florida Administrative Code, from Health Management Institute – Canopy Cove, assigned Case No.: 11-026W. Subparagraph 65E-9.005(5)(b)12., F.A.C., requires licensed residential treatment centers to have a seclusion and restraint room.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

The Agency for Persons with Disabilities hereby gives notice: that on July 13, 2011, A Final Order was issued Denying the Petition for Variance from subsection 65G-7.003(4), Florida Administrative Code.

The Order concerned the Petition for Variance, received by the Agency on April 15, 2011 by Liberty Ambulance Service, Inc. The Notice of Petition for Variance was published in the Florida Administrative Weekly at page 1128 of Vol 37, No. 17, published on April 29, 2011.

The Petitioner requested a Variance from subsection 65G-7.003(4), F.A.C., which implements Section 393.506, Florida Statutes. This rule states that only registered nurses or Advanced Registered Practitioners may conduct training courses for medication administration assistance certification. The Petition sought a Variance that would allow paramedics to teach the course.

The Agency denied this request and issued a Final Order on the Petition on July 13, 2011. The basis for the Agency's denial of the petition is the failure of the Petitioner to establish that the requirements for a Variance under Section 120.542(2), F.S. would be met. The Petitioner failed to establish substantial hardship or that the underlying purpose of the authorizing statute would be met or that the Agency's decision would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Angela Green, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-9499, [angela\\_green@apd.state.fl.us](mailto:angela_green@apd.state.fl.us).

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation hereby gives notice: NAME OF THE PETITIONER: WESTGATE PLAZA APARTMENTS, LTD.

DATE PETITION WAS FILED: June 10, 2011.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.027, F.A.C., which prohibits submitting an Application for Housing Credits to Florida Housing, until after tax exempt bonds have been issued to the Development.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 24, 2011, Vol. 37, No. 25.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: July 22, 2011

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 or additional information may be obtained by contacting: Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail: [Della.Harrell@floridahousing.org](mailto:Della.Harrell@floridahousing.org). The Final Order is posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

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

DATE AND TIME: Monday, August 15, 2011, 11:00 a.m.

PLACE: Mission San Luis, 2100 W. Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Executive Committee will meet to discuss upcoming events, income and expense reports, marketing reports and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver.

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

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

For more information, you may contact: Jessica Shiver at (850)245-6379 or jbshiver@dos.state.fl.us.

The **Division of Historical Resources**, Bureau of Historic Preservation, Florida Historical Marker Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 22, 2011, 2:00 p.m.

PLACE: R.A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for the Florida Historical Marker Program. A copy of the agenda may be obtained by contacting: Michael Zimny of the Bureau of Historic Preservation, (850)245-6333 or email: mfzimny@dos.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 48 hours before the workshop/meeting by contacting: Michael Zimny, (850)245-6333 or email: mfzimny@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Michael Zimny, (850)245-6333 or email: mfzimny@dos.myflorida.com.

The Florida **Division of Cultural Affairs** and the **Florida Council on Arts and Culture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 10, 2011, 9:00 a.m. – conclusion

PLACE: Division of Cultural Affairs, R.A. Gray Building, 3rd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions or if you would like call-in instructions, please call: (850)245-6490.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490 or by email at: rbashmore@dos.state.fl.us, or via the Division’s website: www.florida-arts.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: Jennifer Hoelsing at (850)245-6462 or by email at: jshoelsing@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).

For more information, you may contact: Rachelle Ashmore at rbashmore@dos.state.fl.us.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Apiary Section of the **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: August 19, 2011, 9:00 a.m.

PLACE: Doyle Conner Building Auditorium, 1911 Southwest 34th Street, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: HONEY BEE TECHNICAL COUNCIL

AGENDA

Apiary Inspection Section

- 9:30 a.m. – 9:35 a.m. Welcome – G. W. Hayes, Jr., Assistant Chief, Bureau of Plant and Apiary Inspection, FDACS/DPI
- 9:35 a.m. – 9:40 a.m. Roll Call–Bill Merritt, Chairman, Honey Bee Technical Council
- 9:40 a.m. – 9:45 a.m. Approval of Honey Bee Technical Council Minutes
- 9:45 a.m. – 10:15 a.m. Dr. Jamie Ellis – Extension Apiculturist, University of Florida/Institute of Food and Agricultural Scientist
- Review of current research projects.
- 10:45 a.m. – 11:00 a.m. Protection of the Industry from Arbitrary Zoning and Ordinance Restricts
- 11:00 a.m. – 11:30 p.m. Honey Packers/Cottage Industry Exemption
- 11:30 a.m. – Noon Other Issues
- 12:00 Noon Adjournment

A copy of the agenda may be obtained by contacting: Jerry Hayes, Assistant Chief – Apiary, Post Office Box 147100, Gainesville, FL 32614-7100.

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 7 days before the workshop/meeting by contacting: Jerry Hayes, Assistant Chief – Apiary, Post Office Box 147100, Gainesville, FL 32614-7100. 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: Jerry Hayes, Assistant Chief – Apiary, Post Office Box 147100, Gainesville, FL 32614-7100.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 10, 2011, 9:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4873444

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Marketing and Development announces a meeting to discuss Intellectual Property rights on research contracts, and a vote.

A copy of the agenda may be obtained by contacting: Tom Thomas, (850)922-9827.

For more information, you may contact: Tom Thomas, (850)922-9827.

#### DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council (FRC)** announces a telephone conference call to which all persons are invited.

DATES AND TIME: Evaluation Committee, September 1, 2011; Public Awareness Committee, September 6, 2011; Executive Committee, September 7, 2011; Coordination Committee, September 8, 2011, 9:30 a.m. – 11:30 a.m.

PLACE: VR Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any interested parties that need further information may contact: Paige Sharpton at (850)245-3397.

For appeal process see Section 286.0105, Florida Statutes.

Please note that committees of the Florida Rehabilitation 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: [www.rehabworks.org](http://www.rehabworks.org) at least seven days before the meeting. Persons who want to be notified of such meetings may request to be put on a mailing list by writing to: Paige Sharpton at the Council's address, 2001-A Old St. Augustine Rd., Tallahassee, FL 32301-4862.

A copy of the agenda may be obtained by contacting: The FRC at (850)245-3397.

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

agency at least 3-5 days before the workshop/meeting by contacting: The FRC at (850)245-3397. If you are 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 Education**, Charter School Appeal Commission announces a public meeting to which all persons are invited.

DATE AND TIME: August 19, 2011, 10:00 a.m. – completion

PLACE: Florida Department of Education, 325 W. Gaines Street, Conference Room 1721-25, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the termination of The Learning Place Academy Charter School vs. The School Board of Lee County.

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

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

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

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, August 26, 2011, 9:00 a.m.

PLACE: Center for Learning Development, Moore Hall, FSDB Campus, 207 N. San Marco Avenue, 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, (904)827-2210.

Pursuant to the provisions of 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: Frances Keaton, by email at keatonf@fsdb.k12.fl.us or phone (904)827-2210. If you are 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: Frances Keaton, email keatonf@fsdb.k12.fl.us or by phone (904)827-2210.

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The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 26, 2011, 1:00 p.m.

PLACE: Center for Learning Development, Moore Hall, FSDB Campus, 207 N. San Marco Avenue, 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: Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2210.

Pursuant to the provisions of 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: Frances Keaton, by email at: keatonf@fsdb.k12.fl.us or phone (904)827-2210. If you are 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: Frances Keaton, by email at keatonf@fsdb.k12.fl.us or phone (904)827-2210.

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The **Higher Education Coordinating Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 18, 2011, 9:00 a.m. – 1:00 p.m. or until conclusion of business

PLACE: College Center for Library Automation, 1753 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The seven (7) member Council was established to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers. The Council's charge is to make recommendations to the Legislature, the State Board of Education, and the Board of Governors, State University System of Florida. The purpose of this meeting is to review the work of the Council's subcommittee recommendations and to continue to gather input from different sectors of higher education.

A copy of the agenda may be obtained by contacting: Yvette Hargreaves at (850)245-9449 or via email: yvette.hargreaves@fldoe.org.

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

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#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2011, 9:00 a.m. – until business is concluded

PLACE: 3900 Commonwealth Blvd., Marjorie Stoneman Douglas Building, Conference Room A, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of the Governing Body.

PURPOSE: Rank and select FF11 projects for funding, consider petition for waiver from the City of Panama City Beach and conduct other business that the Governing Board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business.

A copy of the agenda may be obtained by contacting: Florida Communities Trust at (850)922-2207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Communities Trust at (850)922-2207 at least five days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Communities Trust at (850)922-2207.

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## DEPARTMENT OF REVENUE

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

DATE AND TIME: August 16, 2011, 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: Adoption of amendment to rule provisions in Rule 12D-9.019, F.A.C. (Scheduling and Notice of a Hearing). The Notice of Proposed Rule was published in the Florida Administrative Weekly on May 20, 2011 (Vol. 37, No. 20, pp. 1325-1326). A public hearing was held by the Department on June 15, 2011. There were no attendees at the Hearing but had seven people attend by internet using WebEx. No verbal or written comments were received by the Department.

A copy of the agenda may be obtained by contacting: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)617-8886, ForrestJ@dor.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)617-8886 or ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: August 15, 2011, 11:00 a.m. (EST) – until conclusion of business; August 16, 2011, 8:00 a.m. (EST) – until conclusion of business

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FTC Workshop/Meeting.

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 or phone (850)414-4105.

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## STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, August 15, 2011; Monday, October 3, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Hermitage Room, 1801 Hermitage Blvd., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee.

A copy of the agenda may be obtained by contacting: Elizabeth Scott, 1801 Hermitage Boulevard, Suite 100, Tallahassee, FL 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: James Linn, (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**NOTICE OF CORRECTION – The Florida Commission on Hurricane Loss Projection Methodology** announces two public meetings to which all persons are invited.

DATES AND TIME: August 17-18, 2011, 9:00 a.m. – 4:00 p.m. (ET)

PLACE: Hermitage Centre Conference Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida; Teleconference 1(888)808-6959, Conference Code: 4765251363

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is a correction to the Meeting Notice published on July 22, 2011. In addition to discussing in committee meetings the 2011 standards and procedures and addressing other general business of the Commission, the Commission will be reviewing the Florida Public Hurricane Loss Model under the standards and acceptability process for 2009.

A copy of the agenda may be obtained by contacting: Donna Sirmons, (850)413-1349, 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).

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: August 23, 2011, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The agenda and recommendations are accessible on the PSC Website: <http://www.floridapsc.com>, at no charge or can be purchased by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 at a cost of 15 cents per single sided page or 20 cents per duplexed page.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

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The Florida **Public Service Commission** announces its Internal Affairs Meeting for August 23, 2011, to which all interested persons are invited.

DATE AND TIME: August 23, 2011, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

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The Florida **Public Service Commission** announces three public service hearings to which all persons are invited.

DATE AND TIME: Monday, August 29, 2011, 6:00 p.m.

PLACE: Greenacres City Hall, City Commission Chambers, 5800 Melaleuca Lane, Greenacres, FL 33463

DATE AND TIME: Tuesday, August 30, 2011, 2:00 p.m.

PLACE: School Board of Lee County, Board Room, Lee County Education Center, 2855 Colonial Boulevard, Ft. Myers, FL 33966

DATE AND TIME: Wednesday, August 31, 2011, 10:00 a.m.

PLACE: Highlands County Administration Building, Board Chambers (Room B104), 600 South Commerce Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 100330-WS – Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

PURPOSE: The purpose of the service hearing is to provide customers an opportunity to present testimony and other evidence before the Florida Public Service Commission concerning the Utility's proposed rates or service. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

EMERGENCY CANCELLATION OF SERVICE HEARING: If a named storm or other disaster requires cancellation of the service hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the service hearing 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 General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public service hearing to which all persons are invited.

DATE AND TIME: Thursday, September 1, 2011, 10:00 a.m.

PLACE: Canterbury Retreat & Conference Center, 1601 Alafaya Trail, Oviedo, FL 32765

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 100330-WS – Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

PURPOSE: The purpose of the service hearing is to provide customers an opportunity to present testimony and other evidence before the Florida Public Service Commission concerning the Utility's quality of service. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

EMERGENCY CANCELLATION OF SERVICE HEARING: If a named storm or other disaster requires cancellation of the service hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the service hearing 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 General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

## EXECUTIVE OFFICE OF THE GOVERNOR

The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: The University of Central Florida Teaching Academy, 4000 Central Florida Boulevard, Building #93, Room TA 130, Orlando, Florida 32816

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting participants will hear updates and agency presentations from the Agency for Persons with Disabilities, Agency for Healthcare Administration, Agency for Workforce Innovation and Department of Children and Families.

A copy of the agenda may be obtained by contacting: Cyndee Odom, Office of Adoption and Child Protection, telephone: (850)921-2015 or [Cyndee.Odom@eog.myflorida.com](mailto:Cyndee.Odom@eog.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 3 days before the workshop/meeting by contacting: Cyndee Odom, Office of Adoption and Child Protection, telephone: (850)921-2015 or [Cyndee.Odom@eog.myflorida.com](mailto:Cyndee.Odom@eog.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Cyndee Odom, Office of Adoption and Child Protection, telephone: (850)921-2015 or [Cyndee.Odom@eog.myflorida.com](mailto:Cyndee.Odom@eog.myflorida.com).

The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2011, 9:00 a.m. – 12:00 Noon

PLACE: The University of Central Florida Teaching Academy, 4000 Central Florida Boulevard, Building #93, Room TA 130, Orlando, Florida 32816

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting participants will hear updates and agency presentations from the Department of Education, Department of Health, Department of Juvenile Justice and Guardian ad Litem Program.

A copy of the agenda may be obtained by contacting: Cyndee Odom, Office of Adoption and Child Protection, telephone: (850)922-2015 or [Cyndee.Odom@eog.myflorida.com](mailto:Cyndee.Odom@eog.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 3 days before the workshop/meeting by



contacting: Cyndee Odom, Office of Adoption and Child Protection, telephone: (850)921-2015 or Cyndee.Odom@eog.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Cyndee Odom, Office of Adoption and Child Protection, telephone: (850)921-2015 or Cyndee.Odom@eog.myflorida.com.

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### REGIONAL PLANNING COUNCILS

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

DATE AND TIME: WRPC Board of Directors, Thursday, August 18, 2011, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: The WRPC Board of Directors will meet to conduct the regular business of the Council.

A copy of the agenda may be obtained by contacting: Executive Director.

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

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The **Withlacoochee Regional Planning Council**, Levy County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Levy County TD LCB Meeting, Thursday, August 25, 2011, 1:00 p.m.

PLACE: Levy County Courthouse, County Commissioners Board Room, 355 S. Court Street, Bronson, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Local Coordinating Board.

A copy of the agenda may be obtained by contacting: Staff of the Levy County TD LCB, c/o Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471-0323.

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

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

DATE AND TIME: Thursday, August 18, 2011, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Executive Committee will be meeting to discuss general procedures of the Council.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 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: Visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

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

DATE AND TIME: Thursday, August 18, 2011, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Executive Director Search Committee first meeting to begin the process.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org) or (239)338-2550, ext. 210. If you are 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: Visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

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

DATE AND TIME: Thursday, August 18, 2011, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Regional Visioning Committee kick-off meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org) or (239)338-2550, ext. 210. If you are 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: Visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

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

DATE AND TIME: Thursday, August 18, 2011, 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Budget & Finance Committee will be meeting to discuss the SWFRPC's budget issues.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi, (239)338-2550, ext. 210 or [dkooi@swfrpc.org](mailto: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: Visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

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

DATE AND TIME: Thursday, August 18, 2011, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly meeting of the SWFRPC Board has been cancelled.

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

DATE AND TIME: August 25, 2011, 9:30 a.m. – 11:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Region IX – Local Emergency Planning Committee (LEPC) will hold its quarterly meeting to discuss and implement provisions of the Emergency Planning and Community Right-To-Know Act. Additionally, the Southwest Florida Regional Hazmat Teams Meeting will be held at the same location beginning at 11:00 a.m.

A copy of the agenda may be obtained by contacting: Principal Planner John Gibbons at (239)338-2550, ext. 229, or email: [jgibbons@swfrpc.org](mailto:jgibbons@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 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org) or (239)338-2550, ext. 210. If you are 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: Visit our website at: [www.swfrpc.org](http://www.swfrpc.org).

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

DATE AND TIME: Friday, August 26, 2011, 9:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 14, Hollywood, Florida 33021

SUBJECT MATTER TO BE CONSIDERED: To support the reduction of our nation's dependence on imported oil by discussing and promoting the region's use of alternative fuels and alternative fuel vehicles through the Florida Gold Coast Clean Cities Coalition. This meeting will be a facilitated planning workshop.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

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 the Council at (954)985-4416 at least five calendar days prior to the meeting.

#### **METROPOLITAN PLANNING ORGANIZATIONS**

The **Pinellas County Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: August 16, 2011, 9:15 a.m.; Public Hearing, 10:30 a.m.

PLACE: Pinellas County Planning Department, Conference Room, 600 Cleveland Street, Suite 750, Clearwater, FL 33755

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Local Coordinating Board meeting, with a public hearing beginning at 10:30 a.m.

A copy of the agenda may be obtained by contacting: Heather Sobush at [hsobush@pinellascounty.org](mailto:hsobush@pinellascounty.org) or (727)464-8200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Office of Human Rights, 400 So. Ft. Harrison Avenue, Suite 300, Clearwater, Florida 33756, (727)464-4062

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

#### **WATER MANAGEMENT DISTRICTS**

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

DATE AND TIME: Wednesday, August 17, 2011, 10:00 a.m.

PLACE: South Florida Water Management District, B-1 Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406. All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at: Lower West Coast Service Center, 2301 McGregor Blvd., Fort Myers, FL 33901; Orlando Service Center, 1707 Orlando Central Parkway Suite 200, Orlando, FL 32809.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting to Discuss Regulatory Matters.

A copy of the agenda may be obtained by contacting: [www.sfwmd.gov](http://www.sfwmd.gov), Hold mouse over the "Topics" tab, scroll down to "Permits", Click Under "Upcoming Events" on the right hand column, Click the "Monthly Regulatory Meetings" link or by subscribing to ePermitting/eNoticing: [www.sfwmd.gov/epermitting](http://www.sfwmd.gov/epermitting). For additional information, you may also call our information line at (561)682-6207 or Florida toll-free: 1(800)432-2045, Ext. 6207.

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

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

For more information, you may contact: District Clerk's Office, (561)682-2087.

#### **LAND AND WATER ADJUDICATORY COMMISSION**

The **Florida Land and Water Adjudicatory Commission** announces a hearing to which all persons are invited.

DATE AND TIME: August 16, 2011, 9:00 a.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This is a regularly scheduled meeting of the Governor and Cabinet. The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission will meet to consider the merger of the Westchase Community Development District with the Westchase East Community Development District (Rule Nos. 42000-1.001, .002, .003, F.A.C.).

A copy of the agenda may be obtained by contacting: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

The **Florida Land and Water Adjudicatory Commission** announces a hearing to which all persons are invited.

**DATE AND TIME:** August 16, 2011, 9:00 a.m.

**PLACE:** Cabinet Meeting Room, LL03, The Capitol, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This is a regularly scheduled meeting of the Governor and Cabinet. The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission will meet to consider the dissolution of the Circle Square Woods Community Development District (repeal of Rule Nos. 42S-1.001, .002, .003, F.A.C.).

A copy of the agenda may be obtained by contacting: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

The **Florida Land and Water Adjudicatory Commission** announces a hearing to which all persons are invited.

**DATE AND TIME:** August 16, 2011, 9:00 a.m.

**PLACE:** Cabinet Meeting Room, LL03, The Capitol, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This is a regularly scheduled meeting of the Governor and Cabinet. The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission will meet to consider the dissolution of the Coastal Lake Community Development District (repeal of Rule Nos. 42WW-1.001, .002, .003, F.A.C.).

A copy of the agenda may be obtained by contacting: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

**DEPARTMENT OF THE LOTTERY**

The **Department of the Lottery** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, August 24, 2011, 10:00 a.m. (Eastern Time), continuing from day to day thereafter as may be required

**PLACE:** Florida Lottery Headquarters, 250 Marriott Drive, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Meeting of the Evaluation Committee to hear Finalists' Oral Presentations and to conduct interviews for ITN 39-10/11, Public Relations Services and Related Services and Commodities.

A copy of the agenda may be obtained by contacting: Summer Silvestri at (850)487-7710 or by going to the Department of the Lottery's website: [www.flalottery.com](http://www.flalottery.com).

Any person requiring a special accommodation because of a disability at this public meeting should contact the ADA Coordinator at (850)487-7777, ext. 3700 (Voice), or through the Florida Relay Service at 1(800)955-8771 (TDD), at least 24 hours prior to the meeting.

If a person decides to appeal any decision made by the Lottery with respect to any matter considered at the meeting, he or she will need a record of the proceedings, and for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

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

**DATE AND TIME:** August 17, 2011, 10:00 a.m. – 4:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308; Call-in Number: 1(866)249-2033, I.D. # 85940566

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

A copy of the agenda may be obtained by contacting: All meeting discussion material, including an agenda, will be posted to the LIP website at [http://ahca.myflorida.com/medicaid/medicaid\\_reform/lip/lip.shtml](http://ahca.myflorida.com/medicaid/medicaid_reform/lip/lip.shtml). If you need additional information, please contact Nicole Maldonado, (850)412-4287, [Nicole.Maldonado@ahca.myflorida.com](mailto:Nicole.Maldonado@ahca.myflorida.com) with any questions.

**RESCHEDULED – The Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Monday, August 22, 2011 (The teleconference originally noticed for Friday, July 29, 2011 has been rescheduled.) 1:00 p.m. – 4:00 p.m. (EST)

**PLACE:** Agency for Health Care Administration, **TELECONFERENCE CALL ONLY**, Dial In Number: 1(877)317-0672, Conference ID: 78734670

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Reform Technical Advisory Panel Teleconference; all parties are encouraged to call in to the public teleconference meeting by calling (877)317-0672; Conference ID: 78734670. A copy of the agenda may be obtained by contacting: Stacey Wolf, (850)412-4687 or by email: Stacey.Wolf@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janice Ruis, (850)412-4671 or by email: Janice.Ruis@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stacey Wolf, (850)412-4687 or by email: Stacey.Wolf@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, August 29, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Webinar, Internet sign-on: kumart.glance.net, Session Key: 1234; Telephone Conference, Dial-In Number: 1(888)808-6959, Conference Code: 7556753

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council including discussions surrounding SRTR data as it relates to Medicaid-designated transplant centers.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, telephone: (850)412-4232, e-mail: theresa.kumar@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Theresa Kumar at (850)412-4232. If you are 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 Pilot Commissioners**, Pilotage Rate Review Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 16, 2011, 10:00 a.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and entry of a Final Order regarding the application for rate change filed by the Port of Pensacola.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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 **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 16, 2011, 10:00 a.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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 Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, August 30, 2011; Wednesday, August 31, 2011, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida

Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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The Probable Cause Panel of the **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 29, 2011, 2:30 p.m. or as soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Division of Real Estate at (407)481-5662.

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: August 18, 2011, 9:30 a.m.

PLACE: Florida Department of Environmental Protection Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a general public meeting of interested stakeholders to discuss the update to the Hillsborough River Basin Management Action Plan (BMAP) for Water Body Identifications (WBIDs) 1442 New River, 1482 Blackwater Creek, 1522A Flint Creek, 1522C Baker Creek, 1561 Spartman Branch, 1443E Lower Hillsborough River. This meeting will provide an opportunity for stakeholders to provide their comments to the Department of Environmental Protection regarding the update for the Hillsborough River Basin BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary topics of discussion during this meeting will be a review of data and project updates.

A copy of the agenda may be obtained by contacting: Terry Hansen, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail: terry.hansen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: August 18, 2011, 1:30 p.m.

PLACE: Florida Department of Environmental Protection Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a general public meeting of interested stakeholders to discuss issues related to the Alafia River Basin Management Action Plan (BMAP) for Water Body Identifications (WBIDs) 1621G Tidal Reach, 1578B Turkey Creek, 1592C Mustang Ranch Creek, 1552 English Creek, 1639 Thirty Mile Creek, and 1583 Poley Creek. This meeting will provide an opportunity for stakeholders to provide their comments to the Department of Environmental Protection regarding development of the Alafia River BMAP. The BMAP is the means for implementation of the adopted Total Maximum

Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the introduction of the process of BMAP development.

A copy of the agenda may be obtained by contacting: Terry Hansen, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail: terry.hansen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: August 19, 2011, 9:30 a.m.

PLACE: Bradenton Central Library, 1301 Barcarrota Boulevard West, Bradenton, FL 34205

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a general public meeting of interested stakeholders to discuss issues related to the Manatee River Basin Management Action Plan (BMAP) for Water Body Identifications (WBIDs) WBID 1923 (Rattlesnake Slough), WBID 1926 (Cedar Creek), WBID 1913 (Nonsense Creek), and WBID 1914 (Braden River above Ward Lake). This meeting will provide an opportunity for stakeholders to provide their comments to the Department of Environmental Protection regarding development of the Manatee River BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the introduction of the process of BMAP development.

A copy of the agenda may be obtained by contacting: Terry Hansen, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail: terry.hansen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF HEALTH

The **Board of Medicine and Osteopathic Medicine Ophthalmology Informed Consent Joint Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 19, 2011, 10:30 a.m.

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809; Hotel phone: (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of establishing a standard informed consent form that sets forth the recognized specific risks related to cataract surgery.

A copy of the agenda may be obtained by contacting: Whitney Bowen at whitney\_bowen@doh.state.fl.us or call: (850)245-4131, ext. 3517.

Pursuant to the provisions of 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: Whitney Bowen at whitney\_bowen@doh.state.fl.us or call (850)245-4131, ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: August 17, 2011, 10:30 a.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board 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 **Board of Nursing** South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 18, 2011, 10:00 a.m. – 1:00 p.m.  
 PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board 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 **Board of Osteopathic Medicine and Medicine Ophthalmology Informed Consent Joint Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 19, 2011, 10:30 a.m. (EST) or shortly thereafter

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of establishing a standard informed consent form that sets forth the recognized specific risks related to cataract surgery.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Drugs, Devices and Cosmetics Program** announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2011, 9:30 a.m.  
 PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Council Business.

A copy of the agenda may be obtained by contacting: The Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #CO4, Tallahassee, FL 32399-3254 or via telephone at (850)245-4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #CO4, Tallahassee, FL 32399-3254 or via telephone at (850)245-4227. If you are 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 Drugs, Devices and Cosmetics Program at 4052 Bald Cypress Way, Mail Bin #CO4, Tallahassee, FL 32399-3254 or via telephone at (850)245-4227.

The Florida **Department of Health**, Institutional Review Board, Committee I announces a public meeting to which all persons are invited.

DATES AND TIME: August 17, 2011; September 21, 2011; October 19, 2011; November 16, 2011; December 21, 2011, 1:30 p.m. – 3:30 p.m.

PLACE: Capital Circle Office Complex, Building 4030, Conference Room 280N, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review full board, expedited and exempt research studies to ensure that they meet regulatory requirements.

A copy of the agenda may be obtained by contacting: Meghan Kennedy, Administrator, Institutional Review Board, (850)245-4610.

For more information, you may contact: Meghan Kennedy, Administrator, Institutional Review Board, (850)245-4610.

The Florida **Department of Health** Institutional Review Board, Committee II announces a public meeting to which all persons are invited.



DATES AND TIME: September 7, 2011; October 5, 2011; November 2, 2011; December 7, 2011, 8:30 a.m. – 10:30 a.m.  
 PLACE: Capital Circle Office Complex, Building 4030, Conference Room 280N, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To review full board, expedited and exempt research studies to ensure that they meet regulatory requirements.

A copy of the agenda may be obtained by contacting: Meghan Kennedy, Administrator, Institutional Review Board, (850)245-4610.

For more information, you may contact: Meghan Kennedy, Administrator, Institutional Review Board, (850)245-4610.

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### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 17, 2011, 1:30 p.m.

PLACE: 7601 Little Road, Suite 100, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Pasco County Alliance business.

A copy of the agenda may be obtained by contacting: Stephanie Allen at (727)518-3242.

Pursuant to the provisions of 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: Stephanie Allen, (727)518-3242. If you are 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** announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2011, 10:00 a.m.

PLACE: 1317 Winewood Blvd., Bldg. 6, Conference Room A, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #07D11GC3 – To Become the Community-Based Managing Entity for Substance Abuse and Mental Health Services in the Northeast Region – Initial Meeting of Evaluators. The purpose of this meeting is to review the guidelines for evaluation and distribute the responses received to the Department's evaluators.

For more information, you may contact: Michele Staffieri, Procurement Manager, (850)717-4354, Michele\_staffieri@dcf.state.fl.us.

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2011, 10:00 a.m.

PLACE: 1317 Winewood Blvd., Bldg. 6, Conference Room A, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #07D11GC1 – To Become the Community-Based Managing Entity for Substance Abuse and Mental Health Services in the Southeast Region – Initial Meeting of Evaluators. The purpose of this meeting is to review the guidelines for evaluation and distribute the responses received to the Department's evaluators.

For more information, you may contact: Michele Staffieri, Procurement Manager, (850)717-4354, Michele\_staffieri@dcf.state.fl.us.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: August 15, 2011, 1:00 p.m.

PLACE: Department of Children and Families, Hurston Building, South Tower, First Floor, Conference Room A & B, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public community stakeholder meeting to discuss the new concept and design of the Lead Agency for Community-Based Refugee Services for Orange, Osceola, and Seminole Counties (Invitation to Negotiate / ITN #07K11BS1), as provided for in Addendum #3 to Section 2.6 of the ITN published on the Vendor Bid System (VBS) on July 13, 2011. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>.

A copy of the agenda may be obtained by contacting: Anna Bethea at Anna\_Bethea@dcf.state.fl.us.

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

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### DEPARTMENT OF FINANCIAL SERVICES

The **Board of Funeral, Cemetery and Consumer Services**, Probable Cause Panel B announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 31, 2011, 10:30 a.m.

PLACE: 111 West Madison Street, Claude Denson Pepper Building, Room 336J, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider the following three (3) disciplinary case with prior findings of probable cause: William Napert, Case No.: 110449-10-FC, Brevard Memorial Funeral Home, Case No.: 110450-10-FC, and Lavelle Bing, Case No.: 109795-10-FC.

A copy of the agenda may be obtained by contacting: LaTonya Bryant-Parker at (850)413-3039 or email: LaTonya.Bryant-Parker@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**PASCO-PINELLAS AREA AGENCY ON AGING**

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: August 15, 2011, 9:30 a.m.  
 PLACE: 9887 4th Street North, Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Brenda Black at (727)570-9696, Ext. 233.

Pursuant to the provisions of 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: Brenda Black at (727)570-9696, Ext. 233. If you are 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: Brenda Black at (727)570-9696, ext. 233.

**FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

The **Florida Atlantic Research and Development Authority** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, August 30, 2011, 8:00 a.m.  
 PLACE: Florida Atlantic University, Boca Raton Campus, Engineering Building, 3rd Floor, Dean's Conference Room (EE303C), 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres, ccannon@edc-tech.org.

**ADVOCACY CENTER FOR PERSONS WITH DISABILITIES**

The **Disability Rights Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 9, 2011, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites Orlando Airport, 5835 T.G. Lee Boulevard, Orlando, Florida 32822, (407)888-9339

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disability Rights Florida, Florida's Protection and Advocacy Programs Quarterly/Joint Meeting of the Board of Directors/PAIMI Advisory Council and Members

A copy of the agenda may be obtained by contacting: Paige Morgan, (850)488-9071, Ext. 9721 or 1(800)342-0823.

Pursuant to the provisions of 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: Disability Rights Florida, 2728 Centerview Drive, Suite 102, Tallahassee, Florida 32301, 1(800)342-0823, 1(800)346-4127 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**WORKFORCE FLORIDA**

The **Workforce Florida** announces a public meeting to which all persons are invited.

DATES AND TIMES: August 17, 2011, Field Experience, Tour JAXPORT, 8:30 a.m. – 12:30 p.m. (ET); New Board Governance Orientation, 2:00 p.m. – 5:00 p.m. (ET); Board Dinner, 6:00 p.m. – 8:30 p.m. (ET); August 18, 2011, Board of Directors Meeting, 8:30 a.m. – 12:30 p.m. (ET)

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board meeting – discussion of workforce issues.

A copy of the agenda may be obtained by contacting: www.workforceflorida.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: Peggy Dransfield at (850)921-1119. If you are 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 INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council, Inc.** announces a telephone conference call to which all persons are invited.

MEETING: PERSONNEL Committee  
 DATE AND TIME: Friday, August 19, 2011, 10:00 a.m.  
 PLACE: Conference Call: 1(888)809-6959, Conference Code: 4885624; 1416 N. Adams Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 writing: Molly Gosline at the council address. 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.

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#### **HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

The **Hardee County Economic Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 23, 2011, 8:30 a.m.

PLACE: 412 W. Orange Street, Room 102, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular board meeting and grant presentations for cycle 8.

A copy of the agenda may be obtained by contacting: Sandy Meeks, (863)773-9430.

Pursuant to the provisions of 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: Sandy Meeks, (863)773-9430. If you are 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: Sandy Meeks, (863)773-9430.

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#### **DESOTO COUNTY LOCAL COORDINATING BOARD – TRANSPORTATION DISADVANTAGED**

The **DeSoto County Local Coordinating Board – Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: August 24, 2011, 9:30 a.m.

PLACE: 201 East Oak Street, Suite 103, Arcadia, Florida 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the DeSoto County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: Peggy Waters, Social Services Manager, DeSoto County Social Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266.

Pursuant to the provisions of 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: Peggy Waters, Social Services Manager, DeSoto County Social Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266, (863)993-4858. If you are 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: Peggy Waters, Social Services Manager, DeSoto County Social Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266, (863)993-4858.

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#### **TAMPA BAY ESTUARY PROGRAM**

The **Tampa Bay Estuary Program** announces a public meeting to which all persons are invited.

DATES AND TIMES: Management Board, August 11, 2011, 1:30 p.m.; Policy Board, August 12, 2011, 10:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on approval of the final FY 10/11 Program-Wide Budget, Adoption of Initial FY 11/12 TBEP Program-Wide Budget, and Election of the Board Chairs and Vice-Chairs.

A copy of the agenda may be obtained by contacting: ron@tbep.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: ron@tbep.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: ron@tbep.org.

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The **Tampa Bay Estuary Program** announces a hearing to which all persons are invited.

DATE AND TIME: August 12, 2011, 10:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF BUDGET HEARING – The Tampa Bay Estuary Program’s Policy Board will conduct a public hearing to present the Program’s EPA Cooperative Agreement and Work Plan budget for Fiscal Year 2011-2012, beginning October 1, 2011.

**SOURCES OF FUNDING**

Federal \$598,800

Non-Federal 598,800

Total Funding \$1,197,600

**PROJECTED EXPENDITURES**

Action Plan Implementation \$663,800

Contracted Technical Projects 267,000

Community Outreach 93,000

Partners Action Plan 173,800

Total Projected Expenditures \$1,197,600

A copy of the agenda may be obtained by contacting: ron@tbep.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: ron@tbep.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: ron@tbep.org.

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**FLORIDA TELECOMMUNICATION RELAY, INC.**

The **Florida Telecommunications Relay, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 12, 2011, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: There will be an annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after

conclusion of the membership meeting. These meetings are subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 1010, Tallahassee, FL 32301.

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**FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY, INC.**

The **Florida Alliance for Assistive Services and Technology, Inc.**, Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 5, 2011, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2373773

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish a Board of Directors annual meeting schedule to be noticed on the FFAST website at www.faast.org along with all Committee meetings for the public’s information starting July 1, 2011 – June 30, 2012; as well as to receive general FFAST updates.

A copy of the agenda may be obtained by contacting: Steve Howells, FFAST Executive Director, (850)487-3278, ext. 102, Toll-Free Voice: 1(888)788-9216, ext. 102, TDD: 1(877)506-2723, Email: showells@faast.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: Steve Howells, FFAST Executive Director, (850)487-3278, ext. 102, Toll-Free Voice: 1(888)788-9216, ext. 102, TDD: 1(877)506-2723, Email: showells@faast.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: Steve Howells, FFAST Executive Director, (850)487-3278, ext. 102, Toll-Free Voice: 1(888)788-9216, ext. 102, TDD: 1(877)506-2723, Email: showells@faast.org.

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**COUNCIL OF COMMUNITY COLLEGE PRESIDENTS**

The **Florida College System Council**, Presidents Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 10, 2011, 8:30 a.m.

PLACE: Seminole State College-Heathrow Center, 1055 AAA Drive, Heathrow, FL 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's public state and community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingram, (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

#### **INWOOD CONSULTING ENGINEERS, INC.**

The **Department of Transportation**, District Three announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 1, 2011, 5:30 p.m. – 6:30 p.m.

PLACE: City of Niceville Community Center, 204 N. Partin Drive, Niceville, Florida 32578

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public information meeting is being held concerning the resurfacing, rehabilitation and restoration of Financial Project ID Number: 424623-1-52-01 SR 20 (Johns Sims Parkway) from Roberts Drive to the Walton County Line in Okaloosa County, Florida. The project involves resurfacing the existing travel lanes, pedestrian safety upgrades and Americans with Disabilities Act (ADA) accessibility improvements. The project length is approximately 3 miles.

A copy of the agenda may be obtained by contacting: Sandra Lamb, Atkins Project Manager at (850)638-2288 or by e-mail: Sandra.Lamb@atkinglobal.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 seven days before the workshop/meeting by contacting: Sandra Lamb, Atkins Project Manager, 1141 Jackson Avenue, Chipley, Florida 32428, (850)638-2288; or via e-mail: Sandra.Lamb@atkinglobal.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).

#### **AIM ENGINEERING**

The Florida **Department of Transportation**, District One Office announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 18, 2011, 4:30 p.m. – 6:30 p.m.

PLACE: Florida Department of Transportation, District One Headquarters, 801 N. Broadway Avenue, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public information meeting on a Florida Department of Transportation project providing for the complete reconstruction of the State Road 60/US 98 Intersection in Bartow, FL. This project is scheduled to get underway in early fall, 2011 and take about 600 days to complete.

A copy of the agenda may be obtained by contacting: Cindy Clemmons, FDOT, District One, PIO, (863)519-2828.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Robin Parish, (863)519-2675. If you are 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: Cindy Clemmons, (863)519-2828 or Ken Nelson of AIM Engineering, (863)533-6800.

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

#### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN that E911 Board has received the petition for declaratory statement from Vertex, Inc., filed on July 15, 2011. The petition seeks the agency's opinion as to the applicability of Section 365.172, Florida Statutes, as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 365.172, Florida Statutes, to determine the applicability of the E911 Fee to specific telephone technologies, and determine whether the E911 fee 25 line cap already applicable to landline telephone service and other voice communication services such as VoIP, is also applicable to cellular telephony.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Ryan Butler, Special Support Manager, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950.

Please refer all comments to: Ryan Butler, Special Support Manager, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Schnebly Redlands Winery, Docket Number DS 2011-043. The petition seeks the agency's opinion as to the applicability of Section 561.221, Florida Statutes, as it applies to the petitioner.

The Petitioner requests a declaratory statement as to the legality of the following business model: Schnebly Redland's Winery, a winery located in Miami-Dade County and licensed by the State of Florida, would manufacture beer, wine and

brandy; wine would be manufactured from tropical fruits grown by the Winery, and brandy would be distilled therefrom. Under a DD License granted by the State of Florida, Schnebly Redland's Winery would sell its beer, wine and brandy – either by the glass, bottle or case – directly to consumers on the Winery premises. Alternatively, Schnebly Redland's Winery would obtain a 4COP quota license, using it to sell the same products in a similar fashion.

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

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Alejandro Arguelles, filed on July 14, 2011. The petition seeks the agency's opinion as to the applicability of Section 489.105(3)(o), Florida Statutes, as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 489.105(3)(o), Florida Statutes, and whether a licensed general contractor must be a certified or registered solar contractor or contract with a solar contractor in order to apply Tile Integrated Photovoltaics (T.I.P.V.) to roofing.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Jennifer Hatfield, Esq. on behalf of John Garner, Sr., filed on July 19, 2011. The petition seeks the agency's opinion as to the applicability of Sections 489.105(3)(j), (k), and (l), 489.113(3)(c), Florida Statutes, and Rule 61G4-15.032, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Sections 489.105(3)(j), (k), and (l), 489.113(3)(c), Florida Statutes, and Rule 61G4-15.032, Florida Administrative Code, and whether a commercial swimming pool/spa servicing contractor license is required when installing a new deck or replacing existing decking around a swimming pool or spa, or when installing pavers or other manner of covering over an existing swimming pool or spa deck.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Jeff Mahlstedt, on July 27, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 22, of the June 3, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 10, 2011. The Petitioner did not state in his request which statute the Petitioner sought the Board to interpret. However, Petitioner appeared to be requesting an interpretation of Section 489.105(3), Florida Statutes, and whether a roofing contractor is licensed to install a tubular skylight. The Board's Order, filed on July 12, 2011, grants the Petition for Declaratory Statement. A roofing contractor may install skylights and solar tunnels so long as no structural members are modified during the installation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Putnam County Planning and Development Services on July 27, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 20, of the May 20, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 10, 2011. The petition requested the Board's interpretation of Section 489.105(3)(c), Florida Statutes, and whether a building department can issue a permit to a legally licensed contractor to construct a single family accessory building, such as a detached metal carport, on a slab, if it is within the scope of the local license. The Board's Order, filed on July 12, 2011, grants the Petition for Declaratory Statement. A locally licensed contractor may obtain a permit to construct a single family accessory building such as a detached metal carport on a slab if the construction is within the scope of the local license.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Putnam Planning and Development Services on May 5, 2011. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 21, of the May 27, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 10, 2011. The petition requested the Board's interpretation of Section 489.103(9), Florida Statutes, and whether an unlicensed person can perform a roof repair or partial replacement whereby labor and materials are less than \$1,000.00. The Board's Order, filed on July 12, 2011, grants the Petition for Declaratory Statement. The Board determined that any work that relates to the building envelope or would require a building permit because it is a life safety issue requires a licensed contractor, answering the question in the negative.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has declined to rule on the petition for declaratory statement filed by Erin L. Sims on May 9, 2011. The following is a summary of the agency's declination of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 21, of the May 27, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 10, 2011. The petition requested the Board's interpretation of Chapter 489, Florida Statutes, and whether the scope of work of an irrigation contractor is regulated under Chapter 489, Florida Statutes, so long as the backflow preventer is installed. The Board's Order, filed on July 12, 2011, grants the Petition for Declaratory Statement. Pursuant to Section 489.105, Florida Statutes, there is no state license category encompassing irrigation contractors as described by the Petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has declined to rule on the petition for declaratory statement filed by Vogt Power International, on April 26, 2011. The following is a summary of the agency's declination of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 37, No. 20, of the May 20, 2011, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 10, 2011. The petition requested the Board's interpretation of Section 489.105, Florida Statutes, and whether an electrical power generation company can contract with a licensed construction company to install, repair, upgrade, etc., heat recovery steam generators (HRSG), boilers, pressure vessels, and related ancillary power generation equipment. The Board's Order, filed on July 12, 2011, grants the Petition for Declaratory Statement. A general contractor may contract for any activity under Chapter 489, Florida Statutes, and may perform any work except as described under Section 489.113, Florida Statutes. Therefore, to install, repair, upgrade heat recovery steam generators (HRSG), boilers, pressure vessels, and related ancillary power generation equipment, a general contractor's license is required, but such services are subject to the subcontracting requirements of Chapter 489, Florida Statutes.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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#### **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 Fort Myers Beach Fire Control District on July 8, 2011. The petition seeks the agency's opinion as to the applicability of Chapter 633, Florida Statutes, as it applies to the petitioner.

This petition for declaratory statement is referring to an existing hotel that has been cited for not having proper fire separation in an existing incidental mercantile occupancy. The Petitioner has presented the following questions: Does a hazardous incidental mercantile occupancy in a hotel/motel

need one (1) hour fire separation? Does the two (2) hours fire separation apply when an incidental mercantile occupancy is directly adjacent to a parking? And Does 101-7.1.3.2.1, Florida Fire and Life Safety Code, apply when an incidental mercantile occupancy in a existing hotel/motel is directly adjacent to a principle means of egress in a building that is three (3) stories or less, and the egress is partially open air?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Linje Rivers, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, Phone (850)413-3110, Fax: (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 Linje.Rivers@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**

**REGIONAL PLANNING COUNCILS**

**Request for Proposal (RFP)**

The Northeast Florida Regional Council working in conjunction with the State of Florida, Division of Emergency Management is seeking proposals to produce a Public Information Video on Interoperable Communications geared toward elected officials.

The Northeast Florida Regional Council is a regional governmental entity that was formed in 1977 by an interlocal agreement between Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns County pursuant to Florida Statutes, Chapter 186. The governing body of the Council consists of local elected officials and gubernatorial appointees. We received funding from state, federal and local agencies. The Council provides a wide scope of services and programs including strategic planning, regional transportation, economic development, and emergency preparedness.

To obtain a copy of the RFP, you may contact Donna Starling at (904)279-0880 by August 12, 2011 or you may obtain a copy from our website: nefrc.org.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses that do not meet the RFP requirements.

**DEPARTMENT OF MILITARY AFFAIRS**

**INVITATION TO BID**

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General and/or Building Contractors for the following projects located at Chipley and Lakeland, Florida:

**FOR COMPLETE INFORMATION AND SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER DATES SPECIFIED BELOW AT:** [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

**FUNDING:** The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

**MANDATORY PRE-BID/SITE VISIT DATE:** As stated on the Vendor Bid System

**BID OPENING DATE:** As stated on the Vendor Bid System  
**PROJECTS:**

206040 Lakeland National Guard Armory: Interior and exterior renovation to bring facility to current code compliance standards. Available on VBS 8/5/2011.



207009 Chipley National Guard Armory: Interior and exterior renovation to bring facility to current code compliance standards. Available on VBS 8/12/2011.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch (904)823-0256 or (904)827-8544, e-mail: cfmocontracting@ng.army.mil.

Faxed or e-mailed submittals are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

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## FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

### REQUEST FOR PROPOSALS (FDCC # 2011-CD-9100)

#### Disability Awareness Language Arts and Literacy Guide

The Florida Developmental Disabilities Council, Inc. (FDCC) is pleased to announce that this request for proposals (RFP #2011-CD-9100) is released in order to develop a Disability Awareness Language Arts and Literacy Guide for Prekindergarten and Elementary Grades.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDCC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The amount of this contract will be up to \$60,000, with the exact amount finalized during contract negotiations.

Copies of this RFP can be downloaded from the FDCC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDCC at 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is August 22, 2011 by 4:00 p.m. (EDT). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDCC website during the week of September 5, 2011. The deadline for submitting proposals for this RFP to FDCC is September 29, 2011 by 2:00 p.m. (EDT).

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY AND ON THE FDCC WEB PAGE ([fddc.org](http://fddc.org)) ON AUGUST 5, 2011.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THIS RFP TO CAROLYN WILLIAMS.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

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## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA11-OR-141

In re: POLK COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
POLK COUNTY ORDINANCE NO.11-008

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#### FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, (2010), approving Polk County Ordinance No. 11-008.

#### FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.

2. On July 8, 2011, the Department received for review Polk County Ordinance No. 11-008 that was adopted by the Polk County Board of County Commissioners on June 28, 2011.

3. Proposed Ordinance No. 11-008 amends Ordinance No. 00-09, Land Development Code, amending the Use Tables in Chapters 2, 4, and 5 providing for Permitted and Conditional Use Reviews; amending Chapter 2, Land Use Districts and Regulations; amending Chapter 7, Site Development Standards, providing for Site Development Criteria; and amending Chapter 10, Definitions, providing for definitions to address a new use known as Agritourism.

4. Proposed Ordinance No. 11-008 amends Section 222.D of the Polk County Land Development Code to allow general farming and animal grazing uses in all land use categories; amends Chapter 2 of the Land Development Code to include Section 229 Agritourism identifying the criteria, level of review and associated regulations for the development of Agritourism uses; and amends Chapters 7 and 10 to include parking and buffering regulations as well as definitions for Agritourism.

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. §§ 380.05(6) and (11), Fla. Stat. (2010).

6. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. (2010) and Rule Chapter 28-26, Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). 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. § 380.05(6), Fla. Stat.; 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. 11-008 furthers Principles for Guiding Development, paragraphs 28-26.003(1)(a) and (b), Florida Administrative Code.

(a) Minimize the adverse impacts of development on resources of the Floridan Aquifer, wetlands, and flood-detention areas.

(b) Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.

10. Ordinance No. 11-008 is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

11. Ordinance No. 11-008 is consistent with the Polk County Comprehensive Plan and furthers Future Land Use Policies 2.132-D4 and 2.132-E19.

WHEREFORE, IT IS ORDERED that Ordinance No. 11-008 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.

\_\_\_\_\_  
 J. Thomas Beck, 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 SUBSECTION 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 22nd day of July, 2011.

\_\_\_\_\_  
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

Edwin V. Smith, Chairman  
Board of County Commissioners  
P. O. 9005, Drawer BC01  
Bartow, FL 33831

DCA Final Order No.: DCA11-OR-146  
In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 005-2011

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010), 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 June 8, 2011, the Department received for review Monroe County Ordinance No. 005-2011 (“Ord. 005-2011”), adopted by Monroe County on May 4, 2011.
3. The purpose of Ord. No. 005-2011 is to amend or ratify the Tier Overlay District Designations for approximately ninety-two parcels competing for building permits in the Rate of Growth Ordinance allocation system in accord with the Amended Final Order DCA 07-GM-166A issued in DOAH Case No. 06-2449GM.
4. Ord. 005-2011 assigns a tier designation for ninety-two individual parcels, identified by Real Estate Number, which were previously tierless as a result of Amended Final Order DCA 07-GM-166A. The ninety-two parcels are currently competing for an allocation in the ROGO system which includes criteria for Tier I, Tier III, and Tier IIIA properties.

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 Florida Keys Area of Critical State Concern. § 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010).
6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2010) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
7. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). The regulations adopted by Ord. 005-2011 are land development regulations.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 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.

9. Ord. 005-2011 promotes and furthers the following Principles:

(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, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(j) To ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), Florida Statutes, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

10. Ord. 005-2011 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 005-2011 furthers Monroe County Comprehensive Plan Policy 105.2.1 and Policy 105.2.2.

WHEREFORE, IT IS ORDERED that Ord. 005-2011 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.

\_\_\_\_\_  
 J. Thomas Beck, 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 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 27th day of July, 2011.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Heather Carruthers  
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.: DCA11-OR-147  
In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 006-2011

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010), 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 June 8, 2011, the Department received for review Monroe County Ordinance No. 006-2011 ("Ord. 006-2011"), adopted by Monroe County on May 4, 2011.
3. The purpose of Ord. No. 006-2011 is to assign Tier Overlay District Designations for approximately one hundred-ten parcels determined to have no Tier on the Tier Overlay District Map for Monroe County in accord with the Amended Final Order DCA 07-GM-166A issued in DOAH Case No. 06-2449GM.
4. Ord. 006-2011 assigns a tier designation for approximately one hundred-ten individual parcels, identified by Real Estate Number, which were previously tierless as a result of Amended Final Order DCA 07-GM-166A. The one hundred-ten parcels have been the subject of award of an allocation in the Rate of Growth system which includes criteria for Tier I, Tier III, and Tier IIIA properties, or have been issued building permits.

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 Florida Keys Area of Critical State Concern. § 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010).
6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2010) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). The regulations adopted by Ord. 006-2011 are land development regulations.

8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 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.

9. Ord. 006-2011 promotes and furthers the following Principles:

(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, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(j) To ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of §§ 381.0065(4)(l) and 403.086(10), Florida Statutes, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

10. Ord. 006-2011 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 006-2011 furthers Monroe County Comprehensive Plan Policy 105.2.1 and Policy 105.2.2.

WHEREFORE, IT IS ORDERED that Ord. 006-2011 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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J. Thomas Beck, 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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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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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.

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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 27th day of July, 2011.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Heather Carruthers  
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.: DCA11-OR-148  
In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 007-2011

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010), 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 June 8, 2011, the Department received for review Monroe County Ordinance No. 007-2011 ("Ord. 007-2011"), adopted by Monroe County on May 4, 2011.
3. The purpose of Ord. No. 007-2011 is to assign Tier Overlay District Designations for approximately two thousand eight hundred ninety-one parcels determined to have no Tier on the Tier Overlay District Map for Monroe County in accord with the Amended Final Order DCA 07-GM-166A issued in DOAH Case No. 06-2449GM.
4. Ord. 007-2011 assigns a tier designation for approximately two thousand eight hundred ninety-one individual parcels, identified by Real Estate Number, which were previously tierless as a result of Amended Final Order DCA 07-GM-166A. The two thousand eight hundred ninety-one parcels are not currently competing in the Rate of Growth system which includes criteria for Tier I, Tier III, and Tier IIIA properties, or have not applied for permits.

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 Florida Keys Area of Critical State Concern. § 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2010) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). The regulations adopted by Ord. 007-2011 are land development regulations.

8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 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.

9. Ord. 007-2011 promotes and furthers the following Principles:

(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, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(j) To ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of §§ 381.0065(4)(1) and 403.086(10), Florida Statutes, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

10. Ord. 007-2011 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 007-2011 furthers Monroe County Comprehensive Plan Policy 105.2.1 and Policy 105.2.2.

WHEREFORE, IT IS ORDERED that Ord. 007-2011 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.

J. Thomas Beck, 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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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.

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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 27th day of July, 2011.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Heather Carruthers  
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.: DCA11-OR-149  
In re: MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 008-2011

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010), 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 June 8, 2011, the Department received for review Monroe County Ordinance No. 008-2011 ("Ord. 008-2011"), adopted by Monroe County on May 4, 2011.
3. The purpose of Ord. No. 008-2011 is to amend or ratify the Tier Overlay District Designations for approximately three hundred-one parcels determined to have a Tier on the Tier Overlay District Map for Monroe County in accord with the Amended Final Order DCA 07-GM-166A issued in DOAH Case No. 06-2449GM.
4. Ord. 008-2011 assigns a tier designation for approximately three hundred-one individual parcels, identified by Real Estate Number, which were previously assigned a tier as a result of Amended Final Order DCA 07-GM-166A. The three hundred-one parcels were proposed for reconsideration of the Tier designation by the Board of County Commissioners, Staff or Property Owners and are currently competing in the Rate of Growth system which includes criteria for Tier I, Tier III, and Tier IIIA properties.

**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 Florida Keys Area of Critical State Concern. § 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2010).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2010) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). The regulations adopted by Ord. 008-2011 are land development regulations.

8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 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.

9. Ord. 008-2011 promotes and furthers the following Principles:

(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, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(j) To ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of §§ 381.0065(4)(l), and 403.086(10), Florida Statutes, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(n) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

10. Ord. 008-2011 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 008-2011 furthers Monroe County Comprehensive Plan Policy 105.2.1 and Policy 105.2.2.

WHEREFORE, IT IS ORDERED that Ord. 008-2011 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.

---

J. Thomas Beck, 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 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 27th day of July, 2011.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Heather Carruthers  
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

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales, Inc., intends to allow the establishment of Arrigo Enterprises, Inc., d/b/a Arrigo Dodge Chrysler Jeep as a dealership for the sale of low-speed vehicles manufactured by Global Electric Motorcars (line-make GEM) at 6500 Okeechobee Boulevard, West Palm Beach (Palm Beach County), Florida 33411, on or after September 4, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Arrigo Enterprises, Inc., d/b/a Arrigo Dodge Chrysler Jeep are dealer operator(s): James J. Arrigo, 2671 Dakota Circle, West Palm Beach, Florida 33409; principal investor(s): James J. Arrigo, 2671 Dakota Circle, West Palm Beach, Florida 33409 and John J. Arrigo, 2630 Tecumseh, West Palm Beach, Florida 33409 and Virginia Arrigo Landeum, 92470 Tecumseh, West Palm Beach, Florida 33409.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael W. Malone, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America, LLC, intends to allow the establishment of Corsair Powersports of Jacksonville, Inc., d/b/a BMW Motorcycles of Jacksonville as a dealership for the sale of motorcycles manufactured by BMW (line-make BMW) at 1481 Wells Road, Orange Park (Clay County), Florida 32073, on or after September 4, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Corsair Powersports of Jacksonville, Inc., d/b/a BMW Motorcycles of Jacksonville are dealer operator(s): Don Passell, 1164 Wyndegate Drive, Orange Park, Florida 32073, principal investor(s): Don Passell, 1164 Wyndegate Drive, Orange Park, Florida 32073.

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: Lou Provato, BMW of North America LLC, 200 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America, LLC, intends to allow the establishment of Euro Motorsports of NWF, Inc., d/b/a BMW Motorcycles of Pensacola as a dealership for the sale of motorcycles manufactured by BMW (line-make BMW) at 6258 Northwest Street, Pensacola (Escambia County), Florida 32505, on or after September 4, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Euro Motorsports of NWF, Inc., d/b/a BMW Motorcycles of Pensacola are dealer operator(s): Courtney A. Pereira, 3013 Lake Pointe Circle, Pensacola, Florida 32505; principal investor(s): Courtney A. Pereira, 3013 Lake Pointe Circle, Pensacola, Florida 32505.

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: Lou Provato, BMW of North America LLC, 200 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Chrysler Group Carco, LLC, intends to allow the establishment of Brandon Auto Mall by Ed Morse, LLC, d/b/a Brandon Auto Mall FIAT as a dealership for the sale of FIAT passenger cars manufactured by Chrysler (line-make FIAT) at 11024 Causeway Boulevard, Brandon (Hillsborough County), Florida 33511, on or after September 4, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Brandon Auto Mall by Ed Morse, LLC, d/b/a Brandon Auto Mall FIAT are dealer operator(s): Edward J. Morse, Jr., 2850 South Federal Highway, Delray Beach, Florida 33483 and Peter Snelling, 11024 Causeway Boulevard, Brandon, Florida 33511; principal investor(s): Edward J. Morse, Jr., 2850 South Federal Highway, Delray Beach, Florida 33483 and Edward J. Morse, 2850 South Federal Highway, Delray Beach, Florida 33483.

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, 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.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Motorcycle Territory, Inc., as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 3100 Southeast Carnivale Court, Stuart (Martin County), Florida 34994, on or after September 4, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycle Territory, Inc., are dealer operator(s): Dennis Conners, 3100 Southeast Carnivale Court, Stuart, Florida 34994, principal investor(s): Dennis Conners, 3100 Southeast Carnivale Court, Stuart, Florida 34994.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Motorcycle Territory, Inc., as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (line-make MOTI) at 3100 Southeast Carnivale Court, Stuart (Martin County), Florida 34994, on or after September 4, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycle Territory, Inc., are dealer operator(s): Dennis Conners, 3100 Southeast Carnivale Court, Stuart, Florida 34994, principal investor(s): Dennis Conners, 3100 Southeast Carnivale Court, Stuart, Florida 34994.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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

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### FLORIDA PAROLE COMMISSION

Randolph Baggett vs. Florida Parole Commission; Rule No.: 23-21.010. By order dated July 20, 2011, the Commission denied the Petition to Initiate Rulemaking filed by Inmate Baggett finding that the requested proposed change would be an impermissible extension of the Commission's statutory authority. A copy of the Petition and the Commission's Order No. 11-02-AR may be obtained by contacting: Sarah Rumph, General Counsel, 4070 Esplanade Road, Tallahassee, FL 32399-2450.

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

#### NOTICE OF QUOTA LIQUOR LICENSE DRAWINGS

The division will accept Quota License Drawing Entry Forms for 45 days beginning the third Monday in August. This year entry forms will be accepted from August 15, 2011, until 5:00 p.m., on September 28, 2011, for the following counties and amounts: ALACHUA (2)\*, CLAY (1)\*, COLUMBIA (1)\*, DADE (4)\*, DUVAL (1)\*, ESCAMBIA (1)\*, HERNANDO (1), HILLSBOROUGH (4)\*, LAKE (1), LEON (1), MANATEE (1), ORANGE (4), PALM BEACH (5)\*, PASCO (2), POLK (5), ST. JOHNS (1), ST. LUCIE (1)

\*One (1) or more revoked licenses are being re-issued pursuant to Section 561.19(2)(a), F.S.

The division must receive all entry forms before this deadline. No exceptions. Mail the completed entry form, including payment (check or money order made payable to the division), to: DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO, Attention: Quota License Drawing, 1940 North Monroe Street, Tallahassee, Florida 32399-1021.

DBPR ABT-6033 is the only entry form that will be accepted for filing into these drawings. All other entry forms from prior drawings will be denied. All interested persons should contact the Division's district office serving their area of interest or visit the Division's Internet website: <http://www.myfloridalicense.com/dbpr/abt> to obtain the proper application form.

Further information may also be obtained by calling: (850)488-8284 or writing to Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, New Quota License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1021.

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### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### NOTICE OF INTENT TO ISSUE VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (No. 0293270-002-EV-VE) to FFD Land, Co., Inc., Post Office Box 3088, Immokalee, Florida, 34143, under paragraph 403.201(1)(a), Florida Statutes (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels in the deeper portions of a manmade lake to fall below the minimum levels set by Rule 62-302.530, F.A.C. The manmade lake is proposed to be constructed at a new limestone mine in Lee County. The proposed construction will require an environmental resource permit which has been assigned a different file number, File No. 0293270-001, and is not the subject of this intent to issue a variance.

The project is located in Sections 26, 34, 35, and 36; Township 46 South; Range 26 East as well as Sections 1, 2, 3, 11, and 12; Township 47 South; Range 26 East approximately 8 miles east of Estero, Lee County. After reclamation, the slopes will be contoured to allow discharge to offsite wetlands and other surface waters during storms less than the 25-year, 24-hour storm. The proposed manmade lake will be subject to the water quality standards provided in Rule 62-302.530, F.A.C.

On February 16, 2010, FFD Land Co. Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by subsection 63-302.530(30), F.A.C., which requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in the proposed manmade lake will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lake, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lake. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lake. This was anticipated by the Florida Legislature in paragraph 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to issue a variance pursuant to paragraph

403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lake to fall below the minimum levels authorized by Rule 62-302.530, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, Telephone: (850)488-8217.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under subsection 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 subsection 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under paragraphs 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

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#### 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/](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.

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## DEPARTMENT OF JUVENILE JUSTICE

### Revised Guidelines Posted for Review and Comment

The Florida Department of Juvenile Justice has posted a revision to Contract Management and Program Monitoring Guidelines (FDJJ 2000) for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html).

Revisions were made to the Contract Management and Program Monitoring Guidelines (Chapter 2-8), an attachment to the Contract & Grant Monitoring Policy (FDJJ 2000) in order to conform with Section 297.052(1)(h), Florida Statutes, which requires agencies to include in contracts financial consequences for providers that fail to perform in accordance with their contract.

The revised section of the Guidelines is posted for a single 20 working day review and comment period, with a closure date of September 2, 2011 for submission of comments. Responses

to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

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## DEPARTMENT OF HEALTH

### Notice of Emergency Action

On July 20, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Bruce Ronald Clendenin, R.N., License #RN 3147752. 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 (2010). 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.

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### Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michelle Nicole Brunson, C.N.A., License #CNA 22306. 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 (2010). 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.

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### Notice of Emergency Action

On July 26, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Marie Margaret Portela, R.N., License #RN 2976832. 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 (2010). 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.

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### Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Roberto Rodriguez, R.N., License #RN 9225339. 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 (2010).



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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Leonardo A. Malagon, L.P.N., License #LPN 5178956. 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 (2010). 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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Yanisley Chao, L.P.N., License #LPN 5182895. 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 (2010). 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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Maria M. Perez, R.N., License #RN 9194372. 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 (2010). 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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Daisy Lina Santos, R.N., License #RN 9200484. 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 (2010).

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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Marlene Magadan, R.N., License #RN 9214065. 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 (2010). 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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Barbara Ann Musumeci, L.P.N., License #PN 5145192. 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 (2010). 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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Kelly Lynn Schaeffer, C.N.A., License #CNA 101440. 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 (2010). 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.

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Notice of Emergency Action

On July 21, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Melinda Lawanna Bryant, C.N.A., License #CNA 87611. 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 (2010).

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.

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**NOTICE OF THE AVAILABILITY OF THE 2011 TRAUMA CENTER LETTER OF INTENT PACKAGE**

**NAME OF AGENCY:** Department of Health (DOH)

**PACKAGE TITLE:** Florida Trauma Center Letter of Intent Package

**PURPOSE AND EFFECT:** The Department of Health is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

**ELIGIBILITY:** Florida licensed acute care hospitals are eligible to apply.

**AUTHORITY:** Section 395.4025(2)(a), Florida Statutes.

Rule 64J-2.012, Florida Administrative Code.

**TO OBTAIN A PACKAGE:** You may request a Letter of Intent package by telephone, fax, mail, or visit the Office of Trauma's website at: <http://doh.state.fl.us/demo/Trauma/index.html> "Letter of Intent 2011"

Telephone: (850)245-4444, ext. 2756 or SunCom 205-4440.

Fax: (850)488-2512.

Mail request to: Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, Bin #C-18 Tallahassee, FL 32399-1738. Or you may pick up in person at: Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4025 Esplanade Way, Tallahassee, FL 32399.

**DEADLINE:** Letters of Intent must be postmarked between September 1, 2011 and midnight October 1, 2011.

**CONTACTS:** Bernadette Behmke (850)245-4444, Ext. 2756, or Susan McDevitt at (850)245-4444, Ext. 2760 or SunCom 205-4440.

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

RULES FILED BETWEEN July 18, 2011  
 and July 22, 2011

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**  
**New College of Florida**

6C11-5.004	7/22/11	8/11/11	Newspaper	
6C11-8.017	7/22/11	8/11/11	Newspaper	

**STATE BOARD OF ADMINISTRATION**

19-11.002	7/18/11	8/7/11	37/16	
19-11.003	7/18/11	8/7/11	37/16	
19-11.009	7/18/11	8/7/11	37/16	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

59-1.038	7/19/11	8/8/11	37/23	
59-1.052	7/19/11	8/8/11	37/23	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

61C-3.001	7/21/11	8/10/11	37/17	
61C-4.023	7/21/11	8/10/11	37/17	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-9.004	7/22/11	8/11/11	37/25	
68A-9.008	7/22/11	8/11/11	37/25	
68A-15.065	7/22/11	8/11/11	37/25	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Marine Fisheries**

68B-14.0038	7/22/11	7/22/11	37/26	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-21.113	7/22/11	8/11/11	37/21	
69A-38.020	7/22/11	8/11/11	37/21	

**Division of Funeral, Cemetery and Consumer Services**

69K-17.0035	7/21/11	8/10/11	37/20	
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**LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO (CHAPTER 2010-279, LAWS OF FLORIDA)**

**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-9.0131	11/8/10	*****	36/16	36/33
64B8-9.0134	3/25/11	*****	37/7	

**Board of Osteopathic Medicine**

64B15-14.0054	3/25/11	*****	37/7	
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Section XIV  
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				5J-7.004	36/47		
w – Signifies Withdrawal of Proposed Rule(s)				5J-7.005	36/47		
c – Rule Challenge Filed				5J-7.006	36/47		
v – Rule Declared Valid				5J-7.007	36/47		
x – Rule Declared Invalid				5J-7.008	36/47		
d – Rule Challenge Dismissed				5J-8.003	36/47		
dw – Dismissed Upon Withdrawal				5J-9.002	36/47		
				5J-9.006	36/47		
				5J-10.002	36/47		
				5J-10.006	36/47		
				5J-12.002	36/47		
				5J-13.002	36/47		
				5J-13.003	36/47		
				5J-14.003	36/47		
				5J-15.001	36/47		
				5J-15.002	36/47		
				5J-17.016	36/47		
				5J-17.029	36/47		
				5J-17.030	36/47		
				5J-17.0321	36/47		
				5J-17.0322	36/47		
				5J-17.034	36/47		
				5J-17.035	36/47		
				5J-17.036	36/47		
				5J-17.038	36/47		
				5J-17.0381	36/47		
				5J-17.039	36/47		
				5J-17.041	36/47		
				5J-17.044	36/47		
				5J-17.047	36/47		
				5J-17.080	36/47		
				5J-17.082	36/47		
				5J-17.085	36/47		
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				5J-17.203	36/47		
				5J-17.204	36/47		
				5J-17.206	36/47		
				5J-17.208	36/47		
				5J-17.210	36/47		
				5L-1.007	37/16	37/27	
				5L-1.008	37/16	37/27	
				5M-3.001	37/15		
				5M-3.002	37/15	37/25	
				5M-3.003	37/15		
				5M-3.004	37/15		
				5M-3.005	37/15		
				5M-3.006	37/15		
				5M-3.007	37/15		
				5M-3.008	37/15		
				5M-3.009	37/15		
				EDUCATION			
				6A-1.09412	37/15	37/20	37/29
				6A-1.09441	37/15	37/26	



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
<b>STATE BOARD OF ADMINISTRATION</b>				33-601.830	37/28		
19ER11-1			37/21	33-602.201	37/27		
19ER11-12			37/26	<b>COMMISSION ON ETHICS</b>			
19-8.010	37/29			34-8.002	37/27		37/28w
19-8.015	37/19		37/26	34-8.007	37/27		37/28w
19-8.016	37/19		37/26	34-8.008	37/27		37/28w
19-8.017	37/19		37/26	34-8.009	37/27		37/28w
19-8.018	37/19		37/26	34-8.202	37/27		37/28w
19-8.019	37/19		37/26	34-8.208	37/27		37/28w
19-8.020	37/19		37/26	<b>WATER MANAGEMENT DISTRICTS</b>			
19-8.021	37/19		37/26	40C-400.1013	36/39	36/50	
19-8.022	37/19		37/26	40D-1.021	35/50		
19-8.023	37/19		37/26	40D-2.091	22/48		
19-8.024	37/19		37/26	40D-2.301	22/48		
19-8.025	37/19		37/26	40D-4.091	22/48		
19-8.026	37/19		37/26	40D-9.290	37/21		
19-8.027	37/19		37/26	40D-9.320	37/21		
19-8.028	37/19		37/26	<b>FLORIDA LAND AND WATER ADJUDICATORY COMMISSION</b>			
19-8.029	37/21		37/28	42FFF-1.002	37/23		37/23
19-8.030	37/21		37/28	42OOO-1.001	37/23		37/23
19-11.001	37/28			42OOO-1.002	37/23		37/23
19-11.002	37/16		37/31	42OOO-1.003	37/23		37/23
19-11.003	37/16		37/31	42S-1.001	37/26		
19-11.006	37/28			42S-1.002	37/26		
19-11.007	37/28			42S-1.003	37/26		
19-11.009	37/16		37/31	42WW-1.001	37/26		
19-11.011	37/28			42WW-1.002	37/26		
<b>FLORIDA PAROLE COMMISSION</b>				42WW-1.003	37/26		
23-21.015(9)	35/43c			<b>LOTTERY</b>			
23-21.0155	35/43c			53ER11-19			37/16
23-21.0161	35/43c			53ER11-20			37/16
<b>CORRECTIONS</b>				53ER11-21			37/16
33-102.301	37/14		37/27	53ER11-22			37/16
33-102.302	37/14		37/27	53ER11-23			27/20
33-102.303	37/14		37/27	53ER11-24			27/20
33-102.304	37/14		37/27	53ER11-25			27/20
33-102.305	37/14		37/27	53ER11-26			27/20
33-102.306	37/14		37/27	53ER11-27			37/23
33-102.307	37/14		37/27	53ER11-28			37/23
33-203.601	37/21		37/26w	53ER11-29			37/24
33-208.403	37/31			53ER11-30			37/24
33-401.401	37/16	37/23	37/30	53ER11-31			37/24
33-503.001	37/30			53ER11-32			37/28
33-601.305	37/14		37/27	53ER11-33			37/28
33-601.314	37/25			53ER11-34			37/28
33-601.713	37/21			53ER11-35			37/28
33-601.721	37/25			53ER11-36			37/28
33-601.724	37/21		37/27	53ER11-37			37/28
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33-601.800	37/21		37/30				

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53ER11-38			37/30	MANAGEMENT SERVICES			
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53-21.004	37/26			60A-1.016	36/42		37/24w
AGENCY FOR HEALTH CARE ADMINISTRATION				60A-1.025	36/42		37/24w
59-1.038	37/23		37/31	60A-1.041	36/42		37/24w
59-1.052	37/23		37/31	60BB-1.011	37/25		
59A-1.004	36/21	36/47		60BB-3.013	37/26		
59A-7.034	37/25			60BB-3.015	37/26		
59A-8.0086	37/25			60BB-3.0254	37/26		
59A-8.0185	37/25			60BB-3.0262	37/26		
59A-26.001	35/29			60BB-3.0263	37/26		
59A-26.002	35/29			60BB-3.029	37/26		
59A-26.003	35/29			60BB-8.451	37/25		
59A-26.004	35/29			60BB-10.001	37/25		
59A-26.005	35/29			60BB-10.002	37/25		
59A-26.006	35/29			60BB-10.003	37/25		
59A-26.007	35/29			60BB-10.004	37/25		
59A-26.0075	35/29			60BB-10.005	37/25		
59A-26.008	35/29			60BB-10.006	37/25		
59A-26.009	35/29			60BB-10.007	37/25		
59A-26.010	35/29			60BB-10.008	37/25		
59A-26.011	35/29			60BB-10.009	37/25		
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59GER11-2			37/15	61-35.02715	35/45	36/27	
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59GER11-5			37/15			36/44	
59GER11-6			37/17	61-35.02717	35/45	36/27	
59GER11-7			37/17			36/44	
59GER11-8			37/17	61-35.02718	35/45	36/27	
59GER11-9			37/17			36/44	
59GER11-10			37/17	61-35.02719	35/45	36/27	
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59G-4.071	37/23			61-35.0272	35/45	36/27	
59G-4.130	37/25					36/44	
59G-5.010	36/18	36/26		61-35.02721	35/45	36/27	
59G-13.015	37/23					36/44	
59G-13.050	37/27			61-35.02722	35/45	36/27	
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59G-13.131	37/23					36/44	



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61C-4.023	37/17		37/31	61G7-10.0012	37/23		37/30
61C-5.0085	37/18	37/30		61G7-10.002	36/17		
61D-2.009	37/1		37/25	61G10-12.001	36/43		
61D-3.001	37/1		37/25	61G15-20.007	36/37		
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61D-3.003	37/1		37/25	61G15-31.006	35/45	36/43	37/30w
61D-3.004	37/1		37/25	61G15-31.010	35/45	36/43	37/30w
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61D-5.005	36/52			61H1-29.002	36/44	37/17	37/24
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61D-6.007	37/1		37/25	61J1-7.001	37/21		37/28
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61D-6.011	37/1		37/25	61J1-10.003	37/20		37/28
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61D-14.006	36/42			61K1-1.003	36/30	36/45	
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61D-14.034	36/42	37/26		62-213.202	37/14		37/25
61D-14.037	36/42	37/26		62-213.300	37/14		37/25
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61G6-5.004	37/21		37/28				
61G6-7.001	37/26			62-304.610(11)	36/13c		
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61G6-10.0065	37/26			62-550.310	36/46		
61G6-12.001	37/21		37/28	62-550.500	36/46		
61G6-12.002	37/21		37/28	62-550.514	36/46		
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62-550.730	36/46			64B1-9.001	36/48		37/24w
62-550.821	36/46				37/24		
62-550.822	36/46			64B2-13.004	36/52	37/26	
62-550.824	36/46			64B2-14.001	36/52		
62-560.400	36/46			64B3-1.006	36/52		
62-560.410	36/46			64B3-1.008	36/52		
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(18),(43),(60)				64B5-2.013	36/13	36/47	
62B-33.005	33/50c			64B5-2.0142	36/29		
(1)(a),(1),(2)				64B5-14.003	37/28		
62B-33.0051	33/50c			64B5-14.008	37/28		
(1)(a),(2)(c)				64B5-14.009	37/28		
62B-33.0051	33/50c			64B5-14.010	37/28		
(1)(a),(2)(d)				64B5-16.005	36/6		
62B-41.002	36/35	36/47			36/30		
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62B-41.005	36/35	36/47		64B5-16.0075	36/19		37/25w
		37/1		64B6-8.002	36/40		
				64B8-8.001	36/50	37/18	37/24
				64B8-9.0134	37/7		
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				64B9-4.005	37/23		
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				64B9-8.005	36/33	36/44	
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				64B10-16.005	35/38	36/39	37/27w
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63H-1.010	36/46	37/17	37/26				
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63H-1.013	36/46	37/17	37/26				
63H-1.014	36/46		37/26				
63H-1.016	36/46	37/17	37/26				
63K-1.001	36/47	37/17	37/26				
63K-1.0015	36/47	37/17	37/26				
63K-1.002	36/47	37/17	37/26				
63K-1.003	36/47	37/17	37/26				
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64B16-26.351	36/37	36/43		65C-31.006	36/38	36/49	
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64B16-30.003	35/39	36/26		65C-31.010	36/38	36/49	
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64B19-11.005	37/25			65C-36.007	36/39		
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