

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

**DEPARTMENT OF STATE**

**Division of Elections**

**RULE NO.:** 1S-2.045  
**RULE TITLE:** Candidate Petition Process

**PURPOSE AND EFFECT:** To update the rule based upon changes brought about Chapter 2011-40, s. 19, Laws of Florida, regarding petition signature verifications and to incorporate into the rule candidate petition forms for presidential and vice presidential candidates. The amendments also clarify the requirements for a candidate petition form to be verified as valid, make them consistent with those required to verify initiative petitions, and account for petition verification requirements in a year of apportionment.

**SUBJECT AREA TO BE ADDRESSED:** Candidate qualifying by petition process.

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 99.095, 105.035(2) FS.

**LAW IMPLEMENTED:** 99.095, 99.061, 99.097, 103.021, 105.031, 105.035 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 27, 2011, 9:00 a.m.  
**PLACE:** Room 307, Department of State, R.A. Gray Building, 500 S. Bronough 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: Eddie L. Phillips, Executive Assistant, Office of General Counsel, Department of State, telephone: (850)245-6536, email: elphillips@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).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Gary J. Holland, Assistant General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536, email: gjholland@dos.myflorida.com

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-6.0970  
**RULE TITLE:** John M. McKay Scholarship for Students with Disabilities Program

**PURPOSE AND EFFECT:** The purpose of this rule development is to incorporate legislative revisions to include students who have 504 accommodation plans with a duration of more than six months as eligible for the program and to extend the number of days a student may be in a Department of Juvenile Justice detention center without forfeiting the scholarship from less than 15 days to no more than 21 days. The effect will be a rule that is consistent with governing statute.

**SUBJECT AREA TO BE ADDRESSED:** John M. McKay Scholarship for Students with Disabilities Program.

**RULEMAKING AUTHORITY:** 1002.39 FS.

**LAW IMPLEMENTED:** 1002.39 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:** Michael D. Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or email: lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NOS.:** 6A-10.0315, 6A-10.0318, 6A-10.0319  
**RULE TITLES:** College Preparatory Testing, Placement, and Instruction; Postsecondary Preparatory Instruction Curriculum and Postsecondary Readiness Competencies; Developmental Education Competencies

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to identify the newly implemented Postsecondary Education Readiness test as an authorized common placement test, specify alternative remediation opportunities and retesting policies, identify postsecondary

preparatory instruction curriculum, define Postsecondary Readiness Competencies, and define developmental education competencies pursuant to Section 1008.30, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** College Preparatory Testing, Placement, and Instruction; Postsecondary Preparatory Instruction Curriculum and Postsecondary Readiness Competencies; and Developmental Education Competencies.

**RULEMAKING AUTHORITY:** 1008.30 FS.

**LAW IMPLEMENTED:** 1008.30 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: Julie Alexander, Associate Vice Chancellor for Learning Initiatives, Division of Florida Colleges, 325 West Gaines Street, Room 1532G, Tallahassee, FL 32399, (850)245-9523. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF TRANSPORTATION**

RULE NO.:	RULE TITLE:
14-15.018	Toll Facilities Description and Toll Rate Schedule

**PURPOSE AND EFFECT:** The Florida Department of Transportation (Department) is proposing changes to Rule 14-15.0081, F.A.C., Toll Facilities Description and Toll Rate Schedule. Pursuant to Section 338.165(3), F.S., the Department is implementing indexing of base toll rates for all Department toll facilities, including Florida Turnpike System toll facilities. The rule is being substantially changed to include an initial increase of cash toll rates based on indexing, an adjustment of SunPass and TOLL-BY-PLATE toll rates based on the indexed cash toll rates and a methodology for indexing of toll rates in future years. Also, the method of calculating the multi-axle rates from the two-axle rate on the Sunshine Skyway Bridge and the Pinellas Bayway is being amended to equal the number of axles of each vehicle minus one, multiplied by the two-axle toll rate. In addition, toll rates for the I-4/Selmon Expressway Interchange (Connector) in Hillsborough County are being fixed as an all-electronic toll facility as part of the Florida Turnpike System. Indexing of toll rates on the Connector will start on the July 1st after one full year of operation, which is expected to open in summer of 2013.

**SUBJECT AREA TO BE ADDRESSED:** The toll facilities affected by toll rate indexing are Alligator Alley (Everglades Parkway), Sunshine Skyway Bridge, Beachline East Expressway, Pinellas Bayway System, Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike (H.E.F.T.), and the Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, Florida's Turnpike Enterprise segment of the Western Beltway, Part C, and the I-4/Selmon Expressway Interchange (Connector).

**RULEMAKING AUTHORITY:** 334.044(2), 338.155(1) FS.

**LAW IMPLEMENTED:** 338.155, 338.165, 338.222, 338.2216, 338.231 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, [deanna.hurt@dot.state.fl.us](mailto:deanna.hurt@dot.state.fl.us)

THE PERSON TO BE CONTACTED REGARDING A COPY OF THE PRELIMINARY TOLL RATE SCHEDULE IS: Carleen Flynn, Project Manager, Florida's Turnpike Enterprise, Milepost 263, Florida's Turnpike, Building 5315, Ocoee, Florida 34761

COPIES OF THE PRELIMINARY TOLL RATE SCHEDULE CAN BE FOUND AT: [www.floridasturnpike.com/tools\\_tollratenotices.cfm](http://www.floridasturnpike.com/tools_tollratenotices.cfm)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

(1) The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, ~~and~~ May 17, 2010 and

\_\_\_\_\_ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

(2) Toll Indexing. Toll rate schedules for the Department toll facilities, including Florida's Turnpike System toll facilities, are subject to toll rate adjustments based on the annual Consumer Price Index (CPI).

(a) For the purposes of this rule, the index used is the CPI published by the Bureau of Labor Statistics of the United States Department of Labor, which uses 1982-1984 as the base, and is the Annual Average for all expenditure items for all urban consumers, U.S. city average.

(b) Toll rates on these facilities distinguish between payment methods offered on the various toll facilities, including cash transactions, SunPass pre-paid toll transactions, and TOLL-BY-PLATE video billing transactions.

(c) Toll Facilities.

1. The Department toll facilities affected by toll rate indexing will be Alligator Alley (Everglades Parkway), Sunshine Skyway Bridge, Beachline East Expressway, and Pinellas Bayway System.

2. The Florida Turnpike System toll facilities affected by toll rate indexing are Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike (H.E.F.T.), and the Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, Florida's Turnpike Enterprise segment of the Western Beltway, Part C, and I-4/Selmon Expressway Interchange (Connector).

(d) Base Toll Rates. The base toll rate is the two-axle toll rate for each of the toll payment methods. On the Beachline East Expressway the base toll rate for the Department portion of the toll at the Beachline Main Plaza is \$0.25.

(e) Multi-axle Toll Rate Calculations. On all the Department facilities, including Florida's Turnpike System toll facilities, except for the Turnpike Ticket System, the multi-axle toll rates equal the number of axles of each vehicle minus one, multiplied by the base toll rate. On the Turnpike Ticket System the multi-axle toll rates equal the base rate divided by two and multiplied by the number of axles.

(f) Indexing of Toll Rates. Toll rates for the Department toll facilities, including Florida's Turnpike System toll facilities, are subject to indexing as prescribed below:

1. No later than June 30, 2012, the base cash toll rate on all Department toll facilities, including Florida's Turnpike System toll facilities, is being initially indexed using the percentage change between the CPI for year ending December 31, 2010, and the CPI for year ending December 31, 2005, which is 11.7%. The base cash toll rate will be adjusted to the next higher quarter (\$0.25) on the Department toll facilities,

including Florida Turnpike System toll facilities, except the Turnpike Ticket System, which will be adjusted to the next higher dime (\$0.10). The base toll rates for SunPass transactions on all Department toll facilities, including Florida's Turnpike System toll facilities, except the Turnpike Ticket System, will be a quarter (\$0.25) less than the adjusted base cash toll rate for each toll location, and 25% less than the adjusted base cash toll rate on the Turnpike Ticket System. TOLL-BY-PLATE toll rates are set to equal the adjusted base cash toll rate.

2. Beginning on July 1, 2013 and on each subsequent July 1st thereafter:

a. Toll rates for SunPass transactions on all Department toll facilities, including Florida Turnpike System toll facilities, will be indexed annually using the base SunPass toll rate for the immediately preceding fiscal year multiplied by the percentage change of the CPI for the immediately preceding year ended December 31st compared to the CPI for the second most recent year ended December 31st. CPI adjustments to the toll rate for SunPass transactions will be rounded to the nearest penny (\$0.01).

b. Toll rates for TOLL-BY-PLATE transactions on all Department toll facilities, including Florida Turnpike System toll facilities, will be indexed annually using the base TOLL-BY-PLATE toll rate for the immediately preceding fiscal year multiplied by the percentage change of the CPI for the immediately preceding year ended December 31st compared to the CPI for the second most recent year ended December 31st. CPI adjustments to the toll rate for TOLL-BY-PLATE transactions will be rounded to the nearest penny (\$0.01).

3. Beginning July 1, 2017 and every fifth year thereafter, the base cash toll rate on all Department toll facilities, including Florida Turnpike System toll facilities, will be indexed using the base cash toll rate for the immediately preceding fiscal year multiplied by the percentage change of the CPI for the immediately preceding year ending December 31st compared to the CPI for the sixth most recent year ending December 31st. For adjustments to the base cash toll rate, if the CPI adjustment would cause any increase to the toll rate, then the new base cash toll rate will be adjusted to the next higher quarter (\$0.25) for all Department toll facilities, including Florida's Turnpike System toll facilities, except the Turnpike Ticket System, which will be adjusted to the next higher dime (\$0.10).

(g) If the resulting CPI ratio is negative, the CPI ratio for that year will be set to zero resulting in no toll rate increase that year.

(h) Adjustments to toll rates will be published on the Department website: [www.floridasturnpike.com/tools/tollrates.cfm](http://www.floridasturnpike.com/tools/tollrates.cfm).

Rulemaking Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.155, 338.165, 338.222, 338.2216, 338.231 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, 5-17-10, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**RULE NO.:**                   **RULE TITLE:**  
 19-8.010                    Reimbursement Contract  
**PURPOSE AND EFFECT:** To discuss proposed amendments to Rule 19-8.010, F.A.C., Reimbursement Contract.  
**SUBJECT AREA TO BE ADDRESSED:** Reimbursement Contract requirements for the 2012/2013 Contract Year.  
**RULEMAKING AUTHORITY:** 215.555 FS.  
**LAW IMPLEMENTED:** 215.555 FS.

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

**DATE AND TIME:** September 29, 2011, 9:00 a.m. – 12:00 Noon (ET)

**PLACE:** Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308, teleconference 1(888)808-6959, conference code 4765251363

Pursuant to the provisions of 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: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1341, tracy.allen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen at the number or email listed above

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

**DEPARTMENT OF CITRUS**

**RULE NO.:**                   **RULE TITLE:**  
 20-60.001                    Registration Required  
**PURPOSE AND EFFECT:** Amendment updating rules to reflect current practices and updating the name of the Florida Department of Agriculture and Consumer Services.  
**SUBJECT AREA TO BE ADDRESSED:** Information required on current forms and updating Department of Agriculture name.  
**RULEMAKING AUTHORITY:** 601.10(1), (7) FS.  
**LAW IMPLEMENTED:** 601.40, 601.41 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: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

**RULE NO.:**                   **RULE TITLE:**  
 20-64.001                    Grades Established  
**PURPOSE AND EFFECT:** Bringing Florida State Grades into compliance with United States Standards for Grades.  
**SUBJECT AREA TO BE ADDRESSED:** Standards for processed citrus products.  
**RULEMAKING AUTHORITY:** 601.10(7), 601.11 FS.  
**LAW IMPLEMENTED:** 601.10(7), 601.11, 601.48 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: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

**RULE NO.:**                   **RULE TITLE:**  
 20-65.002                    Equipment  
**PURPOSE AND EFFECT:** Amending rule to include FDACS approved devices.  
**SUBJECT AREA TO BE ADDRESSED:** Equipment used in color-grading of processed orange products.  
**RULEMAKING AUTHORITY:** 601.10(7), 601.11 FS.  
**LAW IMPLEMENTED:** 601.10(7), 601.11, 601.9905, 601.9909, 601.24 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: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## DEPARTMENT OF ELDER AFFAIRS

### Federal Aging Programs

RULE NO.:                   RULE TITLE:  
58A-1.010                   Program Forms

PURPOSE AND EFFECT: The purpose of this rule development is to amend the 701B, Department of Elder Affairs Assessment Instrument, dated September 2008, to address the validity and reliability of the assessment.

SUBJECT AREA TO BE ADDRESSED: Amendments to the form will address the manner and methodology of evaluating an older person as qualified for services coordinated through the Department of Elder Affairs.

RULEMAKING AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 430.04(1), 430.101 FS.

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

DATE AND TIME: A rule development workshop will initially be conducted via the internet. Interested parties may comment on the 701b form and make suggestions by following the directions obtained from the Department's website at: <http://elderaffairs.state.fl.us>.

PLACE: <http://elderaffairs.state.fl.us>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mindy Sollisch, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2181, Email address: [sollischm@elderaffairs.org](mailto:sollischm@elderaffairs.org)

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Engineers

RULE NO.:                   RULE TITLE:  
61G15-21.001               Written Examination Designated;  
                                  General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the parts of the written examination and general requirements for taking the examination.

SUBJECT AREA TO BE ADDRESSED: Written examination designated and general requirements.

RULEMAKING AUTHORITY: 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1), 471.015 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5628

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Engineers

RULE NO.:                   RULE TITLE:  
61G15-23.001               Seals Acceptable to the Board

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language to clarify seals acceptable to the Board.

SUBJECT AREA TO BE ADDRESSED: Seals acceptable to the Board.

RULEMAKING AUTHORITY: 471.008, 471.025 FS.

LAW IMPLEMENTED: 471.025 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5628

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-160.110	Purpose, Scope and Applicability
62-160.120	Definitions and Standards
62-160.210	Approved Field Procedures
62-160.220	Approval of New and Alternative Field Procedures
62-160.240	Record Keeping and Reporting Requirements for Field Procedures
62-160.300	Laboratory Certification
62-160.320	Approved Laboratory Methods
62-160.330	Approval of New and Alternative Laboratory Methods
62-160.340	Record Keeping and Reporting Requirements for Laboratory Procedures
62-160.400	Sample Preservation and Holding Times
62-160.405	Electronic Signatures
62-160.600	Research Field and Laboratory Procedures
62-160.650	Field and Laboratory Audits
62-160.670	Data Validation by the Department
62-160.700	Tables
62-160.800	Documents Incorporated by Reference
62-160.900	Forms

**PURPOSE AND EFFECT:** The Department of Environmental Protection (DEP) is holding three public workshops for the purpose of updating the Quality Assurance rule (Chapter 62-160, F.A.C.). Proposed revisions address routine updates to the DEP field and laboratory Standard Operating Procedures (DEP SOPs) and generally provide for clarification and increased flexibility. The proposed rulemaking also includes enhancements to the DEP document entitled "Process for Assessing Data Usability" (DEP-EA-001/07), which updates various documents incorporated by reference into the rule chapter, clarifies when laboratory certification is not required, clarifies requirements for approval of new, modified and alternative field and lab procedures, clarifies documentation requirements for research activities, and addresses miscellaneous, minor revisions to various rules within the chapter, based on stakeholder input.

**SUBJECT AREA TO BE ADDRESSED:** Quality assurance requirements necessary to assure that chemical, physical, biological, microbiological, and toxicological data used by DEP are appropriate and reliable, and are collected and analyzed by scientifically sound procedures.

**RULEMAKING AUTHORITY:** 403.061, 403.0623, 668.006 FS.

**LAW IMPLEMENTED:** 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.803, 403.853, 668.006, 668.50 FS.

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

**DATE AND TIME:** Tuesday, October 18, 2011, 9:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida

**DATE AND TIME:** Wednesday, October 19, 2011, 9:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Southwest District Office, Main Conference Room (Room 111/112), 13051 N. Telecom Parkway, Temple Terrace, Florida

**DATE AND TIME:** Thursday, October 20, 2011, 9:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, 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: Michael Blizzard at (850)245-8073. If you are 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:** Michael Blizzard, Standards and Assessment Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400, telephone (850)245-8073, email: Michael.Blizzard@dep.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.:	RULE TITLE:
64B-4.007	Military Spouse Temporary Professional License Fee

**PURPOSE AND EFFECT:** This new rule sets the application fee for a new type of temporary license.

**SUBJECT AREA TO BE ADDRESSED:** Military Spouse Temporary Professional License Fee.

**RULEMAKING AUTHORITY:** 456.024(3) FS.

**LAW IMPLEMENTED:** 456.024, 456.065(3) FS.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

**RULE NO.:** RULE TITLE:  
 64B15-12.003 Applications for Licensure  
**PURPOSE AND EFFECT:** The proposed rule amendment is intended to incorporate the revised licensure application form in the Board’s application rule.  
**SUBJECT AREA TO BE ADDRESSED:** The revised licensure application form.  
**RULEMAKING AUTHORITY:** 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.  
**LAW IMPLEMENTED:** 456.031(2), 456.033(6), 459.0055, 459.007 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**SUMMARY:** Provides uniform practices and procedures for registering new voters and updating existing records in the FVRS.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** 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:** 20.10(3), 97.012(1)-(2) 97.052(1), 98.015(10)-(12), 98.035(5), 98.045(5) FS.

**LAW IMPLEMENTED:** 97.052, 97.053, 98.015, 98.035, 98.045, 98.075(2) FS.

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

**DATE AND TIME:** October 3, 2011, 2:00 p.m.

**PLACE:** Florida Heritage Hall, R.A. Gray Building, Florida Department of State, 500 S. Bronough 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: Eddie Phillips, elphillips@dos.state.fl.us, administrative assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone: (850)245-6224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Office of General Counsel; (850)245-6536, mimatthews@dos.state.fl.us or Gisela.salas@dos.state.fl.us, Director, Division of Election, (850)245-6200, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

**RULE NO.:** RULE TITLE:  
 1S-2.039 FVRS Voter Registration Procedures  
**PURPOSE AND EFFECT:** The proposed language codifies and sets forth a number of existing practices and procedures relating to registering voters in the Florida Voter Registration System. The processes are intended to ensure uniformity and consistency in the way a person is registered regardless of where they register to voter or update their registration records in the state.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.039 FVRS Voter Registration Procedures.

(1) Applicability. The rule sets forth procedures to ensure that voter registration is conducted uniformly throughout the state.

(2) Definitions. The terms herein shall have the following meaning:



(a) “BVRs” refers to the Bureau of Voter Registration Services.

(b) “DHSMV” refers to the Florida Department of Highway Safety and Motor Vehicles.

(c) “FVRS” refers to the Florida Voter Registration System that contains the official list of registered voters in the state.

(d) “Personal identifying number” or “PIN” refers to the applicant’s or registered voter’s Florida driver’s license number, Florida identification number or the last four digits of his or her social security number.

(e) “SSA” refers to the Social Security Administration.

(f) “SSN4” refers to the last four digits of an applicant’s or registered voter’s social security number.

(g) “Supervisor” refers to the Supervisor of Elections.

(h) “Valid application” refers to any application as referenced in Section 97.052, F.S.

(i) “Voter registration agency” refers to any entity designated as a voter registration agency by the National Voter Registration Act (NVRA) of 1993 (42 U.S.C. 1973gg-5(a) and (c)), or by Section 97.021, F.S., to offer persons opportunity to register to vote.

(j) “Voter registration official” or “registration official” as used interchangeably herein has the same meaning ascribed in Section 97.021, F.S.

(3) Existing record search. Before entering application information into the FVRS, the voter registration official must ensure that the application is a new application and not an update to an existing record. For purposes of this subsection “existing record” refers to either a registration record with a status of active, pre-registered or inactive, or an application record with a status of pending or incomplete.

(a) If the FVRS identifies an existing record within the same county as potentially belonging to the new applicant and the registration official determines that it does, the registration official shall update the existing record with the new information. If the FVRS identifies more than one existing record within the same county, the registration official shall first update the FVRS to reflect only one active record for the voter as set forth in paragraph (e). The registration official shall then update the active record with the information from the application.

(b) If the FVRS identifies an existing record in any other county as potentially belonging to the new applicant, then registration official shall update the existing record from the other county.

(c) If the FVRS identifies two or more existing records in other counties as potentially belonging to the new applicant, and the voter registration official determines that those records are duplicate records, the registration official shall notify the other registration official or officials about those records. The registration officials shall coordinate resolution of the duplicate records as follows: If the registration date on the

more recent record is prior to January 1, 2006, the older registration record shall be recorded as removed in the FVRS and the latest record retained as the voter’s active registration record. The registration official shall assign a code in the FVRS to reflect the basis for removal as duplicate registration record. If the registration date on the more recent record is on or after January 1, 2006, the older registration record shall be updated with the newer county of residence information in the newer record. The registration official shall then update the record with the information from the application.

(d) If the FVRS identifies one or more existing records as potentially belonging to the new applicant but the voter registration official determines that they are not duplicate records, the registration official shall override the flag that identified the potential existing records, and create a new record with the information from the application.

(e) If an application essentially duplicates all the same information as the voter’s existing record, the official shall process, scan and clip the signature from the application to update the signature on record in FVRS. The voter shall be sent notice pursuant to Section 97.073, F.S. Such notice may be satisfied by issuance of a voter information card. For purposes of this paragraph, “same information” refers to the same name, same residence address, same date of birth, same driver’s license number, state identification card number, or social security number, and same political party affiliation.

(f) The FVRS shall contain only one voter registration record (with a status of active, inactive, or pre-registered) for each registered voter.

(g) Unless a registered voter’s name has already been removed pursuant to statutory provisions, a registered voter’s existing record shall not be removed solely on the basis that a subsequent application indicates that registered voter’s legal residence for voter registration and voting purposes did or might have changed out-of-state in the interim. The subsequent application shall be processed as an update to the existing record without assigning a new FVRS identification number.

(4) Data entry. Except as provided in subsection (11) and subject to the following, a voter registration official shall enter into the FVRS all information from valid and invalid applications for new registration or registration record update to the extent that the FVRS is able to accept or recognize the information as valid data:

(a) A registration official shall not complete or fill in a missing field for a new applicant that is otherwise left blank on a valid application unless the application includes a copy of the applicants’ personal identifying number. The applicant shall be notified in accordance with Sections 97.052(6) and 97.073, F.S. if the application for new registration is incomplete, i.e., that the application does not contain all the information necessary to establish the applicant’s eligibility under Section 97.041, F.S. and/or to allow for verification of the applicant’s identity as required per Section 97.053(6), F.S. If the applicant

submits on a supplemental application the mandatory information missing from the previously submitted application, the registration official shall consider all information between the two applications for purposes of determining whether the applicant has provided all the information required for a complete application. However, both applications must include the applicant's signature.

(b) If the application is on an invalid form, a valid application form shall be sent to the applicant from his or her county of residence to complete.

(c) A registration official shall enter information from an application for new registration or registration update as it appears on the application, except as follows:

1. Only the new applicant's SSN4 shall be entered into the FVRS even if the applicant provides the full number. The number on the original application shall not be altered.

2. The applicant's name shall be inputted as contained in the application field soliciting the applicant's name. If a registration official is unable to discern the correct or intended spelling of the name on the application through a comparison of the printed name and the signature and printed name, the printed name shall be entered to the extent possible and the application shall be processed as an incomplete. The Supervisor for the applicant's county of residence shall then notify the applicant in accordance with Section 97.073, F.S.

(d) Each application for new registration, update to an existing registration record, and application with supplemental information to a previously submitted application for new registration must include the original signature, or in the case of electronic records transmitted from DHSMV, include the digital signature.

(5) Verification of personal identifying number. Any valid application for new registration that is complete and submitted other than electronically through DHSMV shall be routed to DHSMV or SSA, whichever is applicable, for verification of the authenticity or nonexistence of the PIN provided on the application. However, no application shall be routed to DHSMV for verification unless the Supervisor first determines that the applicant is otherwise eligible in accordance with Section 97.041, F.S.

(a) Personal identifying number provided.

1. If the PIN is verified, the new applicant's completed application shall become the official registration record and the applicant's name shall be listed as an active voter in the FVRS.

2. If the PIN cannot be verified, the application record is routed through the FVRS to the BVRS. The BVRS shall check for data entry errors using the scanned image of the application in the FVRS, and a comparison of information available from DHSMV. If a data entry error occurred, the BVRS shall correct the application record and resubmit the record to DHSMV or SSA for verification. If no data entry error occurred, but the BVRS is able to confirm that the number belongs to the applicant, the BVRS shall override the FVRS to complete the

registration process. The applicant's completed application shall become the official registration record and the applicant's name shall be listed as an active voter in the FVRS.

3. If the BVRS is unable to resolve the verification issue, the BVRS shall flag the record as unverified and the application record is sent through the FVRS to the Supervisor of the new applicant's county of residence. The Supervisor shall send a "Notice to Applicant". The notice shall be substantially in the form provided in DS-DE # 122 (eff. / ). This form is hereby incorporated by reference. A copy of the form may be obtained from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or is available from the Division of Elections' website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

4. If it is determined after notice to the voter is sent that a data entry error of the PIN occurred, the applicant's record shall be corrected and the PIN resubmitted through the FVRS for verification by DHSMV or SSA, whichever is applicable.

5. If the new applicant provides evidence of his or her PIN, the Supervisor shall retain a copy of the evidence as part of the applicant's application but shall not scan the evidence into the FVRS. The Supervisor shall change in the FVRS the source of the applicant's number from "F" (referring to form) to "P" (referring to proof). If the PIN presented to the Supervisor is different from the PIN provided on the application, the new PIN shall replace the old number. However, if the new PIN is a different type of PIN, then the Supervisor shall also record the type and the new PIN in the FVRS. The Supervisor shall not change the old PIN on the application or submit the new PIN to DHSMV or SSA for verification. The applicant's completed application shall become the official registration record. The applicant shall be listed as an active voter in the FVRS.

(b) No personal identifying number. If a new applicant does not provide a PIN and checks or writes "NONE," on the application, the new applicant's record shall be routed first to DHSMV or SSA, and then if needed, to the BVRS, to determine if a personal identifying number might exist:

1. If a PIN is found to exist for the new applicant, the application record shall be sent to the Supervisor of the applicant's county of residence for resolution. The Supervisor shall contact the applicant and provide him or her with an opportunity to resolve the matter. If the applicant provides evidence of a PIN, the Supervisor shall follow the process in paragraph (a)5.

2. If no PIN is found to exist for the new applicant, the BVRS shall override the FVRS and the applicant's application record shall become the official registration record. The applicant shall be listed as an active registered voter or a pre-registered voter in the FVRS, whichever is applicable. However, if such voter registered by mail and is a first time voter in the state, and did not include with the application a

copy of identification required by Section 97.0535, F.S. the record shall be flagged as requiring special identification to be provided before the voter votes. The only exception to the special identification requirement is if the voter votes absentee and swears or affirms on the absentee ballot certificate that he or she is exempt from providing any photo identification or government-issued documentation as specified in Section 97.0535, F.S.

(c) Blank field. If a new applicant provides no PIN or an incomplete PIN and fails to check or write "None" on the application, the application is incomplete unless the applicant includes a copy of the driver's license, state identification card, or the social security card from which the voter registration official can complete the incomplete PIN. Notice to the applicant shall be provided in accordance with Sections 97.052(6) and 97.073, F.S.

(6) Political party affiliation.

(a) A new applicant or registered voter who selects or affirmatively indicates a change of party affiliation shall be registered in the FVRS:

1. With the requested political party (if the party is registered in Florida) by using the party code assigned to the party by the Division of Elections.

2. Without political party affiliation under the code of "NPA" (no party affiliation) if the person:

a. Marks "No party."

b. Fails to designate a specific party affiliation, or leaves the party field blank.

c. Designates a political party that is non-existent, not registered or no longer registered in Florida.

(b) Except as provided in paragraph (c), no change to a registered voter's currently recorded political party affiliation shall be made unless the registered voter affirms a different political party or no party affiliation.

(c) If the voter's registered political party has disbanded or is no longer registered with the State, the voter's record shall be changed to reflect that a status of no party affiliation. The registered voter shall be sent written notice about the disbanded or unregistered party and the option to select another party for registration. No later than 15 days after the notice, the voter shall be sent a new voter information card reflecting the voter's party affiliation status. A coding change or conversion does not constitute a political party change in the FVRS.

(7) Source code assignment. At the time of entry of information from each application for new registration or for registration record update, the voter registration official must assign one of the following codes in the FVRS. Such code corresponds to who or how the application was directly submitted the Division of Elections or to the Supervisor of Elections regardless of how or where the application was originally obtained:

(a) Code 1 for any electronic intake application information originating directly from a driver's license examiner's office for the Florida Department of Highway Safety and Motor Vehicles or a tax collector's office that issues driver's licenses and for any paper applications mailed or hand-delivered to such office.

(b) Code 2 for any application that arrives through the postal service or other mail delivery service and that does not otherwise fall into any of the other source codes listed under this subsection.

(c) Code 3 for any application that is completed at or submitted to, and forwarded directly by a public assistance program as is defined in Section 97.021, F.S. (for example, food stamp program, the Medicaid program, the Special Supplemental Food Program for Women, Infants, and Children, and the WAGES program).

(d) Code 4 for any application that is completed at or submitted to, and forwarded directly by an office that serves persons with disabilities including any office serving students with disabilities at an educational institute, and any center for independent living.

(e) Code 5 for any application that is completed at or submitted to, and forwarded by an armed forces recruitment office.

(f) Code 6 for any application that is completed at or submitted to, and forwarded directly by a public library.

(g) Code 7 for any application that is completed at or hand-delivered by the applicant or registered voter, or delivered by someone on his or her behalf (other than a third-party voter registration organization), directly to the Supervisor of Election's office in person or through the Supervisor of Election's website.

(h) Code 8 for any application that is submitted directly (by mail or hand-delivery) by a third-party registration organization as defined in Section 97.021, F.S. (for example, an advocacy group or political party), to the Supervisor of Election's office or the Division of Elections, and if applicable, any other unique identification code assigned.

(8) Registration date. The registration date for a new applicant shall be governed by Section 97.053, F.S., and shall be entered in the FVRS accordingly.

(9) Scanned application image. The voter registration official inputting the information from an application for new registration or from an application for an update to the registration record must scan and index the image of the application including the signature into the FVRS no later than three days after inputting the information.

(10) Recording notice activity. Once an application for new registration or registration update is processed, the Supervisor shall record in the FVRS the following type and date of notice:

(a) Notice sent pursuant to Section 97.073, F.S., for failing to complete or check one or more of the mandatory fields required for determining eligibility for new registration (i.e., fields for name, date of birth, Florida legal residence, personal identifying number or writing None”, U.S. citizenship, felony conviction, adjudication of mental incapacity, and signature).

(b) Notice sent pursuant to Section 97.073, F.S. regarding denial of an application on the basis that the applicant is ineligible. An applicant may be ineligible for being a convicted felon without civil rights restored, for being adjudicated mental incapacity without voting rights restored, for not being a United States citizen, for being deceased, for being a fictitious person, for not being of legal age to register or pre-register, or for not listing a Florida legal residence.

(c) Notice sent pursuant to Section 97.053(6), F.S., to a new applicant that the personal identifying number could not be verified.

(d) Voter information card sent pursuant to Section 97.071, 97.073, or 97.1031, F.S., issued upon new registration and for specific changes to voter registration records.

(e) Notice sent pursuant to Section 97.073, F.S., that a duplicate registration form was received (i.e., “duplicate” meaning that there were no data element differences between the application and the existing voter registration record as to name, date of birth, address, Florida driver’s license or state identification card number or social security number, or party affiliation). A voter information card may be substituted for a duplicate notice.

(10) Special applicants- victims of violence. If a new applicant or registered voter indicates that he or she is or may be a victim of domestic violence or stalking, such person may be entitled to confidential and exempt registration records pursuant to Florida Attorney General’s Address Confidentiality Program (ACP) under the provisions of Sections 741.401-465, F.S., or pursuant to Section 97.0585, F.S., as a victim of stalking. If eligible, such persons are entitled to confidentiality as to their name, telephone number and address, and receive a designated substitute mailing address for purposes of voting by absentee ballot and conducting other activities. The application for such applicant or registered voter shall be processed as follows:

1. If the new applicant or registered voter seeks confidentiality under the program and is not already certified as a participant or the original certification has expired or been withdrawn, the applicant shall be directed to the Supervisor of Elections in the county of residence. The Supervisor shall provide the applicant or registered voter with contact information for the Attorney General’s Office to find out about the process for ACP certification or the submission of a sworn statement of stalking.

2. If the applicant or registered voter provides proof of authorization of compliance with the Attorney General Office’s requirements for name and address confidentiality, the

Supervisor shall process manually any new application or update to the registration record. The application shall not be entered or scanned into the FVRS in order to ensure that information revealing the personal identifying information and location of the applicant or registered voter are not disclosed to the public. If the applicant is already a registered voter whose record is in the FVRS, the existing registration record in the FVRS shall be cancelled before updating the record manually. The Supervisor must ensure that the registered voter’s record including any audit, absentee and voting history records are also removed from the local county registration database. If the voter was registered in other counties, the Supervisor must coordinate with such counties to ensure that similar records are removed from their respective local county registration database. The Supervisor shall forward to the BVRS a copy of the completed and signed application for new registration or for registration update with the legal address redacted. The documents shall be enclosed in an envelope marked private and confidential and addressed to: Chief, Bureau of Voter Registration Services/ACP, Department of State, Division of Elections, 500 S. Bronough Street, Tallahassee, Florida 32399.

(c) Subject to paragraph (b)2., the BVRS chief shall:

1. Verify (for new registrations only) through the DHSMV or SSA the new applicant’s personal identifying number and shall notify the Supervisor of Elections for the voter’s county of residence about the outcome of the verification process.

2. Conduct monthly checks to determine if such registered voter remains eligible by cross-checking with data as to death, an adjudication of mental incapacity or a felony conviction, and if a match is found, to report such match to the Supervisor of Elections for the voter’s county of residence.

3. Retain the documents in a separate secure storage from other registrations.

(d) Such applicant’s or registered voter’s PIN shall not be included in any registered voter list, absentee ballot list, tape, label, precinct register made available to the public.

(e) If the new applicant or registered voter does not seek or no longer seeks name and address confidentiality through the Attorney General’s Office, or does not provide proof of authorization or eligibility to the confidentiality of her or her name and address through the Attorney General’s Office, the application or registration update shall be processed in accordance with subsections (2)-(9) of this rule.

(f) If the chief of the BVRS or the Supervisor of Elections receives information that a registered voter’s eligibility for name and address confidentiality through the Attorney General’s Office is cancelled, expired without renewal or otherwise no longer valid, it shall notify the other. The Supervisor of Elections shall then attempt to contact the voter to determine whether the voter wants to remain a registered voter and shall then enter such record in the FVRS.

(11) Street Address Index Updates.

(a) Each county Supervisor shall submit electronically, at least monthly, by the 10th of each month, to the Division of Elections to the FVRS an uploaded index of valid residential street addresses so that the legal addresses on application forms can be verified as valid at the time of registering or updating a registration record. The street address index may be submitted more frequently as street additions or changes occur in the prior month. No monthly update is required if no additions or changes in street addresses have occurred in the prior month.

(b) The update to a street address index shall be submitted either by:

1. Batch method in which the entire existing index is replaced with an updated index.

2. Change method in which a street address index is updated with individual changes as they occur.

Rulemaking Authority 20.10(3), 97.012(1)-(2), 97.052, 98.015(10)-(12), 98.035(5), 98.045(5) FS. Law Implemented 97.052, 97.053, 98.014, 98.035, 98.045, 98.075(2) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gisela Salas, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2011

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.040  
 RULE TITLE: Statewide Uniform Voter Registration Application

PURPOSE AND EFFECT: The primary purpose of the proposed rule revision is to conform to law that impacted the instructions but not the substantive content of the statewide voter registration application.. The law eliminated 2 forms of identification for persons who registered by mail for the 1st time and who are 1st time voters in Florida. This change was made to conform to a change in the prior year to the list of acceptable identification forms that persons could present before voting at the polls. The law also changed the earliest that a person could preregister from a 15 year old with a driver’s license to simply anyone who is 16 years old. Other format and non-substantive changes are made to streamline the form, DS-DE #39, which is incorporated by reference into the rule.

SUMMARY: Updating the instructions and form for the statewide voter registration application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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: 20.10(3), 97.012(2), 97.052 FS.

LAW IMPLEMENTED: 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS.

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

DATE AND TIME: October 3, 2011, 2:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, elphillips@dos.state.fl.us, administrative assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone: (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536, mimatthews@dos.state.fl.us or Dr. Gisela Salas, Director, Division of Elections, Gsalas@dos.state.fl.us, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.040 Statewide Uniform Voter Registration Application.

(1) The Department of State, Division of Elections, is required to adopt by rule a uniform statewide voter registration application for use in this state. Form DS DE 39, entitled “Florida Voter Registration Application” (eff. ~~01/08~~), is hereby incorporated by reference. The form consists of two parts: instructions and information, and a detachable application.

(2) This application is available upon request from the Division at Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, ~~or by contacting the Division of Elections at~~ (850)245-6200, by contacting any supervisor of elections’ office, or by download from the Division of Elections’ website

under the voter registration link “For the Voters” at: <http://election.dos.state.fl.us/index.html>, or by contacting any supervisor of elections’ office.

Rulemaking Specific Authority 20.10, 97.012(1), (2), 97.052 FS. Law Implemented 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS. History–New 11-29-05, Amended 1-1-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gisela Salas, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2011

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-1.5095	Publication of Notice of Agency Decision or Intended Agency Decision
40E-1.603	Application Procedures for Conceptual Approval, Individual and Standard Permits
40E-1.6058	Publication and Requests for Notification of Permit Applications or Notices of Intent
40E-1.607	Permit Application Processing Fees
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern
40E-1.659	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule amendments were identified for correction/updating in accordance with Section 120.74, F.S. The amendments are as follows: 1) repeal rules that are redundant or inconsistent with statutes; 2) update the District’s ePermitting website and delete outdated language; 3) delete the term “general” from standard permits pursuant to Section 373.118, F.S.; 4) correct rule language to be consistent with statutes; 5) update incorporation language pursuant to Section 120.55(1)(a)4., F.S., and Rule 1B-30.005, F.A.C.; 6) include hyperlinks to materials incorporated by reference pursuant to Section 120.54(1)(i), F.S.; and 7) delete obsolete forms.

SUMMARY: In compliance with Section 120.74, F.S., the proposed rule amendments update or repeal the District’s rules to be consistent with statutes, delete obsolete forms, and eliminate outdated language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Cost. This will not have an adverse impact on small business. Individuals and other

entities, including governmental entities, and other users of the District’s 40E administrative rules will benefit from the use of more accurate and up-to-date rules.

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.

The proposed rules do not require legislative ratification pursuant to Section 120.54(3), F.S.

RULEMAKING AUTHORITY: 120.53(1), 120.54(5), 218.075, 373.044, 373.109, 373.113, 373.4136, 373.416, 373.421(2), 373.421(6)(b), 380.051, 668.003, 668.004, 668.50, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53(1), 120.54(5), 120.569, 120.57, 120.60, 120.60(3), 218.075, 373.044, 373.107, 373.109, 373.113, 373.116, 373.146, 373.229, 373.413, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.421(2), 373.421(6)(b), 373.422, 380.051, 403.201, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: October 13, 2011, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-1.5095 Publication of Notice of Agency Decision or Intended Agency Decision.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 373.146, 373.413, 668.003, 668.004, 668.50 FS. History–New 7-2-98, Amended 6-12-00, 10-1-06, Repealed 12-1-11.

40E-1.603 Application Procedures for Conceptual Approval, Individual and ~~Standard~~ ~~General~~ Permits.

(1) No change.

(a) No change.

(b) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. For individual permits and standard ~~general~~ permits, the applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.

(c) through (e) No change.

(2) No change.

(3)(a) No change.

(b) An authorization to proceed for standard ~~general~~ permits in Chapter 40E-20, F.A.C., shall occur within 60 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(c) Agency action on a standard ~~general~~ permit application in Chapter 40E-40, F.A.C., shall occur within 60 days of receipt of a complete application, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(d) through (e) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS. History--New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06, 12-1-11.

40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent.

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

(b) Within 14 days of filing notice of intent to use a general permit or application for a ~~standard~~ general permit, persons qualifying for the use thereof are not required to, but may publish notice of such filing in a newspaper of general circulation, as defined in Chapter 50, F.S., in the area affected by the proposed project. Proof of publication shall be submitted to the ~~D~~istrict within 14 days of publication.

(c) No change.

(3) through (5) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.53(1), 120.60(3), 668.003, 668.004, 668.50 FS. History--New 10-3-95, Amended 7-2-98, 6-12-00, 10-1-06, 12-1-11.

40E-1.607 Permit Application Processing Fees.

(1) through (2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)  
 PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.  
 Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Individual Permit	
Project area less than 100 acres	
Agriculture	\$4,029
All others, including Mitigation Banks	\$7,500
Project area 100 acres to less than 640 acres	
Agriculture	\$5,284
All others, including Mitigation Banks	\$13,125
Project area 640 acres or more	
Agriculture	\$6,605
All others, including Mitigation Banks	\$25,000
Individual Permit Modification	
Project area less than 100 acres	
Agriculture	\$2,708
All others, including Mitigation Banks	\$5,000
Project area 100 acres to less than 640 acres	
Agriculture	\$3,303
All others, including Mitigation Banks	\$10,000
Project area 640 acres or more	
Agriculture	\$4,624
All others, including Mitigation Banks	\$15,000
New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.)	
Agriculture	\$859
All others	\$3,500
Standard <del>General</del> Permit Modification including	
Application for phase construction under a Conceptual Approval	
Application for individual permit modification for a system which does not exceed the criteria in Rule 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in subsection 40E-40.011(2), F.A.C.	
Agriculture	\$661
All others	\$1,500
Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including Aquaculture	\$250
Single family residential homesite consisting of 10 acres or less in total land area	\$100

Standard <del>General</del> Permit for incidental site activities pursuant to Rule 40E-40.042, F.A.C. (Early Work)	\$1,000
Transfer of permit (including Mitigation Bank) to another entity pursuant to Rules 40E-1.6107 and 40E-4.351, F.A.C.	\$675
Variance associated with an environmental resource permit application	
From paragraph 40E-4.301(1)(e), F.A.C.	\$750
From other permitting standards, permit conditions, or water quality standards	\$1,500
New Individual Operation Permit	\$5,250
Letter Modification	\$250
New Individual or Standard <del>General</del> Permits, or Individual or Standard <del>General</del> Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site	\$250
No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C.	\$100
Verification that an activity is exempt from regulation under Part IV, Chapter 373 or 403.813, F.S.	\$100
Informal wetland boundary determinations under Part IV of Chapter 373, F.S., for property less than	\$500
or equal to 1 acre	\$500
Permit Extensions	
1. When used in Table paragraph 40E-1.607(3)(a), F.A.C., "Agriculture" shall be defined as set forth in Section 570.02, F.S.	
2. For permit applications which involve a combination of fee categories, the highest fee that applies shall be charged.	
3. Any individual permit application submitted concurrently with a conceptual approval application – where the individual permit application represents a phase of the conceptual approval application – is exempt from the above environmental resource permit fees.	
4. For projects grandfathered pursuant to Section 373.414, F.S., the letter modification, conceptual approval, individual or general surface water management permit application fee shall be the same as listed in Table paragraph 40E-1.607(3)(a), F.A.C.	

5. The District shall use the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S. The inflation index used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average. All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi](http://www.bls.gov/cpi)), computed as provided in the BLS publication Bureau of Labor Statistics Handbook of Methods, Chapter 17.

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S., wetland resource (dredge and fill) are in the following table:

(3)(b) through (5) No change.

(6)(a) through (6)(b) No change.

(c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 0889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:

1. through 5. No change.

Form 0889 is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(7) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b) FS. Law Implemented 218.075, 373.109, 373.421(2), 373.421(6)(b), 403.201 FS. History--New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-1-11.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) through (2) No change.

(3) (a) through (b) No change.

(c) The District's Coordinated Review process follows the permit review procedures set forth in Rule 40E-1.603, F.A.C. (Application Procedures for Conceptual Approval, Individual and Standard ~~General~~ Environmental Resource Permits, Individual and General Surface Water Management Permits, and Individual Water Use Permits).

(d) No change.

(e) The Certification of the Coordinated Review Application required by Section 380.051(2)(a), F.S., and subsections 9J-19.002(3) (Purpose) and 9J-19.009(1) and (2) (Completion of Substantive Review), F.A.C., shall occur within 60 days after the District begins substantive review, and shall consist of the notice of proposed agency action together with the staff report on the individual permit pursuant to subsection 40E-1.603(6) (Procedures for Application for



Individual Environmental Resource and Water Use Permits), F.A.C., which may recommend denial to the Governing Board, or approval, or approval with conditions to its designee or denial of the permit.

(f) Certification concludes the coordinated agency review process. However, the applicant may complete the permit process as set forth in subsections 40E-1.603(6)-(11), F.A.C., which results in the Governing Board's denial, or approval, or approval with conditions to its designee or denial of the permit.  
PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 380.051, 668.003, 668.004, 668.50 FS. Law Implemented 380.051, 668.003, 668.004, 668.50 FS. History--New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and. Copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436 ~~or online at~~ www.sfwmd.gov:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
<del>0113</del>	<del>8-95</del>	<del>Surface Water Management Permit No.</del>
<del>0115</del>	<del>8-95</del>	<del>Surface Water Management Permit Modification No.</del>
<del>0119</del>	<del>8-95</del>	<del>Wetland Resource Permit No.</del>
<del>0122</del>	<del>4-93</del>	<del>Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District</del>
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
<del>0145</del>	<del>8-95</del>	<del>Environmental Resource Permit No.</del>
<del>0157</del>	<del>8-95</del>	<del>Environmental Resource Permit Modification No.</del>
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
<del>0299</del>	<del>1-90</del>	<del>Water Use Permit No.</del>
0444	8-95	Application for a Standard <del>General</del> Permit for Incidental Site Activities, <u>incorporated by reference in paragraph 40E-40.042(5), F.A.C.</u>
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in paragraph 40E-1.6107(1), F.A.C.
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0645-G71	8-03	Table I Water Treatment Method and Losses
0645-G72	8-03	Table J Aquifer Storage and Recovery
0645-G73	8-03	Table K Water Supply System Interconnections
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit

0830	4-94	Special Use Application and License
0881A	<del>12-11</del>	Environmental Resource/Surface Water Management Permit Construction Completion
	9-03	Certification, <u>incorporated by reference in paragraph 40E-4.361(1)(b), F.A.C.</u>
0881B	<del>12-11</del>	Environmental Resource/Surface Water Management Permit Construction Completion
	9-03	Certification-For Projects Permitted Prior to October 3, 1995, <u>incorporated by reference in paragraph 40E-4.361(1)(b), F.A.C.</u>
0889	<del>12-11</del>	Certification of Waiver of Permit Application Processing Fee, <u>incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C.</u>
	9-04	
0920	<del>12-11</del>	Request for Conversion of District Environmental Resource/Surface Water Management
	9-04	Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity, <u>incorporated by reference in paragraph 40E-4.361(1)(a), F.A.C.</u>
0941	8-95	<del>Environmental Resource Standard/Noticed General Permit No.</del>
0942	8-95	<del>Surface Water Management General Permit No.</del>
0960	<del>12-11</del>	Environmental Resource/Surface Water Management Permit Construction Commencement
	9-04	Notice, <u>incorporated by reference in paragraph 40E-4.381(1)(d), F.A.C.</u>
0961	<del>12-11</del>	Environmental Resource/Surface Water Management Permit Annual Status Report for
	9-04	Surface Water Management System Construction, <u>incorporated by reference in paragraph 40E-4.381(1)(e), F.A.C.</u>
0970	8-07	<del>Applicant Transmittal Form for Requested Additional Information</del>
0971	<del>12-11</del>	Joint Application for Environmental Resource Permit/Authorization to Use State Owned
	8-07	Submerged Lands/Federal Dredge and Fill Permit, <u>incorporated by reference in paragraph 40E-4.101(1)(b), F.A.C.</u>
0972	<del>12-11</del>	Petition for a Formal Wetland and Surface Water Determination, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
	8-95	
0973	8-95	<del>Above Ground Impoundment Inspection/Certification Report</del>
0974	<del>12-11</del>	Notice of Intent to Construct a Minor Silvicultural System, <u>incorporated by reference in subsection 40E-400.500(2), F.A.C.</u>
	8-95	
0980	<del>12-11</del>	Notice of Intent to Use a Noticed General Environmental Resource Permit, <u>incorporated by reference in subsection 40E-400.211(2), F.A.C.</u>
	8-95	
1019	<del>12-11</del>	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial
	9-04	Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
1020	<del>12-11</del>	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation
	9-04	Financial Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
1021	<del>12-11</del>	Mitigation Bank Standby Trust Fund Agreement to Demonstrate
	9-04	Construction/Implementation Financial Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
1022	<del>12-11</del>	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation
	9-04	Financial Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
1023	<del>12-11</del>	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial
	9-04	Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
1024	<del>12-11</del>	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management
	9-04	Financial Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
1105	<del>12-11</del>	Performance Bond to Demonstrate Financial Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
	6-02	
1106	<del>12-11</del>	Irrevocable Letter of Credit to Demonstrate Financial Assurance, <u>incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.</u>
	6-02	
1109	8-03	Water Use General Permit
1189	<del>12-11</del>	Notice of Environmental Resource or Surface Water Management Permit, <u>incorporated by reference in subsection 40E-4.101(2), F.A.C.</u>
	2-06	
1190	<del>12-11</del>	Deed of Conservation Easement (Standard), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E 4.091, F.A.C.</u>
	1-07	

1191	<u>12-11</u> <u>1-07</u>	Deed of Conservation Easement (Standard Passive Recreational), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1192	<u>12-11</u> <u>1-07</u>	Deed of Conservation Easement (Standard Riparian), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1194	<u>12-11</u> <u>1-07</u>	Deed of Conservation Easement (Third Party Standard), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1195	<u>12-11</u> <u>1-07</u>	Deed of Conservation Easement (Third Party Passive Recreational), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1196	<u>12-11</u> <u>1-07</u>	Deed of Conservation Easement (Third Party Riparian), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1197	<u>12-11</u> <u>1-07</u>	Restrictive Covenant (Standard), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1318	<u>12-11</u> <u>07-10</u>	Deed of Conservation Easement (Local Governments), incorporated by reference in <u>paragraph 40E-4.091(1)(a), F.A.C. Section 4.3.8, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-4.091, F.A.C.</u>

<u>PROPOSED EFFECTIVE DATE: December 1, 2011</u>	40E-4.042	Formal Determination of Wetlands and Other Surface Waters
Rulemaking Authority <del>120-53</del> , 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented <del>120-53</del> , 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, <u>12-1-11</u> .	40E-4.051 40E-4.091	Exemptions From Permitting Publications, Rules and Interagency Agreements Incorporated by Reference
NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Environmental Resource Permitting Division Director	40E-4.101 40E-4.201 40E-4.301 40E-4.302	Content of Permit Applications Forms and Instructions Conditions for Issuance of Permits Additional Conditions for Issuance of Permits
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board	40E-4.303 40E-4.305	Environmental Resource Permit Authorization Conceptual Approvals
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2010	40E-4.321 40E-4.331	Duration of Permits Modification of Permits
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010	40E-4.361 40E-4.381	Conversion from Construction Phase to Operation Phase General Conditions

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-4.011	Policy and Purpose
40E-4.021	Definitions
40E-4.041	Permits Required
40E-4.0415	Permit Thresholds

PURPOSE AND EFFECT: The proposed rule amendments were identified for correction/updating in accordance with Section 120.74, F.S. The amendments are as follows: 1) delete “general” from standard permits pursuant to Section 373.118, F.S.; 2) update rules to be consistent with amendment to Section 373.083, F.S.; 3) update the District’s ePermitting website and delete outdated navigation instructions; 4) specify

paragraph in which Basis of Review is incorporated; 5) specify statute describing private docks; 6) delete incorporated material no longer relied upon; 7) update incorporation language pursuant to Section 120.55(1)(a)4., F.S., and Rule 1B-30.005, F.A.C., and include hyperlinks to materials incorporated by reference pursuant to Section 120.54(l)(i), F.S.; 8) update process for submitting applications; 9) delete language redundant of another rule; 10) clarify reference to all applications rather than specific; 11) update title of regulation director; and 12) add date of operating agreement; and 13) add contact information for Division of Historical Resources.

The District is also amending the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., as follows: Section 1.1 – correct the term “rule” to “paragraph”; 1.2 – delete “general” from standard permits pursuant to Section 373.118, F.S.; 1.2.1 – add “standard” permits as a permit separate from “general” permits pursuant to Section 373.118, F.S.;

1.3 – add Governing Board designee pursuant to amendment to Section 373.083, F.S.; 2.10, 2.18, 2.34, 2.37 – update effective date of referenced rules, delete repealed rule and add incorporation language pursuant to Rule 1B-30.005, F.A.C.; 2.35 – add Governing Board designee pursuant to amendment to Section 373.083, F.S.; 4.1 – add incorporation language pursuant to Rule 1B-30.005, F.A.C.; 4.1.1 – correct rule, subsection and paragraph, and update rule reference; 4.2.1 – delete reference to repealed rule; 4.2.2 – delete the term “general” as a form of standard permit pursuant to s. 373.118(1), F.S., and correct agency name; 4.2.2.4 – delete title next to rule number; 4.2.3 – add the term “subparagraph” before rule numbers; 4.2.3.3 – delete manual no longer relied upon; 4.2.3.6 – delete the term “general” as a form of standard permit pursuant to Section 373.118(1), F.S.; 4.2.4.4 – clarify paragraph number of rule reference;

4.2.7, 4.3 and 4.3.1.7 – delete references to repealed rules; Table 4.2.7-1 – move table under section 4.2.7; 4.3.7.6 and 4.3.8 – add incorporation language pursuant to 1B-30.005, F.A.C.; 4.4.3.1 – change “long term” to “perpetuity” to clarify and be consistent with other statutes; 4.4.4.7, 4.5, 4.5.1 – add incorporation language pursuant to Rule 1B-30.005, F.A.C.; 5.1 – add F.A.C. to rule reference; 5.2.2 – update references to ordinances and add incorporation language pursuant to 1B-30.005, F.A.C.; 5.9.4 – delete agency reference and delete old process for submitting results; 6.12 – correct incomplete sentence; 9.2.4 – add incorporation language pursuant to Rule 1B-30.005, F.A.C.; 10.1 – add incorporation language pursuant to Rule 1B-30.005, F.A.C.; and Appendix 6 – delete cover sheet.

**SUMMARY:** In compliance with Section 120.74, F.S., the proposed rule amendments update the District’s rules to be consistent with statutes, correct errors and eliminate outdated language.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The District has prepared a Statement of Estimated Regulatory Costs. This will not have an adverse impact on small business. Individuals and other entities, including governmental entities and other users of the District’s 40E administrative rules and the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” will benefit from the use of more accurate and up-to-date rules.

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.

The proposed rules do not require legislative ratification pursuant to Section 120.54(3), F.S.

**RULEMAKING AUTHORITY:** 120.53(1), 373.016, 373.044, 373.103(8), 373.113, 373.118, 373.171, 373.406(5), 373.413, 373.414(9), 373.414(17), 373.441, 380.06(9), 668.003, 668.004, 668.50 FS.

**LAW IMPLEMENTED:** 373.016, 373.019, 373.042, 373.044, 373.086(1), 373.103, 373.103(1), 373.103(4), 373.113, 373.116, 373.117, 373.118, 373.118(1), 373.229, 373.403-443, 380.06, 380.23, 403.031, 403.201, 403.813(2), 668.003, 668.004, 668.50, 704.06 FS.

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

**DATE AND TIME:** October 13, 2011, 9:00 a.m.

**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 40E-4.011 Policy and Purpose.

(1) through (2) No change.

(3) The rules relating to environmental resource permits are found in this chapter, Chapters 40E-40, (Environmental Resource Standard ~~General~~ Permits) and 40E-41, F.A.C. (Surface Water Management Basin and Related Criteria). In addition, no notice and noticed environmental resource general permits are found in Chapter 40E-400, F.A.C.

(4) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.086(1), 373.103(1), 373.103(4), 373.403-443 FS. History–New 9-3-81, Formerly 16K-4.01, Amended 4-20-94, 10-3-95, 12-1-11.

## 40E-4.021 Definitions.

When used in this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(1) through (4) No change.

(5) “Conceptual Approval” means an environmental resource permit, issued by the District ~~Governing Board~~ which approves a conceptual master plan for a surface water management system or a mitigation bank. Conceptual approvals constitute final District action, and are binding to the extent that adequate data has been made available for review by the applicant during the review process. To the extent that there is any inconsistency between the permit, staff report, and other information in the application file, the permit and staff report shall control.

(6) through (11) No change.

(12) “e-Permitting website” means the District’s website address for e-Permitting at <http://www.sfwmd.gov/ePermitting> ~~<http://my.sfwmd.gov/ePermitting>~~. ~~After accessing the e-Permitting website, the user clicks the start icon on the e-Permitting page.~~

(13) through (22) No change.

(23) “General Permit” means a no notice ~~or~~ noticed ~~or~~ ~~standard~~ general environmental resource permit issued by District staff. However, staff recommendations for denial of noticed ~~or~~ ~~standard~~ general permit applications shall be considered by the Governing Board.

(24) through (25) No change.

(26) “Individual Permit” means an environmental resource permit issued by the District ~~Governing Board~~.

(27) through (46) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, 10-1-06, 3-22-09, 11-11-09, 12-1-11.

## 40E-4.041 Permits Required.

(1) No change.

(2)(a) and (b) No change.

(c) General permits are issued in ~~two~~ ~~three~~ forms: no notice ~~and~~, noticed ~~and~~ ~~standard~~ general environmental resource permits. General permits are issued for specified activities or projects that satisfy the thresholds and conditions of Chapters ~~40E-40 and~~ 40E-400, F.A.C. ~~Standard general permits are issued pursuant to Chapter 40E-40, F.A.C.~~ No notice and noticed general permits are issued pursuant to Chapter 40E-400, F.A.C.

1. If the District notifies an applicant that the system for which a noticed general permit is sought does not qualify for the noticed general permit, the applicant may apply for a standard ~~general~~ or individual permit.

2. The application fee for the noticed general permit shall be applied to the application fee for a standard ~~general~~ or individual permit if the applicant applies for such a permit within 60 days of notification by the District.

(3) No change.

(4) The District issues two types of mitigation bank environmental resource permits: conceptual approvals and individual permits, pursuant to Section 4.4 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C. A conceptual approval does not authorize the establishment or operation of the mitigation bank. A mitigation bank individual permit authorizes the establishment and operation of a mitigation bank and constitutes authorization pursuant to Chapters 40E-4, 40E-40; or 40E-400, F.A.C., as applicable, to construct any surface water management system proposed as part of the mitigation bank.

(5) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.103, 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-4.03(1), 16K-4.07(1), 16K-4.09(1), Amended 1-23-94, 4-20-94, 10-3-95, 4-1-96, 1-7-97, 7-22-07, 12-1-11.

## 40E-4.0415 Permit Thresholds.

(1) No change.

(2) Any non-exempt system which does not qualify for a noticed or no notice general environmental resource permit pursuant to Chapter 40E-400, F.A.C., and does not exceed the standard for individual permits listed above, shall obtain a standard ~~general~~ permit pursuant to Chapter 40E-40, F.A.C.

(3) Notwithstanding the provisions of subsections (1) and (2):

(a) No change.

(b) Phases within a conceptually approved project shall be processed as standard ~~general~~ permits provided:

1. through 3. No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History--New 10-3-95, Amended 5-28-00, 6-26-02, 4-14-03, 12-1-11.

**40E-4.042 Formal Determination of Wetlands and Other Surface Waters.**

(1) In accordance with subsection 373.421(2), F.S., a real property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in real property may petition the District for a formal determination of the landward boundaries of wetlands and other surface waters on that property as defined in Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S., and incorporated by reference in paragraph 40E-4.091(1)(g), F.A.C.

(2) No change.

(3) The process and procedures for filing a petition for a formal determination of wetlands and other surface waters are set forth in Section 4.5 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District," incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C.

(4) through (5) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.043, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95, Amended 7-22-07, 12-1-11.

**40E-4.051 Exemptions From Permitting.**

(1) through (2) No change.

(3)(a) through (3)(b) No change.

(c) Construction of private docks as described in Section 403.813(1)(i), F.S., in artificially created waterways where construction will not violate water quality standards, impede navigation, or adversely affect flood control.

(d) through (e) No change.

(4) through (5) No change.

(6) Bridges, Driveways and Roadway Crossings.

(a) No change.

(b) 1. through 10. No change.

11. The person performing the exempt activity shall implement measures for erosion and pollution control using best management practices, including turbidity curtains or similar devices and other site specific practices, ~~in strict adherence to the Florida Department of Transportation's "Standard Specifications for Road and Bridge Construction," and Chapter 6 of the Department's "Florida Development Manual,"~~ to prevent violations of state water quality standards. Temporary erosion controls shall be implemented prior to and

during construction, and permanent erosion control measures for all exposed soils shall be completed within 7 calendar days of the most recent construction activity;

12. through 15. No change.

(7) through (12) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History--New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, 4-14-03, 9-9-07, 12-1-11.

**40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.**

(1) The following publications, rules and interagency agreements are incorporated by reference ~~herein into this chapter, Chapters 40E 40, 40E 41 and 40E 400, F.A.C.:~~

(a) Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, effective date ~~December 1, 2011~~ July 4, 2010, which incorporates the following forms or materials by reference:

1. Form No. 0972, Petition for a Formal Wetland and Surface Water Determination, effective date December 1, 2011;

2. Form No. 1019, Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011;

3. Form No. 1020, Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011;

4. Form No. 1021, Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011;

5. Form No. 1022, Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011;

6. Form No. 1023, Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance, effective date December 1, 2011;

7. Form No. 1024, Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance, effective date December 1, 2011;

8. Form No. 1105, Performance Bond, effective date December 1, 2011;

9. Form No. 1106, Irrevocable Letter of Credit, effective date December 1, 2011;

~~10. Form No. 1190, Deed of Conservation Easement (Standard), effective date December 1, 2011; January 23, 2007;~~

~~11. Form No. 1191, Deed of Conservation Easement (Standard Passive Recreational), effective date December 1, 2011; January 23, 2007;~~

~~12.3. Form No. 1192, Deed of Conservation Easement (Standard Riparian), effective date December 1, 2011; January 23, 2007;~~

~~13.4. Form No. 1194, Deed of Conservation Easement (Third Party Standard), effective date December 1, 2011; January 23, 2007;~~

~~14.5. Form No. 1195, Deed of Conservation Easement (Third Party Passive Recreational), effective date December 1, 2011; January 23, 2007;~~

~~15.6. Form No. 1196, Deed of Conservation Easement (Third Party Riparian), effective date December 1, 2011; January 23, 2007;~~

~~16.7. Form No. 1197, Restrictive Covenant (Standard), effective date December 1, 2011; January 23, 2007;~~

~~17.8. Form No. 1318, Deed of Conservation Easement (Local Governments), effective date December 1, 2011 July 4, 2010;~~

18. Chapter 27, Article XIII, Wellfield Protection Ordinance, Broward County Code of Ordinances, last amended September 28, 1999; and

19. Dade County Wellfield Protection Ordinance contour showing maximum limits (Section 24-43 Protection of Public Potable Water Supply Wells; Chapter 24 Environmental Protection; Code of Metropolitan Dade County, Florida; Codified through Ordinance No. 11-01, enacted January 20, 2011 (Supp. No. 68)).

(b) ~~50 C.F.R. section 17.12, 50 Code of Federal Regulations effective date April 8, 2004; and Rule 68A-27.003, F.A.C., effective date December 16, 2003, Rule 68A-27.004, F.A.C., effective date May 15, 2008, and Rule 68A-27.005, F.A.C., effective date November 8, 2007.~~

(c) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between South Florida Water Management District and Department of Environmental Protection, effective July 1, 2007.

(d) State water quality standards set forth in Chapter 62-4, F.A.C., effective date April 21, 2009; Chapter 62-302, F.A.C., effective date August 5, 2010, Chapter 62-520, F.A.C., effective date July 12, 2009; Chapter 62-522, F.A.C., effective date July 12, 2009, and Chapter 62-550, F.A.C., effective date September 18, 2007.

(e) Chapter 62-312, Part IV, F.A.C., "Additional Criteria for Dredging and Filling Within Outstanding Florida Waters in Monroe County," effective date March 15, 2007.

(f) ~~40 C.F.R. Code of Federal Regulations, section 264.143(f), for the purpose of providing financial responsibility and corporate guarantee requirements, effective date September 16, 1992.~~

(g) ~~Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Protection, 1988).~~

~~(g)(h) Chapter 62-340, F.A.C., as ratified by Section 373.4211, F.S., for the purpose of delineating wetlands and other surface waters, effective date July 1, 1994.~~

~~(i) Chapter 3, Roadside Design Guide (American Association of State Highway and Transportation Officials, October 1988).~~

~~(h)(j) 30 C.F.R., section 800.23, Code of Federal Regulations for the purpose of providing self bonding provisions, effective date January 14, 1988 requirements.~~

~~(i)(k) Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County, (dated May 22, 2001).~~

~~(j)(2) The documents listed in subsection (1) are available online at [www.sfwmd.gov](http://www.sfwmd.gov) or can also be obtained at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6436, or (561) 682-6436.~~

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, 7-1-10, 7-4-10, ~~12-1-11.~~

40E-4.101 Content of Permit Applications.

(1) Applications for permits required by this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C., shall be filed electronically at [www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting), or at South Florida Water Management District, Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6736, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are online at [www.sfwmd.gov](http://www.sfwmd.gov), "Locations." with the District Service Center which will review the application as set forth in Rule 40E-1.6025, F.A.C. or filed electronically at the District's e-Permitting website. For projects located in Broward County, applications shall be filed either at the District's Headquarters in West Palm Beach or with Broward County Environmental Protection and Growth Management Department, Development and Environmental Regulation Division, 1 North University Drive, Suite 201, Plantation, FL 33324, (954)519-1473, in accordance with the Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County, dated May 22, 2001, incorporated by reference in paragraph 40E-4.091(1)(h), F.A.C. The application shall contain:

(a) No change.

(b) One original and four copies of Joint Water Management District/Department of Environmental Protection/U.S. Army Corps of Engineers Environmental Resource Permit Application (Form No. 0971), and five copies of drawings, calculations, environmental information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed. This information must include at a minimum: flood protection, water quality, environmental impacts, proposed mitigation, water supply, and water conservation elements. Applicants who file an application electronically are not required to submit copies. Form No. 0971, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436 at any of the District's Service Centers upon request.

(2) The application must be signed by the owner or the owner's authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property. A Notice of Environmental Resource or Surface Water Management Permit (Form No. 1189), shall be recorded in the public records of the county where the property is located. This notice shall not be considered an encumbrance upon the property. Form No. 1189, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(3) Environmental resource permit applications shall be filed and processed in accordance with Chapters 120 and 373, F.S., following the procedures set forth in Chapter 40E-1, F.A.C., and by utilizing the forms listed incorporated by reference into Rule 40E-1.659, F.A.C.

(4) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.016, 373.044, 373.113, 373.171, 668.003, 373.416, 668.004, 668.50 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03, 2-12-06, 10-1-06, 12-1-11.

40E-4.201 Forms and Instructions.

(1) No change.

~~(2) Forms and instructions are available from District Service Centers upon request.~~

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.53(1), 373.044, 373.113, 373.116, 373.118, 373.229, 373.413, 373.421 FS. History—New 10-3-95, Amended 12-1-11.

40E-4.301 Conditions for Issuance of Permits.

(1) through (1)(d) No change.

(e) Will not adversely affect the quality of receiving waters such that the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522 and 62-550, F.A.C., incorporated by reference in paragraph 40E-4.091(1)(d), F.A.C., including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated.

(f) through (k) No change.

(2) If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the applicant must comply with the requirements set forth in subsection 4.4.4.5 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,"; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C.

(3) The standards and criteria, including the mitigation provisions, and the provisions for elimination or reduction of impacts, contained in the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District,"; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C., shall determine whether the reasonable assurances required by subsection 40E-4.301(1) and Rule 40E-4.302, F.A.C., have been provided.

(4) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(2), 16K-4.30, Amended 7-1-86, 3-24-87, 4-14-87, 7-9-87, 4-21-88, 4-20-94, 10-3-95, 4-1-96, 1-7-97, 7-22-07, 12-1-11.

40E-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in Rule 40E-4.301, F.A.C., in order to obtain a standard, general, individual, or conceptual approval permit under this chapter or Chapter 40E-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:



(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in subsections 4.2.3- through 4.2.3.7 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,”; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C.

1. through 7. No change.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8 through 4.2.8.2 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,”; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C.

(c) Located in, adjacent to, or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth and incorporated in Chapter 5L-1 62R-7, will comply with the additional criteria in subsection 4.2.5 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,”; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C.

(d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in subsection 4.2.6 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,”; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C.

(2) When determining whether the applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration a permit applicant’s violation of any Department rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to a delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce the rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.), as amended, is set forth in the “Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between South Florida Water Management District and Department of Environmental Protection” dated July 1, 2007, incorporated by reference in paragraph Rule 40E-4.091(1)(c), F.A.C.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History–New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00, 7-1-07, 7-22-07, 12-1-11.

40E-4.303 Environmental Resource Permit Authorization.

(1) For individual, ~~and~~ standard and general permits issued pursuant to Chapters 40E-4 and 40E-40, F.A.C., a completed permit application shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with state water quality standards unless the permit is issued pursuant to the net improvement provisions of subsection 373.414(1)(b), F.S., or the permit specifically states otherwise.

(2) For projects located in or seaward of coastal counties, and which have regulated activities in, on or over wetlands or other surface waters, as delineated by the methodology ratified pursuant to Section 373.4211, F.S., a complete application for an individual, ~~or~~ standard or general environmental resource permit shall constitute a request for the ~~s~~State’s concurrence that the project is consistent with the Florida Coastal Zone Management Program as provided in Section 307 of the Coastal Zone Management Act and 15 C.F.R. 930, Subpart D. Issuance of the permit shall constitute such concurrence of consistency.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.421 FS. History–New 10-3-95, Amended 12-1-11.

40E-4.305 Conceptual Approvals.

(1) through (3) No change.

(4) For phased projects, the approval process must begin with an application for a conceptual approval which shall be the first permit issued for the project. An application for construction authorization of the first phase(s) may also be included as a part of the initial application. As the permittee desires to construct additional phases, new applications shall be processed as individual, ~~or~~ standard or general environmental resource permit applications pursuant to the conceptual approval. The conceptual approval, individual, ~~and~~ standard and general permits shall be modified in accordance with conditions contained in Chapters 40E-4 and 40E-40, F.A.C.

(5) through (10) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.171, 380.06(9) FS. Law Implemented 373.413, 373.416, 373.421(2), 380.06(9) FS. History–New 10-3-95, Amended 4-14-03, 12-1-11.

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual, ~~or~~ standard or general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual, ~~or~~ standard or general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two-year period.

(b) No change.

1. through 4. No change.

(c) For an individual, ~~or~~ standard or general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual, ~~or~~ standard or general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) No change.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-Permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The ~~District Governing Board~~ takes action on an application for extension of an individual permit, or

2. Staff takes action on an application for extension of a standard ~~general~~ permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) through (4) No change.

(5) Substantial modifications to individual, ~~or~~ standard or general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual, ~~or~~ standard or general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06, 12-1-11.

40E-4.331 Modification of Permits.

An application for modification of an environmental resource, or surface water management permit shall be processed in accordance with this rule, unless the permit has expired or has been otherwise revoked or suspended.

(1) No change.

(2) Applications to modify environmental resource, or surface water management individual, ~~or~~ standard or general permits shall be made by the following methods:

(a) through (b) No change.

(c) Modifications pursuant to paragraph (2)(b) above are acknowledged and approved by letter from the Regulation ~~Division~~ ~~Department~~ Director or designee through correspondence to the permittee.

(3) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(1) FS. History–New 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(a), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 12-1-11.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) In order to convert an environmental resource or surface water management permit from the construction phase to the operational phase, the permittee shall submit the following:

(a) A completed and executed Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity (Form No. 0920); ~~incorporated by reference in Rule 40E-1.659, F.A.C. Form No. 0920, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436, in Rule 40E-1.659, F.A.C.;~~

(b) A completed and executed Environmental Resource/Surface Water Management Permit Construction Completion Certification (Form No. 0881A or Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995 (Form No. 0881B), ~~incorporated by reference in Rule 40E-1.659, F.A.C.;~~ in accordance with Section 10.0 of the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District,"; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C. Form No. 0881A and Form No. 0881B, both effective December 2011, are incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436; and

(c) No change.

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

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,"; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C. The professional engineer or other individual authorized by law shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District or submit electronically at [www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting); and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0; of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,"; incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C., has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History—New 10-3-95, Amended 1-7-97, 4-14-03, 9-16-03, 7-22-07, 12-1-11.

40E-4.381 General Conditions.

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

(c) Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. ~~All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988) incorporated by reference in Rule 40E-4.091, F.A.C., unless a project specific erosion and sediment control plan is approved as part of the permit.~~

Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(d) The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource/Surface Water Management Permit Construction Commencement Notice (Form No. 0960), ~~incorporated by reference in Rule 40E-1.659, F.A.C.~~, indicating the actual start date and the expected completion date. Form No. 0960, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(e) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing the District's Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction (Form No. 0961), ~~incorporated by reference in Rule 40E-1.659, F.A.C.~~ The Annual Status Report Forms shall be submitted the following June of each year. Form No. 0961, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(f) Within thirty days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion Certification (Form No. 0881A), or Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995 (Form No. 0881B), ~~September 2003~~, incorporated by reference in paragraph 40E-4.361(1)(b), F.A.C., Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be

clearly shown. The plans must be clearly labeled as “as-built” or “record” drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(g) The operation phase of this permit shall not become effective until: the permittee has complied with the requirements of paragraph (f) above, has submitted a Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity (Form No. 0920), ~~incorporated by reference in Rule 40E-1.659, F.A.C.~~; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District,” incorporated by reference in paragraph Rule 40E-4.091(1)(a), F.A.C., accepts responsibility for operation and maintenance of the system. Form No. 0920, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) through (i) No change.

(j) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District by electronic mail at the District’s e-Permitting website or in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(k) through (l) No change.

(m) The permittee must obtain a water use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(3)(4), F.A.C., also known as the “No Notice” rule.

(n) through (q) No change.

(r) If historical or archaeological artifacts are discovered at any time on the project site, the permittee, or other designee, should contact shall immediately notify the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850)245-6333 or 1(800)847-7278, as well as the appropriate District Service Center. The phone numbers and addresses for the District’s Service Centers are located online at www.sfwmd.gov, “Locations.”

(s) No change.

(2) In addition to those general conditions set forth in subsection (1), the ~~District Governing Board~~ shall impose on any permit granted under this chapter and Chapter 40E-40, F.A.C., such reasonable project-specific special conditions as are necessary to ensure that the permitted system will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C. Upon receipt of notice of proposed agency action, any substantially affected persons shall have the right to request a hearing in accordance with Rules 40E-1.511 and 40E-1.521, F.A.C.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.171, 668.003, 668.004, 668.50 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426, 668.003, 668.004, 668.50 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, 4-14-03, 9-16-03, 10-1-06, 7-22-07, 12-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anita R. Bain, Environmental Resource Permitting Division Director

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-40.010	Review of Environmental Resource Standard Permit Applications
40E-40.011	Policy and Purpose
40E-40.031	Implementation
40E-40.041	Permit Thresholds
40E-40.042	Standard Permit for Incidental Site Activities
40E-40.051	Standard Permit Authorization
40E-40.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-40.141	Request for Additional Information
40E-40.302	Conditions for Issuance of Permits
40E-40.321	Duration of Permits
40E-40.331	Modification of Permits
40E-40.341	District Revocation or Modification of Permits
40E-40.381	General Conditions
40E-40.391	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule amendments were identified for correction/updating in accordance with Section 120.74, F.S. The proposed rule amendments: 1) correct

the District's rules to delete "general" from standard permits pursuant to Section 373.118(1), F.S.; 2) update incorporation language pursuant to Section 120.55(1)(a)4., F.S., and Rule 1B-30.005, F.A.C.; 3) include hyperlinks to materials incorporated by reference pursuant to Section 30.005, F.A.C.; 4) update titles of directors; 5) delete reference to repealed rule; and 6) delete outdated language.

SUMMARY: In compliance with Section 120.74, F.S., the proposed rule amendments update the District's rules to be consistent with statutes and eliminate outdated language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Cost. The proposed rules will have no effect on small business. Individuals and other entities, including governmental entities and other users of the District's 40E administrative rules will benefit from the use of more accurate and up-to-date rules.

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.

The proposed rules do not require legislative ratification pursuant to Section 120.54(3), F.S.

RULEMAKING AUTHORITY: 120.53(1), 120.54(5), 120.54(8), 120.60, 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.413(1), 373.414, 403.812 FS.

LAW IMPLEMENTED: 120.54, 120.60, 373.046, 373.103, 373.118, 373.403, 373.406, 373.413, 373.414, 373.416, 373.419, 373.426, 373.427, 373.429 FS.

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

DATE AND TIME: October 13, 2011, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management

District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

#### ~~GENERAL~~ ENVIRONMENTAL RESOURCE STANDARD PERMITS

40E-40.010 Review of Environmental Resource Standard ~~General~~ Permit Applications.

Environmental Resource Standard ~~General~~ permit applications are processed pursuant to Section 120.60, F.S., Part VI of Chapter 40E-1, F.A.C., and Chapter 28-106, F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended 12-1-11.

40E-40.011 Policy and Purpose.

(1) The rules in this chapter authorize environmental resource standard ~~general~~ permits for certain surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. This chapter sets forth the requirements for qualifying for a standard ~~general~~ permit and the conditions under which it may be exercised. Unless expressly exempted by Rule 40E-4.051, F.A.C., surface water management systems which do not qualify for a no notice or noticed general permit pursuant to Chapter 40E-400, F.A.C., and which do not qualify for a standard ~~general~~ permit pursuant to this chapter are required to obtain individual environmental resource permits pursuant to Chapter 40E-4, F.A.C.

(2) No change.

(3) The rules in this chapter also authorize standard ~~general~~ permits for incidental site activities in uplands which may be done in conjunction with the work set forth in an individual environmental resource permit application. Projects qualifying for a standard ~~general~~ permit for incidental site activities shall obtain an individual environmental resource permit for the proposed system and activities in, on, or over wetlands or other surface waters in accordance with this chapter, Chapter 40E-4 or 40E-400, F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.413(1) FS. Law Implemented 373.118, 373.413(1), 373.416 FS. History—New 9-3-81, Formerly 16K-4.021(1)(d), 16K-4.022(1)(e), Amended 7-26-87, 4-20-94, 10-3-95, 12-1-11.

40E-40.031 Implementation.

(1) Rule 40E-4.031, F.A.C., specifies the effective dates for the environmental resource standard ~~general~~ permits granted in this chapter.

(2) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.118(1) FS. Law Implemented 373.103(1), Part IV, Ch. 373 FS. History–New 9-3-81, Amended 12-1-82, 7-26-87, 4-20-94, 10-3-95, 12-1-11.

40E-40.041 Permit Thresholds.

(1) Any non-exempt surface water management systems which do not qualify for a no notice or noticed general environmental resource permit, and do not exceed the threshold for individual permits as listed below, shall obtain a standard ~~general~~ permit.

(2) No change.

(3) Notwithstanding the provisions of subsection (2), phases within a conceptually approved project shall be processed as standard ~~general~~ permits provided:

(a) through (c) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.406(5), 373.413(1), 373.416 FS. History–New 4-20-94, Amended 10-3-95, 5-28-00, 6-26-02, 12-1-11.

40E-40.042 Standard ~~General~~ Permit for Incidental Site Activities.

(1) through (2) No change.

(3) In order to receive a permit under this rule the applicant must:

(a) Submit an environmental resource permit application deemed complete, as evidenced by a letter of completeness from the District;

(b) Receive a preliminary staff recommendation of approval of such application; ~~and~~

(c) Submit Form 0444 and plans or a description of incidental site activities proposed, including proposed locations for work; ~~and~~

(d) No change.

(4) No change.

(5) An application for a Standard General Permit for Incidental Site Activities, Form No. 0444 must be submitted ~~Authorization~~ to conduct incidental site activities pursuant to this rule ~~must be approved by the Regulation Department Director or designee by letter to the applicant. Form No. 0444, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext 6436, or (561)682-6436.~~

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.103(4), 373.118, 373.413, 373.416 FS. History–New 9-3-81, Formerly 16K-4.021(1), 16K-4.022(1), Amended 12-1-82, 7-26-87, 4-20-94, 10-3-95, 5-28-00, 12-1-11.

40E-40.051 Standard ~~General~~ Permit Authorization.

(1) Application procedures for standard ~~general~~ environmental resource permits are set forth in Rule 40E-1.603, F.A.C., and are incorporated by reference in this rule.

(2) Standard ~~general~~ environmental resource permit authorizations are set forth in Rule 40E-4.303, F.A.C., and are incorporated by reference in this rule.

(3) Agency action shall be taken no later than 60 days after a standard ~~general~~ permit application is declared complete, unless waived by the applicant or stayed by the filing of a petition for an administrative hearing.

(4) For applications for standard ~~general~~ permits, the ~~Governing Board delegates to and appoints the~~ Executive Director, ~~Assistant Deputy Executive Director, Water Resource Regulation Division Department~~ Director, ~~Water Resource Regulation Division Assistant Department Deputy~~ Director, Environmental Resource Permitting ~~Bureau Chief, Division Director, Division Directors,~~ and Service Center ~~Administrators Directors,~~ shall conduct review and issue as its agents for the purposes of reviewing and issuing these permits.

(5) For standard ~~general~~ environmental resource permit applications, or permit applications under subsections 373.414(11)-(16), F.S., which involve activities located on submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund under Chapters 253 or 258, F.A.C., the District shall conduct concurrent application and review procedures in accordance with Section 373.427, F.S., Chapter 18-21, F.A.C., and Rules 62-343.075 and 18-18.014, F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103(2), 373.103(6), 373.427 FS. History–New 10-3-95, Amended 4-1-96, 5-28-00, 7-19-07, 12-1-11.

40E-40.141 Request for Additional Information.

The District may request additional information from standard ~~general~~ permit applicants in accordance with paragraph 40E-1.603(1)(c), F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.416, 373.419 FS. History–New 9-3-81, Amended 4-20-94, 10-3-95, 4-14-03, 12-1-11.

40E-40.302 Conditions for Issuance of Permits.

In order to qualify for a standard ~~general~~ permit under this chapter, the applicant must give reasonable assurances that the surface water management system meets the following general conditions:

(1) through (2) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.046, 373.413, 373.416 FS. History–New 9-3-81, Formerly 16K-4.021(1)(a), (2), 16K-4.022(1)(a), (b), Amended 12-1-82, 7-26-87, 11-15-92, 4-20-94, 10-3-95, 12-1-11.

40E-40.321 Duration of Permits.

Unless revoked or otherwise modified, the duration of a standard ~~general~~ permit authorized pursuant to this chapter is set forth in Rule 40E-4.321, F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.426 FS. History–New 9-3-81, Amended 12-1-82, 7-26-87, 4-20-94, 10-3-95, 12-1-11.

40E-40.331 Modification of Permits.

A request for modification of an environmental resource standard ~~general~~ permit shall be made in accordance with this chapter, unless the permit has expired or has been otherwise revoked or suspended. Requests to modify such permits shall be made:

- (1) through (2) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(1) FS. History–New 12-1-82, Amended 4-20-94, 10-3-95, 12-1-11.

40E-40.341 District Revocation or Modification of Permits.

The Governing Board may revoke a permit in accordance with the provisions of Chapter 373, F.S., and Rules 40E-1.609 and ~~28-107.004~~, F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(6), 373.429 FS. History–New 9-3-81, Formerly 16K-4.021(1)(e), 16K-4.022(1)(f), Amended 12-1-82, 10-3-95, 7-2-98, 12-1-11.

40E-40.381 General Conditions.

(1) The standard ~~general~~ permits authorized pursuant to this chapter shall be subject to the general conditions set forth in Rule 40E-4.381, F.A.C.

(2) In addition to the general conditions referenced in subsection (1), the following shall apply to standard ~~general~~ permits authorizing incidental site activities:

- (a) through (f) No change.

(3) The standard ~~general~~ permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.117, 373.118, 373.413, 373.416, 373.419 FS. History–New 9-3-81, Formerly 16K-4.021(1)(b), 16K-4.022(1)(c), Amended 7-26-87, 4-20-94, 10-3-95, 4-14-03, 12-1-11.

40E-40.391 Forms and Instructions.

- (1) No change.

(2) ~~Forms and instructions are available at District Service Centers upon request.~~

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.52(16), 120.53(1), 373.085, 373.116, 373.118, 373.103, 373.106, 373.229, 373.413 FS. History–New 10-3-95, Amended 12-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Environmental Resource Permitting Division Director

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-41.121	Definitions
40E-41.243	Application of Part III
40E-41.260	Content of Application
40E-41.263	Conditions for Issuance of Surface Water Management Permits in the C-51 Basin
40E-41.265	Conditions for Issuance of Right-of-Way Permits in the C-51 Basin
40E-41.363	Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

PURPOSE AND EFFECT: The proposed rule amendments were identified for correction/updating in accordance with Section 120.74, F.S. The amendments are as follows: 1) update processes; 2) delete unnecessary titles of rule numbers within text; 3) renumber Figures 1-6 to 41-10-41-15; 4) delete reference to repealed rule; and 5) add incorporation language.

SUMMARY: In compliance with Section 120.74, F.S., the proposed rule amendments update the District’s rules to be consistent with statutes and correct deficiencies in its rules.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The District has prepared a Statement of Estimated Regulatory Costs. The proposed rules will have no adverse affect on small business. Individuals and other entities, including governmental entities and other users of the District’s 40E administrative rules will benefit from the use of more accurate and up-to-date rules.

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.

The proposed rules do not require legislative ratification pursuant to Section 120.54(3), F.S.

**RULEMAKING AUTHORITY:** 120.53(1), 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.085, 373.086, 373.413, 373.416 FS.

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

**DATE AND TIME:** October 13, 2011, 9:00 a.m.

**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov

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

40E-41.121 Definitions.

When used in this Part:

(1) No change.

(2) “Floodplain” means that area depicted on Figure 41-3, Plates 1 through 5, incorporated by reference in Chapter Rule 40E-41, F.A.C. ~~The large scale originals of these plates are located at the main office of the District.~~

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New 5-1-85, Amended 12-1-11.

40E-41.243 Application of Part III.

(1) All projects located within the C-51 Basin which propose to discharge directly or indirectly into C-51 Canal or which are connected directly or indirectly in the C-51 Basin and which require permits pursuant to Rule 40E-4.041, F.A.C., or this part shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, ~~or 40E-4.302~~ ~~40E-4.302~~, F.A.C., ~~(Surface Water Management, Conditions for Issuance of a Permit)~~, and 40E-41.263, F.A.C., ~~(Conditions for Issuance of Surface Water Management Permits in the C-51 Basin)~~, unless specifically exempted by Rule 40E-4.051, F.A.C.; ~~(Surface Water Management, Exemptions).~~

(2) The criteria in Rule 40E-41.263, F.A.C., ~~(Conditions for Issuance of Surface Water Management Permits in the C-51 Basin)~~, shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.413, 373.416 FS. History–New 5-15-87, Amended 4-20-94, 12-1-11.

40E-41.260 Content of Application.

(1) No change.

(2) In addition all projects in the C-51 Basin which require permits pursuant to Rule 40E-4.041, F.A.C., ~~(Surface Water Management, Permits Required)~~, shall submit the information specified by Rule 40E-4.101 or 40E-40.112, F.A.C.; ~~(Surface Water Management, Content of Application)~~, and all projects located in the C-51 Basin which require a permit pursuant to Rule 40E-6.041, F.A.C., ~~(Works of the District, Consent Required)~~, shall submit the information required under Rule 40E-6.101, F.A.C.; ~~(Works of the District, Content of Application).~~

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History–New 5-15-87, Amended 4-20-94, 12-1-11.

40E-41.263 Conditions for Issuance of ~~Surface Water Management~~ Permits in the C-51 Basin.

The following criteria shall apply:

(1)(a) No change.

(b) This criteria is not intended to limit inflows to the C-51 Canal to the rates specified in subsection (a) above during non-flood conditions. Discharge capacity up to 27 cfs during non-flood conditions shall be considered on a case-by-case



basis pursuant to the criteria in the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District.” incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., (~~Basis of Review~~) and Rule 40E-4.301, F.A.C. (~~Conditions for Issuance~~);

(2) through (3) No change.

(4) All criteria in the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District.” which is incorporated and adopted by reference in paragraph Rule 40E-4.091(1)(a), F.A.C., (~~Surface Water Management, Publications Incorporated by Reference~~).

(5) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History–New 5-15-87, Amended 12-1-11.

40E-41.265 Conditions for Issuance of Right-of-Way Permits in the C-51 Basin.

Any drainage connection to C-51 Canal within the C-51 Basin must be part of a surface water management system approved under Rule 40E-41.263, F.A.C., (~~Conditions for Issuance of Surface Water Management Permits in the C-51 Basin~~).

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 5-15-87, Amended 12-1-11.

40E-41.363 Conditions for Issuance of ~~Environmental Resource Permits and Surface Water Management~~ Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.

(1) through (6) No change.

(7) Reduced mitigation ratios set forth in sections 4.3.2.4 and ~~4.3.9 (Melaleuca Rule)~~ of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District.” incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., shall not apply in the WPA.

(8) In order to qualify for the reduced mitigation ratios set forth in section 4.3.2.4 and ~~4.3.9 (Melaleuca Rule)~~ of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District.” incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., projects located within the WPAB shall:

(a) through (c) No change.

(9) through (10) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New 10-21-01, Amended 12-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Environmental Resource Permitting Division Director

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-400.211	Processing Procedures for Noticed General Permits
40E-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks
40E-400.443	General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit for Minor Activities Within Existing FDOT Rights-of-Way or Easements
40E-400.470	Noticed General Permit for Temporary Agricultural Activities
40E-400.475	General Permit for Minor Activities
40E-400.487	General Permit to the Department to Change Operating Schedules for Department or District Water Control Structures
40E-400.500	General Permit for Construction, Operation, Maintenance, Alteration, Removal or Abandonment of Minor Silvicultural Surface Water Management Systems

PURPOSE AND EFFECT: The proposed rule amendments were identified for correction/updating in accordance with Section 120.74, F.S. The amendments are as follows: 1) update incorporation pursuant to Section 120.55(1)(a)4., F.S., and Rule 1B-30.005, F.A.C., and include hyperlinks to materials incorporated by reference pursuant to Section 120.54(1)(i), F.S.; 2) delete “general” from standard permits pursuant to Section 373.118, F.S.; 3) delete incorporated material no longer

relied upon; 4) correct citations; 6) update filing procedures; 5) correct text to be consistent with rule title; and 6) repeal unnecessary rule.

SUMMARY: In compliance with Section 120.74, F.S., the proposed rule amendments update the District's rules to be consistent with statutes and correct deficiencies in its rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Costs. The proposed rules will have no adverse affect on small business. Individuals and entities, including governmental entities and other users of the District's 40E administrative rules will benefit from the use of more accurate and up-to-date rules.

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.

The proposed rules do not require legislative ratification pursuant to Section 120.54(3), F.S.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 403.067(7)(d), 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.60, 373.118, 373.119, 373.413, 373.414, 373.416, 373.423, 373.426, 403.067(7)(d), 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: October 13, 2011, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-400.211 Processing Procedures for Noticed General Permits.

(1) No change.

(2) Any person wishing to construct, operate, maintain, alter, abandon, or remove a surface water management system pursuant to a noticed general permit set forth in this chapter shall provide notice to the District by submitting a complete Notice of Intent to Use a Noticed General Environmental Resource Permit; (Form No. 0980) including the appropriate application fee required in Rule 40E-1.607, F.A.C., to the District at least 30 days prior to undertaking construction, operation, maintenance, alteration, abandonment, or removal of the system. For the purposes of this subsection, the application form is only considered submitted when it is actually received by the District. Form No. 0980, effective date December 2011, is incorporated by reference herein and can available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406.

(3) If the District determines that the system does not qualify for a noticed general permit, the District shall so notify the applicant by regular United States mail or electronic mail within 30 days of receiving Form No. 0980. For the purposes of this subsection, District mailing or electronic mailing of notification shall be deemed to occur when the notice is sent electronically or is properly addressed, stamped, and deposited in the United States mail, and the postmark date shall be the date of mailing. When the District notifies the applicant that the system does not qualify for a noticed general permit due to an error or omission in the original notice to the District, the applicant shall have 60 days from the date of the notification to amend the notice to use the general permit and submit additional information to correct such error or omission. If the applicant amends the notice to use a noticed general permit and submits additional information correcting the error or omission within the 60 day time limit, no additional application fee will be required for the noticed general permit. If the District does not mail or electronically mail the notice informing the applicant that the system does not qualify for a noticed general permit within 30 days of receipt of the original notice to use the general permit, or receipt of amended notice to use the general permit, the applicant may conduct the activity authorized by the noticed general permit, except as otherwise provided in Rules 40E-400.475 and 40E-400.500, F.A.C.

(4) If the District notifies an applicant that the system for which a noticed general permit is sought does not qualify for the noticed general permit, the applicant may apply for a standard ~~general~~ or individual permit. The application fee for the noticed general permit shall be applied to the application fee for a standard ~~general~~ or individual permit if the applicant applies for such a permit within 60 days of notification by the District.

(5) through (10) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

~~Rulemaking Specific~~ Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History–New 10-3-95, Amended 7-2-98, 10-1-06, 12-1-11.

40E-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

(1)(a) No change.

(b) The boat ramp is not part of a larger plan of development proposed by the applicant which requires a standard general or individual environmental resource permit;

(c) through (m) No change.

(n) The accessory docks shall not be used for overnight mooring, except for accessory docks at a boat ramp at a single family residence.;

(2) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

~~Rulemaking Specific~~ Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 4-14-03, 12-1-11.

40E-400.443 General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) No change.

(2)(a) through (j) No change.

~~(k) The permittee shall use erosion and sediment control best management practices, in strict compliance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C., to prevent violations of state water quality standards;~~

~~(k)(t)~~ This general permit authorizes dredging and filling for the replacement, modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this pPermit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, before the start of construction; and

~~(l)(m)~~ This general permit does not authorize replacement or modification of bridges or approaches which involve the construction of additional traffic lanes.

PROPOSED EFFECTIVE DATE: December 1, 2011

~~Rulemaking Specific~~ Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.426 FS. History–New 10-3-95, Amended 9-9-07, 12-1-11.

40E-400.447 General Permit for Minor Activities Within Existing Rights-of-Way or Easements.

(1) No change.

(2) This general permit shall be subject to the following specific conditions:

~~(a) The permittee shall use erosion and sediment control best management practices in strict compliance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), incorporated by reference in Rule 40E-4.091, F.A.C., to prevent violation of state water quality standards.~~

~~(a)(b)~~ Immediately following completion of slope construction, the fill areas and any disturbed banks of wetlands or other surface waters shall be stabilized with vegetation or riprap to prevent erosion. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within 7 seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues.

~~(b)(e)~~ In addition to complying with the notice provisions of Rule 40E-400.211, F.A.C., at least 90 days prior to commencement of construction, the permittee shall provide written notification to the appropriate District Service Center of the date the permitted construction activities are planned to begin and within 90 days following completion of construction the permittee shall provide written notification to the appropriate District Service Center of the date construction activities are completed.

~~(c)(d)~~ The permittee shall limit stream channel relocation to streams which have an average annual discharge of 10 cfs cubic feet per second or less. The length of relocated channels or those significantly altered shall be limited to 200 feet per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability.

~~(d)(e)~~ This general permit shall not apply to ditch construction in Class I or Class II surface waters, Outstanding National Resource Waters or waters designated as Outstanding Florida Waters.

(3) No change.

PROPOSED EFFECTIVE DATE: December 1, 2011

~~Rulemaking Specific~~ Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.426 FS. History–New 10-3-95, Amended 6-26-02, 9-9-07, 12-1-11.

40E-400.470 Noticed General Permit for Temporary Agricultural Activities.

(1)(a) through (e) No change.

(f) No works or farming activities shall occur within 50 feet of a wetland as defined in Section 373.019(25) ~~(22)~~, F.S. If wetlands are located within the project area, a minimum 50-foot undisturbed buffer must be maintained around the wetland;

(g) through (q) No change.

(2) through (5) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS. History–New 9-6-01, Amended 12-1-11.

40E-400.475 General Permit for Minor Activities.

(1) through (2) No change.

(3) Persons wishing to qualify for this general permit may file an application electronically ~~must file a written or electronic request~~ at the District’s e-Permitting website, or South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District’s Service Centers, describing the proposed activities and providing plans and other information necessary to evaluate the potential for adverse impacts from the proposed activities. The addresses and phone numbers of the District’s Service Centers are available at [www.sfwmd.gov](http://www.sfwmd.gov), “Locations.” Any persons proposing a system described in paragraph (1)(e) ~~(1)(f)~~ above, shall submit tax parcel information or other documentation, sufficient to establish that the property is not part of a tract of land that was divided into two or more parcels after July 1, 1994. The District will provide notification in writing or by electronic mail to the applicant whether the proposed activity qualifies for this general permit within 30 days of submittal of the written or electronic request. The proposed activity may not commence until the District has provided notice in writing or by electronic mail that the applicant qualifies for the general permit.

(4) through (6) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History–New 10-3-95, Amended 10-1-06, 12-1-11.

40E-400.487 General Permit to the Department to Change Operating Schedules for Department or District Water Control Structures.

(1) A general permit is hereby granted to the Department to change the operating schedules for existing water control structures that are owned or operated by the Department or the District when such changes are for the purpose of environmental restoration or enhancement.

(2) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.416 FS. History–New 10-3-95, Amended 12-1-11.

40E-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Removal or Abandonment of Minor Silvicultural Surface Water Management Systems.

(1) No change.

(2) No construction, operation, maintenance (including repair or replacement), alteration, abandonment, or removal of the minor silvicultural surface water management system described in subsection (1) of this section, shall commence until a completed Notice of Intent to Construct a Minor Silvicultural System (Form No. 0974), is received by the District or said Notice of Intent is properly addressed and stamped and deposited in the United States mail, in which case the postmark date shall be the date of receipt. Form No. 0974, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406. Applicants may also submit annual schedules of proposed silvicultural surface water management systems that meet the requirements of this chapter, including completed permit applications for each activity. The construction, operation, maintenance, alteration, abandonment or removal shall only be authorized when the Notice of Intent is received by the District and provided the proposed activity qualifies for the general permit pursuant to this section and the conditions of issuance are followed.

(3) through (4) No change.

(5)(a) through (g) No change.

(h) In addition to the performance standards set forth in paragraphs (a)-(g) above, the applicant, in undertaking the activities authorized herein, must utilize the best management practices set forth in “Silviculture Best Management Practices for Silviculture Manual” (2003) ~~(1993)~~ published by the Division of Forestry, Florida Department of Agriculture and Consumer Services.

(i) No change.

(6) No change.

**PROPOSED EFFECTIVE DATE: December 1, 2011**

Rulemaking Specific Authority 373.044, 373.113, 373.118, 403.067(7)(d) FS. Law Implemented 373.118, 373.413, 373.416, 373.426, 403.067(7)(d) FS. History–New 10-3-95, Amended 12-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anita R. Bain, Environmental Resource Permitting Division Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-1.0021  
 RULE TITLE: Administrative Actions and Enforcement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal the rule. The rule duplicates administrative action and enforcement processes set out in Chapters 120 and 509, Florida Statutes. Repeal will not change the division's administrative actions processes.

SUMMARY: Repeal of rule relating to administrative action and enforcement processes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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: 509.032, 509.032(2)(d) FS.

LAW IMPLEMENTED: 509.091, 509.261 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, Michelle.Comingore@dbpr.state.fl.us, (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.0021 Administrative Actions and Enforcement.

Rulemaking Specific Authority 509.032, 509.032(2)(d) FS. Law Implemented 509.091, 509.261 FS. History--New 3-31-94, Amended 10-9-95, 9-25-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-10.002  
 RULE TITLE: Application and Licensure Fees

PURPOSE AND EFFECT: The proposed rule amendment is intended to implement fees for those physicians who seek a temporary certificate to practice in an area of critical need.

SUMMARY: The proposed rule amendment implements an application fee in the amount of \$300 for physicians seeking a temporary certificate to practice in an area of critical need and to set forth the initial licensure fee in the amount of \$429.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 456.013(2), 456.025(1), 459.0076, 459.0077, 459.0092 FS.

LAW IMPLEMENTED: 456.013(2), 459.007, 459.0077, 459.0092 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-10.002 Application and Licensure Fees.

(1) through (2) No change.

(3) The application fee for a temporary certificate to practice in an area of critical need shall be \$300.00. This fee is nonrefundable. The initial licensure fee shall be \$429.00. If

however, the person applying for a temporary certificate to practice in an area of critical need submits an affidavit from the employing agency or institution stating that the applicant will not receive monetary compensation for any service involving the practice of medicine, the application and licensure fees shall be waived.

- (4)(3) No change.
- (5)(4) No change.
- (6)(5) No change.

Rulemaking Specific Authority 456.013(2), 456.025(1), 459.0076, 459.0077, 459.0092 FS. Law Implemented 456.013(2), 459.007, 459.0077, 459.0092 FS. History–New 10-23-79, Amended 10-3-83, Formerly 21R-10.02, Amended 5-13-87, 4-21-88, 10-28-91, 11-9-92, 4-1-93, Formerly 21R-10.002, 61F9-10.002, Amended 12-28-95, Formerly 59W-10.002, Amended 12-13-98, 2-26-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.010  
RULE TITLE: Temporary Certificate for Practice in an Area of Critical Need

PURPOSE AND EFFECT: The proposed rule is intended to incorporate the application form for practice in an area of critical need and to identify the manner in which to obtain the application form.

SUMMARY: The proposed rule incorporates the application form for practice in an area of critical need and sets forth the manner in which applicants may obtain the application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.013(4), 456.033(7), 459.005, 459.0055(1)(i) FS.

LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007, 459.0076 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.010 Temporary Certificate to Practice in an Area of Critical Need.

Applications for Temporary Certificate to Practice in an Area of Critical Need must include a completed application form and appropriate fee as set forth in Section 459.0076, F.S., and subsection 64B15-10.002, F.A.C. The instructions and application form, DH-MQA 1249, (05/11), entitled “Application For Temporary Certificate for Practice in an Area of Critical Need” is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or from the Board’s website at: [www.doh.state.fl.us/mqa/osteopath/index.html](http://www.doh.state.fl.us/mqa/osteopath/index.html). Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

Rulemaking Authority 456.013(4), 456.033(7), 459.005, 459.0055(1)(i) FS. Law Implemented 456.031(2), 456.033(6), 459.0055, 459.006, 459.007, 459.0076 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.005  
RULE TITLE: Standards for the Use of Controlled Substances for Treatment of Pain

PURPOSE AND EFFECT: The proposed rule amendments clarify the rule with regard to the appropriate standards to be utilized in the use of controlled substances for the treatment of pain.

SUMMARY: The proposed rule amendments clarify the Board's rule with regard to the appropriate standards for all physicians who prescribe or dispense controlled substances for the treatment of pain.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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: 459.005(1) FS.

LAW IMPLEMENTED: 459.003(3), 459.015(1)(g), (x) 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) through (2) No change.

(3) Guidelines. The Board has adopted the following guidelines when evaluating the use of controlled substances for pain control:

(a) Evaluation of the Patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record ~~shall~~ ~~should~~ document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The medical record also ~~shall~~ ~~should~~ document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan ~~shall~~ ~~should~~ state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and ~~shall~~ ~~should~~ indicate if any further

diagnostic evaluations or other treatments are planned. After treatment begins, the osteopathic physician ~~shall~~ ~~should~~ adjust drug therapy, if necessary, to the individual medical needs of each patient. Other treatment modalities, including osteopathic manipulative treatment and applications, or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) Informed Consent and Agreement for Treatment. The osteopathic physician ~~shall~~ ~~should~~ discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is incompetent. The patient ~~shall~~ ~~should~~ receive prescriptions from one osteopathic physician and one pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the osteopathic physician ~~shall~~ ~~may~~ employ the use of a written agreement between physician and patient outlining patient responsibilities, including, but not limited to:

1. through 3. No change.

(d) Periodic Review. ~~Based~~ ~~At reasonable intervals~~ ~~based~~ on the individual circumstances of the patient, the osteopathic physician ~~shall~~ ~~should~~ review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy ~~shall~~ ~~should~~ depend on the osteopathic physician's evaluation of progress toward stated treatment objectives such as improvement in patient's pain intensity and improved physical and/or psychosocial function, i.e., ability to work, need of health care resources, activities of daily living, and quality of social life. If treatment goals are not being achieved, despite medication adjustments, the osteopathic physician ~~shall~~ ~~should~~ reevaluate the appropriateness of continued treatment. The osteopathic physician ~~shall~~ ~~should~~ monitor patient compliance in medication usage and related treatment plans.

(e) Consultation. The osteopathic physician ~~shall~~ ~~should~~ be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention ~~must~~ ~~should~~ be given to those pain patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder may require extra care, monitoring, documentation, and consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The osteopathic physician is required to keep accurate and complete records to include, but not be limited to:

1. The complete medical history and a physical examination, including history of drug abuse or dependence, as appropriate;

2. through 7. No change.

8. Instructions and agreements; ~~and~~

9. Drug testing results; and

~~10.9.~~ Periodic reviews. Records must remain current, ~~and~~ ~~be~~ maintained in an accessible manner, ~~and~~ readily available for review, ~~and must be in full compliance with Rule 64B15-15.004, F.A.C., and Section 459.015(1)(o), F.S.~~

(g) No change.

Rulemaking Specific Authority 459.005(1) FS. Law Implemented 459.003(3), 459.015(1)(g), (x) FS. History--New 3-9-00, Amended 11-14-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 24, 2010

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: RULE TITLE:

64B15-19.002 Violations and Penalties

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional violations and the disciplinary guidelines for those violations.

SUMMARY: The proposed rule amendments set forth various violations and the range of disciplinary guidelines for the violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of

its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (56) No change.

(57) Being terminated for cause, from a treatment program for impaired practitioners, as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program. (456.072(1)(hh) F.S.)

FIRST OFFENSE:

stayed suspension and probation and \$2,500 fine

suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine

SECOND OFFENSE:

suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to



	be followed by probation and \$7,500 fine	
(58) through (64) No change.		
<u>(65) Registration of pain clinic by a designated physician through misrepresentation or fraud.</u>		
<u>(459.015(1)(qq)1., F.S.)</u>		
<u>(a) For registering a pain clinic through misrepresentation.</u>		
<u>FIRST OFFENSE:</u>	<u>letter of concern and a \$1,000 fine.</u>	<u>probation and a \$5,000 fine.</u>
<u>SECOND OFFENSE:</u>	<u>probation and a \$5,000 fine.</u>	<u>revocation and a \$10,000 fine.</u>
<u>(b) For registering a pain clinic through fraud.</u>		
<u>FIRST OFFENSE:</u>	<u>revocation and a \$10,000 fine.</u>	
(66) <u>Procuring or attempting to procure, the registration of a pain management clinic for any other person by making or causing to be made, any false representation.</u>		
<u>(459.015(1)(qq)2., F.S.)</u>		
<u>FIRST OFFENSE:</u>	<u>revocation and a \$10,000 fine.</u>	
<u>(67) Failing to comply with any requirement of Chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C., ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention Control Act; or Chapter 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act.</u>		
<u>(459.015(1)(qq)3., F.S.)</u>		
<u>FIRST OFFENSE:</u>	<u>letter of concern and a \$1,000 fine.</u>	<u>probation and a \$5,000 fine.</u>
<u>SECOND OFFENSE:</u>	<u>reprimand and a \$5,000.00 fine.</u>	<u>suspension, followed by a period of probation, and a \$10,000 fine.</u>
<u>THIRD OFFENSE:</u>	<u>reprimand and a \$7,500 fine.</u>	<u>revocation and a \$10,000 fine.</u>
(68) <u>Being convicted of or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, or any other state, or of the United States.</u>		
<u>(459.015(1)(qq)4., F.S.)</u>		
<u>FIRST OFFENSE:</u>	<u>probation and a \$1,000 fine.</u>	<u>revocation and a \$10,000 fine.</u>
<u>SECOND OFFENSE:</u>	<u>suspension and a \$5,000 fine.</u>	<u>revocation and a \$10,000 fine.</u>
(69) <u>Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for any offense that would constitute a violation of Chapter 459, F.S.</u>		
<u>(459.015(1)(qq)5., F.S.)</u>		
<u>FIRST OFFENSE:</u>	<u>from imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida and a \$1,000 fine.</u>	<u>suspension until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and a \$5,000 fine.</u>

SECOND OFFENSE: from imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida and a \$5,000 fine. revocation and a \$10,000 fine.

(70) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to the practice of, or the ability to practice, a licensed health care profession.

(459.015(1)(qq)6., F.S.)

FIRST OFFENSE: probation and a \$1,000 fine. revocation and a \$10,000 fine.

SECOND OFFENSE: suspension and a \$5,000 fine. revocation and a \$10,000 fine.

(71) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to health care fraud.

(459.015(1)(qq)7., F.S.)

(a) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime relating to healthcare fraud in dollar amounts in excess of \$5,000.00.

FIRST OFFENSE: revocation and a \$5,000 fine. revocation and a \$10,000 fine.

SECOND OFFENSE: revocation and a \$7,500 fine. revocation and a \$10,000 fine.

(b) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime relating to healthcare fraud in dollar amounts of \$5,000.00 or less.

(459.015(1)(qq), F.S.)

FIRST OFFENSE: suspension, followed by a period of probation, and a \$10,000 fine. revocation and a \$10,000 fine.

SECOND OFFENSE: (72) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003(14), or s. 893.02, F.S., if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship.

(459.015(1)(qq)8., F.S.)

FIRST OFFENSE: reprimand and a \$1,000 fine. revocation and a \$10,000 fine.

SECOND OFFENSE: probation and a \$5,000 fine. revocation and a \$10,000 fine.

(73) Failing to timely notify the Board of the date of his or her termination from a pain management clinic as required by s. 459.0137(2)(e), F.S.

(459.015(1)(qq)9., F.S.)

FIRST OFFENSE: letter of concern and a \$1,000 fine. probation and a \$5,000 fine.

SECOND OFFENSE: reprimand and a \$5,000 fine. suspension, followed by a period of probation, and a \$10,000 fine.

THIRD OFFENSE: suspension, followed by a period of probation, and a \$7,500 fine. revocation and a \$10,000 fine.

(74) Failing to timely notify the Department of the theft of prescription blanks from a pain management clinic or a breach of other methods for prescribing within 24 hours as required by s. 459.0137(2)(d), F.S.

(459.015(1)(rr), F.S.

FIRST OFFENSE:

SECOND OFFENSE:

THIRD OFFENSE:

(75) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in Chapter 893, F.S.

(459.015(1)(ss), F.S.

FIRST OFFENSE:

SECOND OFFENSE:

letter of concern and a \$1,000 fine.

probation and a \$5,000 fine.

suspension, followed by a period

of probation, and a \$7,500 fine.

probation and a \$5,000 fine.

suspension, followed by a period of probation, and a \$10,000 fine.

revocation and a \$10,000

fine.

letter of concern and a \$1,000

fine.

reprimand and a \$5,000.00 fine.

1 year suspension, followed by a period of probation, and a \$5,000 fine.

1 year suspension, followed by a period of probation, and a \$10,000 fine.

Rulemaking Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History--New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05, 11-14-06, 11-27-06, 5-10-10., 7-27-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

**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(1), F.S., that were added by the Legislature (Ch. Law 2009-223).

SUMMARY: The rule amendment will update its disciplinary guidelines to incorporate the new offenses set forth in Section 456.072(1), F.S., that were added by the Legislature (Ch. Law 2009-223).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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: 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 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:

64B18-14.002 Disciplinary Guidelines.

(1) No change.

(2)(a) through (uu) No change.

(vv) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, to any of the acts set forth in Section 456.072(1)(ii), F.S., relating to the Medicaid program, the Board shall impose a penalty ranging from suspension to revocation and a fine of \$1,000 to \$10,000.

(ww) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement, the Board shall impose a penalty ranging from a reprimand to suspension and a fine from \$5,000 to \$10,000.

(xx) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored, the Board shall impose a penalty ranging from a reprimand to revocation and a fine of \$250 to \$10,000 according to the nature of the offense and the substantiating evidence.

(yy) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud, the Board shall impose a penalty ranging from suspension to revocation and a fine of \$1,000 to \$10,000.

Rulemaking Specific 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. History—New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, 6-14-06, 10-10-06, 11-25-07,\_\_\_\_\_.

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: January 4, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 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 AND LEGISLATIVE RATIFICATION: 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(4) FS.

LAW IMPLEMENTED: 461.014 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) No change.

Rulemaking Specific Authority 461.014(4) FS. Law Implemented 461.014 FS. History—New 11-24-80, Formerly 21T-16.06, 21T-16.006, 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: January 4, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 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 AND LEGISLATIVE RATIFICATION: 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) through (b) No change.
- (2) through (3) No change.

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: January 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2011

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-11.012  
 RULE TITLE: Application Forms

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised licensure application and supervising verification form into the rule.

SUMMARY: The proposed rule amendments incorporate the revised licensure application and supervising verification form into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b), 490.007(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, (Revised 01/11 ~~01/10~~), "Application for Psychologist Licensure," which is incorporated herein by reference and which may be obtained from the Board office or on the Board's website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (3) No change.

(4) All applicants for licensure other than those applying for licensure pursuant to Section 490.006, F.S., shall complete and submit Form DH-MQA 1246 ~~DOH/MQA/PY SUP/REV. 4/02~~, "Supervising Psychologist Verification Form," (Revised 01/11 ~~effective 6-25-02~~), which is incorporated herein by reference and which may be obtained from the Board office or on the Board's website at <http://www.doh.state.fl.us/mqa/psychology>.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b), 490.007(1) FS. History--New 6-25-02, Amended 5-24-09, 3-1-10, 5-23-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Psychology  
DATES PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 22, 2011; June 17, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 23, 2010

RULEMAKING AUTHORITY: 382.003(7), (10), (11),  
382.0085, 382.013, 382.015(6) FS.

LAW IMPLEMENTED: 382.003(7), (10), (11), 382.0085,  
382.013, 382.015(2)(3), 382.016(1)(b), 382.021, 382.022,  
382.023, 382.025, 409.256(11)(d), 741.01, 742.10, 742.16,  
742.18(8) FS.

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

Pursuant to the provisions of the Americans with Disabilities  
Act, any person requiring special accommodations to  
participate in this workshop/meeting is asked to advise the  
agency at least 3 days before the workshop/meeting by  
contacting: Ken Jones, Deputy State Registrar, State Office of  
Vital Statistics, P. O. Box 210, Jacksonville, Florida  
32231-0042, telephone (904)359-6900, Ext. 1001. If you are  
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: Ken Jones, Deputy State Registrar,  
State Office of Vital Statistics, P. O. Box 210, Jacksonville,  
Florida 32231-0042, telephone (904)359-6900, Ext. 1001

THE FULL TEXT OF THE PROPOSED RULES IS:

64V-1.0032 Birth Certificate Amendments by Paternity  
Establishment/Disestablishment; Judicial and Administrative  
Process.

(1) Any judgment establishing paternity entered by a  
Florida court pursuant to Section 742.10 or 382.015(2), F.S., or  
disestablishing paternity by a Florida court pursuant to Section  
742.18, F.S., shall be recorded on a Certified Statement of  
Final Judgment of Paternity, DH Form 673, Jun 2010 Aug-06,  
hereby incorporated by reference and available from the  
Florida Department of Health, State Office of Vital Statistics,  
P. O. Box 210, Jacksonville, Florida 32231-0042. Upon receipt  
of a Certified Statement of Final Judgment of Paternity, DH  
Form 673, completed and certified by the clerk of the circuit  
court entering the paternity judgment, the department shall  
amend the birth certificate if the child was born in this state.

(2) through (5) No change.

(6) An application for marriage license must allow both  
parties to the marriage to state under oath in writing if they are  
the parents of a child(ren) in common, born in this state. An  
Affirmation of Common Child(ren) Born in Florida, DH 743A,  
Jun 2010, hereby incorporated by reference and available from  
the Florida Department of Health, State Office of Vital  
Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 is  
created for recording sworn signatures of the couple as well as  
sufficient information to enable the department to locate the  
birth certificate(s) of the child(ren).

**DEPARTMENT OF HEALTH**

**Vital Statistics**

RULE NOS.:	RULE TITLES:
64V-1.0032	Birth Certificate Amendments by Paternity Establishment/ Disestablishment; Judicial and Administrative Process
64V-1.004	Change of Paternity; Evidence Required
64V-1.006	Birth Registration; Evidence Required for Births Occurring Outside of a Facility
64V-1.0131	Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements
64V-1.020	Marriage Reporting
64V-1.021	Dissolution of Marriage Reporting

PURPOSE AND EFFECT: To create new form and amend an  
existing form used in the establishment of paternity process as  
required by 2009 legislation. To create new form used for  
preparation of a birth certificate and amend the form used for  
recording a live birth to be in compliance with national  
standards. Incorporating in rule the specific safety paper used  
for statewide certification of vital records, amending affidavits  
used to allow release of a birth or cause of death information to  
another person and amending application form used for  
applying for a birth certification. Incorporating forms used by  
the Clerks of Court in the transmittal of vital records.

SUMMARY: These rules are to ensure compliance with  
national standards as well as the mandates of 2009 legislation  
and the requirements of Chapter 382, F.S.

SUMMARY OF STATEMENT OF ESTIMATED  
REGULATORY COSTS AND LEGISLATIVE  
RATIFICATION: 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 Specific Authority 382.003(10), (11), 382.015(6), 382.016(1), 382.0255(3) FS. Law Implemented 382.003(7), (11), 382.015(2), (3), 382.016(1)(b), 741.01, 742.10, 742.16, 742.18(8), 409.256(11)(d) FS. History–New 11-11-98, Amended 7-18-00, 2-29-04, 10-19-04, 5-13-08, \_\_\_\_\_.

64V-1.004 Change of Paternity; Evidence Required.

(1) through (2) No change.

~~(3) An amendment made pursuant to subsections (1) and (2) of Rule 64V-1.004, F.A.C., may only be made by order of a court of competent jurisdiction following a proceeding where all parties have been provided legally sufficient notice and an opportunity to be heard by the court.~~

~~(3)(4) A father who was legally married to the mother at the time of the child's birth but was omitted from the record may be added to the birth record upon receipt of an Acknowledgment of Paternity Consenting Affidavit Acknowledging Paternity, DH Form 432 incorporated by reference in subsection (2) of Rule 64V-1.0032, F.A.C., and a certified copy of the marriage record. The Acknowledgment of Paternity Consenting Affidavit Acknowledging Paternity must be signed by both the mother and the man who was her legal husband at the time of the child's birth.~~

Rulemaking Specific Authority 382.003(10),(11), 382.015(6), 382.016(1) Law Implemented 382.013(2), 382.015(2), 382.016(1)(b) FS. History–New 1-1-77, Formerly 10D-49.17, Amended 10-1-88, 10-1-90, Formerly 10D-49.017, Amended 11-11-98, 7-18-00, 2-29-04, \_\_\_\_\_.

64V-1.006 Birth Registration; Evidence Required for Births Occurring Outside of a Facility.

(1) All birth records filed in this state pursuant to Section 382.013, F.S., shall be registered electronically on the department's electronic birth registration system or by means specified by the state registrar. A Certificate of Live Birth, DH Form 511, Jan 2011 July 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be used when an electronic birth certificate cannot be filed. For use in the preparation of a Certificate of Live Birth, a Birth Certificate Worksheet, DH Form 1967, Jan 2011 is hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

(2) If a birth occurs outside a facility and the child is not taken to a facility within 3 days after delivery, a Certificate of Live Birth, DH Form 511, Jan 2011 July 04, will be accepted for registration by a local registrar and state filing by the Office of Vital Statistics if corroborated by a written statement from a licensed physician or a licensed midwife in attendance during or immediately after the birth.

(3) No change.

Rulemaking Specific Authority 382.003(7), (10), 382.013 FS. Law Implemented 382.003(7), (10), (11), 382.013 FS. History–New 10-1-90, Formerly 10D-49.0194, Amended 11-11-98, 7-18-00, 2-29-04, 10-19-04, 5-13-08, \_\_\_\_\_.

64V-1.0131 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements.

(1) Except for Commemorative Birth and Marriage Certificates, all AH certifications issued by the Office of Vital Statistics or by any of the county health departments shall be on safety paper, DH Form 1946, Apr 2010 or DH 1947, Aug 04, are hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 designed and approved by the department. Neither plain copy nor uncertified records will be issued except as an approved health study project by the department. Commemorative Birth and Marriage Certificates are not printed on safety paper as described above, are not official certifications and are created only for purposes of display.

(2) All requests for certifications of birth records less than 100 years old must be accompanied with valid photo identification as prescribed in paragraph 64V-1.0131(2)(c), F.A.C. With the exception of a request to file a delayed birth registration, a birth amendment or a Certificate of Foreign Birth, each request shall be submitted in writing or, on a state office Application for Florida Birth Record, DH Form 726, Dec Mar 2010 Sept. 07, or county office Application for Florida Birth Record, DH Form 1960, July 03, both hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. A request to file a delayed birth registration, an amendment to a birth record, or a Certificate of Foreign Birth, must be requested on application forms previously incorporated by reference in Rules 64V-1.001, 64V-1.002 and 64V-1.0031, F.A.C.

(a) No change.

(b) A copy of valid a photo identification must accompany the applicable application or written request or, if presented in person, department personnel must view the original accompanying photo identification.

(c) Acceptable forms of valid photo identification, which includes other identifying information, are as follows:

1. State Driver's License;
2. Military identification;
3. Passport; or
4. State issued identification card.

(d) If the certification is requested by an attorney representing the registrant or his or her parent identified on the birth certificate or his or her legal guardian, the attorney's bar or license number may be provided in lieu of valid photo identification.

(e) If the requestor is not a person enumerated in subsection 382.025(1)(a), F.S., an Affidavit to Release a Birth ~~Certification Certificate~~, DH Form 1958, ~~Aug 2010 July 03~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 ~~department~~ must be completed by the person enumerated in subsection 382.025(1)(a), F.S.

(3) All requests for certifications of death records where cause of death information is requested and the death occurred less than 50 years prior to the request must be accompanied by valid photo identification as prescribed in paragraph 64V-1.0131(4)(c), F.A.C. With the exception of death amendment requests, and delayed or presumptive death registration, all requests must be submitted in writing or on a state office Application for a Florida Death Record, DH Form 727, ~~Dec 2010 Nov-04~~, or county office Application for a Florida Death Record, DH Form 1961, July 03, both hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. A request to file a death amendment request, a delayed death registration or a presumptive death must be requested on application forms previously incorporated by reference in Rules 64V-1.007, 64V-1.008 and 64V-1.0081, F.A.C.

(a) No change.

(b) A copy of a valid photo identification must accompany the applicable application or written request or, if presented in person, department personnel must view the original accompanying photo identification.

(c) through (d) No change.

(e) If the requestor is not a person enumerated in subsection 382.025(2), F.S., an Affidavit to Release Cause of Death ~~Information~~, DH Form 1959, ~~Aug 2010 July 03~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 ~~department~~ must be completed by the person enumerated in subsection 382.025(2), F.S.

(4) No change.

(5) All requests for a Department of Health certification of a marriage record must be submitted in writing or on a state office Application for a Marriage Record For Licenses Issued in Florida, DH Form 261, ~~Dec 2010 Sept-07~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. If the requestor is named on the marriage record and the Social Security field for that person is also requested, then valid photo identification must accompany the request.

(6) All requests for a Department of Health certification of a Florida divorce or annulment record must be submitted in writing or on a state office Application for Dissolution of

Marriage Report (Divorce or Annulment) Granted in Florida, DH Form 260, ~~Dec 2010 Sept-07~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

Rulemaking Specific Authority 382.003(7), (10), 382.025, 382.0085, 382.0255(1)(a), FS. Law Implemented 382.025, 382.0085 FS. History–New 11-11-98, Amended 2-29-04, 12-12-06, 5-13-08,\_\_\_\_\_.

64V-1.020 Marriage Reporting.

Marriages occurring in Florida shall be recorded on a Marriage Record, DH Form 743, Apr 98, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 or on an electronic system provided by the Department of Health. A Marriage Monthly Report, DH 133, Sep 2010, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be submitted to the Department before the 5th day of each month.

Rulemaking Specific Authority 382.003(7), (10) FS. Law Implemented ~~382.021, 382.22 382.023~~ FS. History–New 2-29-04, Amended 5-13-08,\_\_\_\_\_.

64V-1.021 Dissolution of Marriage Reporting.

Dissolution of Marriages shall be recorded on a Report of Dissolution of Marriage Annulment of Marriage, DH Form 513, Oct. 96, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, or on an electronic system provided by the Department of Health. A Dissolution of Marriage Monthly Report, DH Form 730, Sep 2010, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be submitted to the Department before the 10th day of each month.

Rulemaking Specific Authority 382.003(7), (10) FS. Law Implemented 382.023 FS. History–New 2-29-04, Amended 5-13-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ken Jones, Deputy State Registrar, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, telephone (904)359-6900, Ext. 1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011



**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.:                   RULE TITLE:  
69L-9.015                   Drug Testing Criteria

PURPOSE AND EFFECT: The purpose of this rulemaking is to repeal Rule 69L-9.015, F.A.C. The Joint Administrative Procedures Committee has informed the Department that it lacks the required rulemaking authority to maintain the rule. Repealing the rule complies with the findings of Committee.

SUMMARY: Rule 69L-9.015, F.A.C., “Drug Test Criteria, will be repealed, as the statutory rulemaking authority no longer exists. Rulemaking authority for the rule, formerly available to the Department’s Division of Workers’ Compensation, was transferred to the Agency for Health Care Administration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No SERC has been prepared.

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

RULEMAKING AUTHORITY: 440.09(7), 440.101, 440.102(10) FS.

LAW IMPLEMENTED: 440.09(7), 440.101, 440.102, 627.0915 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: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1708 or Pamela.Macon@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-9.015 Drug Testing Criteria.

Rulemaking Specific Authority 440.09(7), 440.101, 440.102(10) FS. Law Implemented 440.09(7), 440.101, 440.102, 627.0915 FS. History–New 4-30-96, Formerly 38F-9.015, 4L-9.015, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2011

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 15, April 15, 2011 issue of the Florida Administrative Weekly.

Paragraphs (3)(a), (4)(a), (5)(c), (d), Subparagraph (6)(b)3., Subsections (7), (8), (9), and Paragraph (14)(b) are amended to read:

6A-2.0040 Sanitation Standards in K-12 Private Schools.

This rule prescribes minimum requirements and standards of sanitation and safety for K-12 private schools, as defined in Section 1002.01, Florida Statutes, located within the state regardless of the nature of the school, its ownership or organization. ~~If a requirement in this rule conflicts with a specific requirement in the Florida Building Code adopted under Chapter 9N-1, F.A.C., or the Florida Fire Prevention Code under Chapter 69A-60, F.A.C., then that code shall prevail.~~

(3) Building Construction and Maintenance.

(a) Upon request, K-12 private schools shall provide proof of any required permitting for school construction and remodeling shall pursuant to Section 553.79, Florida Statutes conform to construction requirements of the Florida Building Code and the requirements of the local building authority. School buildings shall be maintained so that they are vermin-proofed.

(4) Lighting Standards.

(a) ~~Illumination in~~ All instructional spaces shall be capable of providing a minimum illumination of forty (40) foot-candles at normal task level.

(5)(c) Heat producing appliances and systems shall be maintained in a proper working condition installed in accordance with requirements of the local building and fire authority.

(d) Ventilation and air conditioning. All occupied rooms and other rooms where odors or contaminants are generated shall be vented to the outside. Ventilation rates shall be maintained as designed ~~comply with those specified in the local building code.~~

(6)(b)3. Individual towels, preferably paper shall be used. Use of common or public towels is prohibited. Hot-air hand drying devices may be used in lieu of, or in addition to, individual towels.

(7) Water Supply.

(a) The water supply for the school must be from a source that is licensed or permitted pursuant to the Florida Safe Drinking Water Act or Section 381.0062, Florida Statutes, as applicable shall be operated and maintained in compliance with Chapters 62-550 and 62-555 or Chapter 64E-8, F.A.C.

(b) Drinking fountains of an approved, sanitary slant jet type shall be provided in a ratio not less than 1 per 100 occupants the ratio specified in the local building code. In no case shall fountains be located in any toilet room.

(8) Sewage Disposal. Sewage disposal systems shall be installed, operated and maintained in a manner that does not create a sanitary nuisance, as that term is defined in Chapter 386, F.S. shall be disposed of in accordance with Chapter 62-600 or 64E-6, F.A.C., whichever is applicable. Sewage treatment and disposal systems at schools shall be maintained in compliance with the applicable chapter.

(9) Solid Waste. Garbage, trash, and rubbish shall be collected, stored, and disposed of at a frequency and in a manner that prevents a sanitary nuisance. Wet garbage shall be collected and stored in impermeable, leak proof, fly tight containers pending disposal. Outdoor waste containers must be easily cleanable and serviceable. Waste containers and the storage area shall be cleaned at frequent intervals to prevent odors and breeding places for vermin. Waste water from the cleaning of garbage containers shall be disposed of as sewage. Removal and disposal of garbage shall comply with Chapter 62-701, F.A.C.

(14)(b) Dormitories and residential school facilities, located on the premises of a school, shall not be part of the routine inspection of the school facility. Dormitories and residential school facilities shall be inspected on a complaint basis.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:	RULE TITLES:
15C-18.004	EFS Agent Participation Requirements
15C-18.006	Electronic Filing System Requirements; Disclosure to Customer

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 32, August 12, 2011 issue of the Florida Administrative Weekly.

The following is added at the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule 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 electronic filing system requirements 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 CORRECTIONS**

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

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly.

To comply with the requirements of Chapter 2011-225, Laws of Florida, the Summary of Statement of Estimated Regulatory Costs is amended to include a description of information expressly relied upon in determining that the rule is not expected to require legislative ratification. The amended statement reads as follows:

The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on information provided by the Bureau of Research and Data Analysis and the Office of Human Resource Management indicating that the rule will not have an adverse affect on the private sector or small business and will not require a significant amount of additional training, the rule is not expected to require legislative ratification. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.:	RULE TITLE:
64B-9.002	Physician Survey Procedures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 35, September 2, 2011 issue of the Florida Administrative Weekly.

STATEMENT ON RATIFICATION: This rule is not expected to require legislative ratification under Section 120.541(3), F.S. The rule text and the changes to the form incorporated by reference were considered in making this determination.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.010  
 RULE TITLE: Citations

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 30, July 29, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the Joint Administrative Procedures Committee in a letter dated August 5, 2011. The change is as follows:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST SHALL READ AS:** No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an adverse impact on small business, nor will the proposed rule likely increase directly or indirectly regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years after implementation of the rule. Therefore, it has been determined that the rule does not meet the threshold for ratification by the Legislature. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

64B18-14.010 Citations.  
 (1) through (3) No change.

VIOLATIONS	PENALTY
(a) No change.	
1. No change.	
2. No change.	
3. No change.	
<u>4. Failure to attend during the first biennium or within twelve (12) months of initial licensure one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted. Guidelines outlined in Rule 64B18-17.005.</u>	<u>\$500 fine and required attendance of one full day of board meeting</u>
(b) through (l) No change.	
<del>(m) 381.0261, F.S., referencing patients bill of rights.</del>	
<del>(Section 456.077(2), F.S.)</del>	
(4) through (5) No change.	
<del>(6)</del>	

Rulemaking Specific Authority 456.072, 456.077, 461.005 FS. Law Implemented 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS. History—New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, 6-14-06, 10-11-06, 10-7-07, 6-8-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Podiatric Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2011  
 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 32314-3256

**DEPARTMENT OF HEALTH**

**Prescription Drug Monitoring Program**

RULE NO.: 64K-1.002  
 RULE TITLE: American Society for Automation in Pharmacy Standards and Formats

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 30, July 29, 2011 issue of the Florida Administrative Weekly.

The correct title of the rule is: American Society for Automation in Pharmacy Standards and Formats.

Statement on Ratification: This rule is not expected to require legislative ratification under Section 120.541(3), F.S. Current practices and standards were considered in making this determination.

The person to be contacted regarding the above notice is Rebecca Piston, Program Manager, 4052 Bald Cypress Way, Bin #C16, Tallahassee, Florida 32399-3250, (850)245-4797 or Rebecca\_Poston@doh.state.fl.us.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NO.: 69L-7.020  
 RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 24, June 17, 2011 issue of the Florida Administrative Weekly.

These changes are being made in response to comments received as part of the record for the public hearing held on Wednesday, July 13, 2011, and to add clarity to the rule. This notice also includes technical changes that have been made to the proposed rule. Changes made to the text of the incorporated reimbursement manual can be reviewed on the Department of Financial Services, Division of Workers' Compensation webpage: <http://www.myfloridacfo.com/WC/draft-rules.html>.

To comply with the requirements of Chapter 2011-255, Laws of Florida, the Summary of Statement of Estimated Regulatory Costs is amended to read as follows: The Department has determined that the proposed rule will directly or indirectly increase regulatory costs, including transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Accordingly, the Department has determined that the proposed rule will require legislative ratification.

Text of proposed rule with changes:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2011~~0~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT<sup>®</sup> 2010 Current Procedural Terminology Professional Edition, Copyright 201~~0~~9, American Medical Association; the Current Dental Terminology, CDT-2009/2010, Copyright 2008, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "HCPCS Level II. A resourceful compilation of HCPCS codes Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010", American Medical Association, Copyright 2009, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2011~~0~~ Edition incorporated above, the provider must use a code contained in the CPT<sup>®</sup>-2010, CDT-2009/2010 or HCPCS Level II as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2011~~0~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at: <http://www.myfloridacfo.com/wc/provider/reimbursement-manuals.html>. 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 within 21 days of this notice.

The remainder of the rule reads as previously published.

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Worker's Compensation

RULE NO.:	RULE TITLE:
69L-7.100	Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 24, June 17, 2011 issue of the Florida Administrative Weekly.

These changes are being made in response to comments received as part of the record for the public hearing held on Wednesday, July 13, 2011, and to add clarity to the rule. This notice also includes technical changes that have been made to the proposed rule. Changes made to the text of the incorporated reimbursement manual can be reviewed on the Department of Financial Services, Division of Workers' Compensation webpage: <http://www.myfloridacfo.com/WC/draft-rules.html>.

To comply with the requirements of Chapter 2011-255, Laws of Florida, the Summary of Statement of Estimated Regulatory Costs is amended to read as follows: The Department has determined that the proposed rule 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 that has been prepared by the Department is summarized as follows: The proposed rule is not likely to; 1) directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; 2) directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or 3) directly or indirectly increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. In addition, the proposed rule does not impose additional costs on the Department; nor does it impose any additional costs on any state or local government entity. Accordingly, the Department has determined that the proposed rule will not require legislative ratification.

Text of proposed rule with changes:

69L-7.100 Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs).

(1) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2011~~0~~ Edition, (ASC Reimbursement Manual) is incorporated by reference as part of

this rule. The ASC Reimbursement Manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances (MRAs) for services provided to an injured worker in connection with a surgical procedure performed in an Ambulatory Surgical Center.

(2) The ASC Reimbursement Manual refers to a number of procedure codes and modifiers that are consistent with the Current Procedural Terminology (CPT®), developed and published by the American Medical Association. When a service or procedure is performed that does not have a code listed in the ASC Reimbursement Manual, the Ambulatory Surgical Center shall refer to the Current Procedural Terminology (CPT®), 2010 Copyright 2010, American Medical Association, which is hereby incorporated by reference as part of this rule. In addition, the rule incorporates the 2010 ICD-9-CM Professional for Hospitals, Volumes 1, 2 and 3, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2009, Ingenix, Inc. (American Medical Association); the Physician ICD-9-CM 2010, Volumes 1 & 2, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2009, Ingenix, Inc. (American Medical Association).

(3) The Current Dental Terminology (CDT-2009/2010), Copyright 2008, American Dental Association, and the HCPCS Level II, A resourceful compilation of HCPCS codes ~~Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010, Twenty-second Edition~~, Copyright 2009, Ingenix Publishing Group, are incorporated by reference as part of this rule, for dental D codes, injectable J codes, and other medical services or supply codes as specified in the ASC Reimbursement Manual.

(4) No change.

The remainder of the rule reads as previously published.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER11-45  
 RULE TITLE: Fan-Tastic College Football Promotion

SUMMARY: The Department of the Lottery will conduct the Fan-Tastic College Football Promotion between August 29, 2011, and November 30, 2011, in which special college football prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER11-45 Fan-Tastic College Football Promotion.

(1) Beginning Monday, August 29, 2011, through Wednesday, November 30, 2011, the Florida Lottery will conduct the Fan-Tastic College Football Promotion. Players who purchase a single \$10.00 or more FLORIDA LOTTO™ ticket at a Florida Lottery (or “Lottery”) retailer location will receive a voucher with a unique serial number that can be entered in a drawing in one (1) of eight (8) participating college team’s “fan experiences” on the Florida Lottery’s website for a chance to win college football prizes. The fan experience drawings are: the Canes® Fan Experience; the Gators® Fan Experience; the Seminoles® Fan Experience; the Bulls™ Fan Experience; the Knights™ Fan Experience; the Panthers™ Fan Experience; the Owls® Fan Experience; and the Rattlers™ Fan Experience.

(2) To enter a voucher serial number in a fan experience drawing, players must enter on the Lottery’s website at www.flalottery.com. On the home page of the Lottery’s website, players can click on the Fan-Tastic College Football Promotion banner(s) and follow the directions. Players can also access the Lottery’s website to enter a voucher serial number via a link located on each of the following eight (8) colleges’ athletics websites:

College	Website	Fan Experience
University of Miami	<a href="http://www.hurricanesports.cstv.com">www.hurricanesports.cstv.com</a>	Canes Fan Experience
University of Florida	<a href="http://www.gatorzone.com">www.gatorzone.com</a>	Gators Fan Experience
Florida State University	<a href="http://www.seminoles.com">www.seminoles.com</a>	Seminoles Fan Experience
University of Central Florida	<a href="http://www.ucfathletics.cstv.com">www.ucfathletics.cstv.com</a>	Knights Fan Experience
University of South Florida	<a href="http://www.gousbulls.com">www.gousbulls.com</a>	Bulls Fan Experience
Florida International University	<a href="http://www.fiusports.com">www.fiusports.com</a>	Panthers Fan Experience
Florida Atlantic University	<a href="http://www.fausports.com">www.fausports.com</a>	Owls Fan Experience
Florida A&M University	<a href="http://www.famuathletics.com">www.famuathletics.com</a>	Rattlers Fan Experience

(3) The voucher serial number is located at the bottom on the front of the voucher. Qualifying FLORIDA LOTTO ticket purchases will produce vouchers from the beginning of the promotion period until close of game for FLORIDA LOTTO at 10:40 p.m. on November 30, 2011. A player will be able to enter his or her voucher serial numbers beginning at the top of the hour after the FLORIDA LOTTO ticket is purchased. A player entering a voucher serial number prior to the top of the hour after purchase will be directed to return at a later time to enter his or her voucher serial number in the drawing. FLORIDA LOTTO tickets cannot be used for entry in the drawings. The odds of winning are dependent upon the number of entries received. The winning voucher must be presented in order to claim a prize in the Fan-Tastic College Football Promotion. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and

requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned.

(4) In each of the eight (8) fan experiences, four (4) preliminary computerized drawings will be held between September 8, 2011, and November 10, 2011, from entries received during the entry periods shown below. One (1) final grand prize drawing will be held on December 1, 2011, from all entries received between August 29, 2011, and midnight on November 30, 2011, excluding entries selected as winners in the first four (4) preliminary drawings.

(5) Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry in one (1) fan experience and one (1) preliminary drawing. Entries received from the beginning of the entry period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from August 29, 2011, through November 30, 2011, excluding entries selected as winners in the first four (4) preliminary drawings, will also be included in the final drawing on December 1, 2011. The drawing dates are:

Drawing	Drawing Date	From Entries Received
1st Quarter	Thursday, September 8, 2011	August 29, 2011 – September 7, 2011
2nd Quarter	Thursday, September 29, 2011	September 8 – September 28, 2011
3rd Quarter	Thursday, October 20, 2011	September 29, 2011 – October 19, 2011
4th Quarter	Thursday, November 10, 2011	October 20, 2011 – November 9, 2011
Grand Prize	Thursday, December 1, 2011	August 29, 2011 – November 30, 2011

(6) Canes® Fan Experience Prizes.

(a) In each of the first four (4) preliminary Canes Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first University of Miami (“UM”) home football game scheduled after the prize is claimed, two (2) UM t-shirts, two (2) UM hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$255).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) UM hats, two (2) UM polo shirts and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize, which is \$10,320.

2. Second Prize. \$1,000 in cash, two (2) tickets to the UM bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled

commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by Al Golden, two (2) UM hats, two (2) UM polo shirts, and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,820\*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 UM football season, two (2) UM hats, two (2) UM polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$1,155).

4. Fourth Prize. Four (4) tickets to a 2012 home football game, two (2) UM hats, two (2) UM polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$480).

\* If UM does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl game, the trip will be for the next end-of-season bowl game in which UM plays. Second prize does not include tickets to the National Championship Bowl Game. In the event UM plays in the 2011 end-of-season National Championship Bowl Game, the trip will be for the next end-of-season bowl game in which UM plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.

\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner’s city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(7) Gators® Fan Experience Prizes.

(a) In each of the first four (4) preliminary Gators Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first University of Florida (“UF”) home football game scheduled after the prize is claimed, two (2) UF t-shirts, two (2) UF hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$255).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) UF hats, two (2) UF polo shirts, and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize, which is \$10,320.

2. Second Prize. \$1,000 in cash, two (2) tickets to the UF bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by Will Muschamp, two (2) UF hats, two (2) UF polo shirts, and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,820 \*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 UF football season, two (2) UF hats, two (2) UF polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$1,155).

4. Fourth Prize. Four (4) tickets to a 2012 UF home football game, two (2) UF hats, two (2) UF polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$480).

\* If UF does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl game, the trip will be for the next end-of-season bowl game in which UF plays. Second prize does not include tickets to the National Championship Bowl Game. In the event UF plays in the 2011 end-of-season National Championship Bowl Game, the trip will be for the next end-of-season bowl game in which UF plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.

\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(8) Seminoles® Fan Experience Prizes.

(a) In each of the first four (4) preliminary Seminoles Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first Florida State University ("FSU") home football game scheduled after the prize is claimed, two (2) FSU t-shirts, two (2) FSU hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$255).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) FSU hats, two (2) FSU polo shirts and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal income tax withholding on the total value of the first prize which is \$10,320.

2. Second Prize. \$1,000 in cash, two (2) tickets to the FSU bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by Jimbo Fisher, two (2) FSU hats, two (2) FSU polo shirts, and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,820 \*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 FSU football season, two (2) FSU hats, two (2) FSU polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$1,155).

4. Fourth Prize. Four (4) tickets to a 2012 FSU home football game, two (2) FSU hats, two (2) FSU polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$480).

\* If FSU does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl game, the trip will be for the next end-of-season bowl game in which FSU plays. Second prize does not include tickets to the National Championship Bowl Game. In the event FSU plays in the 2011 end-of-season National Championship Bowl Game, the trip will be for the next end-of-season bowl game in which FSU plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.

\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(9) Bulls™ Fan Experience Prizes.

(a) In each of the first four (4) preliminary Bulls Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first University of South Florida ("USF") home football game scheduled after the prize is claimed, two (2) USF t-shirts, two (2) USF hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$205).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) USF hats, two (2) USF polo shirts and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize, which is \$10,320.

2. Second Prize. \$1,000 in cash, two (2) tickets to the USF bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by Skip Holtz, two (2) USF hats, two (2) USF polo shirts, and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,820\*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 USF football season, two (2) USF hats, two (2) USF polo shirts and \$75 in Lottery Scratch-Off tickets. (Total value: \$805).

4. Fourth Prize. Four (4) tickets to a 2012 USF home football game, two (2) USF hats, two (2) USF polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$380).

\* If USF does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl game, the trip will be for the next end-of-season bowl game in which USF plays. Second prize does not include tickets to the National Championship Bowl Game. In the event USF plays in the 2011 end-of-season National Championship Bowl Game, the trip will be for the next end-of-season bowl game in which USF plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.

\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(10) Knights™ Fan Experience Prizes.

(a) In each of the first four (4) preliminary Knights Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first University of Central Florida ("UCF") home football game scheduled after the prize is claimed, two (2) UCF t-shirts, two (2) UCF hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$205).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) UCF hats, two (2) UCF polo shirts and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize, which is \$10,320.

2. Second Prize. \$1,000 in cash, two (2) tickets to the UCF bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by George O'Leary, two (2) UCF hats, two (2) UCF polo shirts and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,820 \*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 UCF football season, two (2) UCF hats, two (2) UCF polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$725).

4. Fourth Prize. Four (4) tickets to a 2012 UCF home football game, two (2) UCF hats, two (2) UCF polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$380).

\* If the UCF does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl game, the trip will be for the next end-of-season bowl game in

which the UCF plays. Second prize does not include tickets to the National Championship Bowl Game. In the event the UCF plays in the 2011 end-of-season National Championship Bowl Game, the trip will be for the next end-of-season bowl game in which the UCF plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.  
\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(11) Panthers™ Fan Experience Prizes.

(a) In each of the first four (4) preliminary Panthers Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first Florida International University ("FIU") home football game scheduled after the prize is claimed, two (2) FIU t-shirts, two (2) FIU hats, and \$25 in Lottery Scratch-Off tickets. If the prize in the fourth preliminary drawing is not claimed in time for the winner to use the game tickets during the 2011 season, the game tickets awarded will be for the first 2012 home game. (Total value: \$125).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) FIU hats, two (2) FIU polo shirts, and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize, which is \$10,260.

2. Second Prize. \$1,000 in cash, two (2) tickets to the FIU bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by Mario Cristobal, two (2) FIU hats, two (2) FIU polo shirts, and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,760 \*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 FIU football season, two (2) FIU hats, two (2) FIU polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$485).

4. Fourth Prize. Four (4) tickets to a 2012 FIU home football game, two (2) FIU hats, two (2) FIU polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$220).

\* If FIU does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl



game, the trip will be for the next end-of-season bowl game in which FIU plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.

\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(12) Owls® Fan Experience Prizes.

(a) In each of the first four (4) preliminary Owls Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first Florida Atlantic University ("FAU") home football game scheduled after the prize is claimed, two (2) FAU t-shirts, two (2) FAU hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$125).

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) FAU hats, two (2) FAU polo shirts, and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize, which is \$10,260.

2. Second Prize. \$1,000 in cash, two (2) tickets to the FAU bowl game at the conclusion of the 2011 season\*, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to the city in which the bowl game will be held\*\*, one (1) football autographed by Howard Schnellenberger, two (2) FAU hats, two (2) FAU polo shirts and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,760 \*\*\*).

3. Third Prize. Two (2) season tickets for the 2012 FAU football season, two (2) FAU hats, two (2) FAU polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$485).

4. Fourth Prize. Four (4) tickets to a 2012 FAU home football game, two (2) FAU hats, two (2) FAU polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$220).

\* If FAU does not play in a bowl game at the conclusion of the 2011 season, or if the second prize is not claimed in time for the winner to use the trip for the 2011 end-of-season bowl game, the trip will be for the next end-of-season bowl game in which FAU plays. All tickets are subject to applicable terms, conditions, and restrictions of the applicable bowl game.

\*\*No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*\*The value of the second prize is dependent upon the location of the winner and the bowl game.

(13) Rattlers™ Fan Experience Prizes.

(a) In each of the first four (4) preliminary Rattlers Fan Experience drawings, ten (10) winners will each receive a prize consisting of two (2) tickets to the first Florida A&M University ("FAMU") home football game scheduled after the prize is claimed (except as provided below), two (2) FAMU t-shirts, two (2) FAMU hats, and \$25 in Lottery Scratch-Off tickets. (Total value: \$125). In the fourth preliminary drawing, the game tickets will be for the first 2012 home game.

(b) The grand prize drawing will be held on December 1, 2011, and will award four (4) winners with the prizes shown below. The first number selected will win the first prize, the second number selected will win the second prize, the third number selected will win the third prize, and the fourth number selected will win the fourth prize.

1. First Prize. \$10,000 in cash, two (2) FAMU hats, two (2) FAMU polo shirts and \$150 in Lottery Scratch-Off tickets. The Florida Lottery will withhold from the \$10,000 cash portion of the first prize federal tax withholding on the total value of the prize which is \$10,260.

2. Second Prize. \$1,000 in cash, two (2) tickets to the 2012 Blue Cross and Blue Shield Florida Classic game in which FAMU will play, one (1) hotel room for two nights, airfare for two (2) persons from any U.S. regional or international airport with regularly scheduled commercial service to Orlando, Florida, where the Florida Classic game will be held\*, one (1) football autographed by Joe Taylor, two (2) FAMU hats, two (2) FAMU polo shirts, and \$100 in Lottery Scratch-Off tickets. (Total value: Estimated at \$2,760 \*\*).

3. Third Prize. Two (2) season tickets for the 2012 FAMU football season, two (2) FAMU hats, two (2) FAMU polo shirts, and \$75 in Lottery Scratch-Off tickets. (Total value: \$485).

4. Fourth Prize. Four (4) tickets to a 2012 FAMU home football game, two (2) FAMU hats, two (2) FAMU polo shirts, and \$50 in Lottery Scratch-Off tickets. (Total value: \$220).

\*No monetary compensation will be given to the winner in lieu of airfare if air travel from the winner's city of residence to the Florida Classic game in Orlando, Florida is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

\*\*The value of the second prize is dependent upon the location of the winner.

(14) The prizewinners in the each of the fan experience drawings will be posted on flalottery.com after the drawings. The Florida Lottery will attempt to notify prizewinners in the

first four (4) preliminary drawings by telephone or e-mail no later than twenty-four (24) hours after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) business days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prizewinners in the December 1, 2011, grand prize drawing by telephone, certified mail or e-mail no later than twenty-four (24) hours after the winners are drawn. If the Florida Lottery is unable to contact a winner in the grand prize drawing within seven (7) business days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(15) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a fan experience drawing prize, a winner must submit for receipt by the Florida Lottery no later than five (5) business days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2, revised 02/11, or DOL-173-2S, revised 02/11, a copy of acceptable identification and a completed Release and Authorization form DOL-474, Eff. 10/08. Forms DOL-173-2, DOL-173-2S, and DOL-474 are hereby incorporated by reference and can be obtained from any Lottery office or from the Lottery's website, www.flalottery.com. A winner who cannot produce a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit his or her right to claim the prize.

(16) Cash prizes, Lottery Scratch-Off tickets and team merchandise will be fulfilled by the Lottery. A winner whose mailing address is outside the state of Florida will receive a check for the value of the Lottery Scratch-Off tickets portion of the prize in lieu of the actual tickets. College team football tickets, bowl game and Florida Classic trip prizes will be fulfilled by the fulfillment entity.

(17) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(18) Except as specifically mentioned herein, all federal, state and/or local taxes or other fees on the fan experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. A nonresident alien claimant who is selected as a winner of a prize for which tax withholding is not paid by the Florida Lottery will be required to pay the withholding tax or forfeit

the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(19) No cash option is available in lieu of the non-cash fan experience prizes.

(20) The right to claim a prize cannot be assigned to another person or entity.

(21) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Prizes will be paid in accordance with the rule of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(22) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(23) By entering the Fan-Tastic College Football Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the fulfillment entity for prize fulfillment purposes.

(24) A player entering the Fan-Tastic College Football Promotion is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(25) The fan experience drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 8-26-11.

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: August 26, 2011

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

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on August 22, 2011, the Department of Community Affairs, received a petition for waiver from the City of Inverness, Case No. DCA11-WAI-176. THE NATURE OF FROM WHICH VARIANCE IS SOUGHT: Subsection 9B-43.0051(12), F.A.C., as amended 2/26/2007, states [if] an audit or an attestation statement has not been received from a local government with either an open or

administratively closed contract by the June 30 deadline date, a 25 point penalty will be assessed. The City seeks relief of the penalty because its audit was timely delivered to all other affected parties.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Transportation and Parking Services, filed July 29, 2011, and advertised in Vol. 37, No. 32, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings until November 30, 2011, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-251).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Bank of America Plaza, filed March 16, 2010, and advertised in Vol. 37, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Section 3003.1.4, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires air conditioning be connected to the standby power source because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-187).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from American Cement Co., filed May 27, 2011, and advertised in Vol. 37, No. 23, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 5.7.12.2 ASME A17.1, 2000 edition, 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 special purpose personnel elevator's capacity not exceed 1000 lbs. and the inside clear area not exceed 13 square feet because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-183).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Carter House, filed July 27, 2011, and advertised in Vol. 37, No. 32, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, 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 for firefighters' emergency operations and restricted door openings until July 15, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-247).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Duval Co. Courthouse, filed June 20, 2011, and advertised in Vol. 37, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, 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 for firefighters' emergency operations until October 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-212).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Police Administration Bldg., filed June 20, 2011, and advertised in Vol. 37, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, 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 for firefighters' emergency operations until October 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-211).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Police Administration Bldg., filed June 20, 2011, and advertised in Vol. 37, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, 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 for firefighters' emergency operations until September 30, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-210).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Fire & Rescue Headquarters, filed June 20, 2011, and advertised in Vol. 37, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, 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 for firefighters' emergency operations until October 1, 2014 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-209).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from St. Lucie Co. Courthouse, Prisoner Elevator, filed June 30, 2011, and advertised in Vol. 37, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5 ASME A17.1, 2004 edition, 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 drain or sump pump in the hoistway because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-220).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on August 23, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Sidney & Berne Davis Art Center, filed July 1, 2011, and advertised in Vol. 37, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that

requires the pit be 5' deep because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-222).

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

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NOTICE IS HEREBY GIVEN that on August 25, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Bethune Education Center. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.18.5.1, 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 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-283).

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 August 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for SunTrust Building. 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 2011-284).

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 August 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Strand. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 8.7.2.27.4, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that regulates conformance of controllers 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 2011-285).

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 August 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Lakewood at Palm Beach. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, 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 2011-286).

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 August 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tropical Manor Hotel. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 3.10.4(t), 3.3.2 and 3.11.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations, keyed stop switch, platform guards and emergency communication 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 2011-287).

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 August 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Australian Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.4.4, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires top and side emergency exits 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 2011-288).

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 August 31, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Pines of Boca Barwood II. 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 2011-289).

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 Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on July 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 Jack Snacks, Orlando, 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. 32, on August 12, 2011. The Order for this Petition was signed on August 19, 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 the 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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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on August 5, 2011, the Department received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Forno E Fornelli Trattoria E Pizzeria, Key Biscayne, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom located on the same level be provided for use by customers. They are requesting to utilize public bathrooms located on a different level than the food service establishment for customer use only.

The Petition for this variance was published in Vol. 37, No. 33, on August 19, 2011. The Order for this Petition was signed on August 26, 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 public bathrooms located on the level above are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within and outside the establishment clearly stating the location of the bathrooms.

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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The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on August 11, 2011, by Thomas Maloney, P.E. The Petitioner does not state in his request which rule the Petitioner seeks the Variance or Waiver. However, it appears the Petitioner is seeking a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period a passing grade is valid for purposes of certification to 4 years.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: G.W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

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The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on August 16, 2011, by Woodrow Mephram. The Petitioner does not state in his request which rule the Petitioner seeks the Variance or Waiver. However, it appears the Petitioner is seeking a permanent waiver or variance of Rule 61G4-16.005, F.A.C., limiting the period a passing grade is valid for purposes of certification to 4 years.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: G.W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

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NOTICE IS HEREBY GIVEN that on August 24, 2011, the Board of Accountancy, received a petition for Noa Rawlinson, seeking a variance or waiver of subsection 61H1-27.0041(2), F.A.C., which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-831 AR ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 32, No. 38, on September 22, 2006. Stephen Homes and Deborah McAlexander, petitioners, requested a variance from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provide the conditions by which construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 157 Seaward Dr., Santa Rosa Beach, FL, Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency

coastal armoring structures constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-851 AR ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 34, No. 24, on June 13, 2008. Charles W. Fleming, Jr., and John E. Fleming, petitioners, requested a variance from subsections 62B-33.002(18), (63), F.A.C., which defines "eligible structures" and "vulnerable" respectively, and from paragraph 62B-33.0051(1)(a), F.A.C., which states the conditions where armoring may be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 490 Blue Mountain Road, Santa Rosa Beach, FL, Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-868 AR-ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 32, No. 49, on December 8, 2006. John Smart, petitioner, requested a variance from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the conditions where construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 125 Seaward Dr., Santa Rosa Beach, FL, in Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-872 ATF AR V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 33, No. 8, on February 23, 2008. George H. Collins, petitioner, requested a variance from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the

condition where construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located 132 Seaward Drive, Santa Rosa Beach, FL, in Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures constructed in Walton Co., between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-876 AR ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 34, No. 25, on June 20, 2008. Margaret L. Peterson, James B. Martin, Richard Maddox, David Rees, and The Jones Group, petitioners, requested a variance from subsections 62B-33.002(18), (19), F.A.C., which defines "eligible structures" and "emergency protection", and from Rule 62B-33.0051, F.A.C., which provides the conditions where construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 787, 791, 797, 815 and 825, Sc. Hwy. 98, in Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-927 AR ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 34, No. 37, on September 12, 2008. C. T. Fitzpatrick, Mr. & Mrs. Kimmerling, Mr. & Mrs. Hodges, and Mr. & Mrs. Lester, petitioners, requested a variance from subsections 62B-33.002(18), (43) and (63), F.A.C., which defines "eligible structures", "nonconforming structures," and "vulnerable," respectively, and from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the condition where construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 23, 57, 77 Highland Ave., Santa Rosa Beach, FL, Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures

constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-928 AR ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 34, No. 30, on July 25, 2008. Alan Nix, Patrick and Sylvia Tylka, petitioners, requested a variance from subsections 62B-33.002(18), (43) and (63), F.A.C., which defines "eligible structures", "nonconforming structure" and "vulnerable", respectively and from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the condition where construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 286 and 288 Blue Mountain Road, Santa Rosa Beach, FL, in Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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The Department of Environmental Protection hereby gives notice of its intent to close the variance file #WL-999 AR ATF V. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 34, No. 17, on April 25, 2008. Keith R. Jackson, petitioner, requested a variance from subsections 62B-33.002(18) and (19), F.A.C., which defines "eligible structures" and "emergency protection", and subparagraph 62B-33.0051(1)(a)1., F.A.C., which provide the conditions by which construction of armoring shall be authorized. The request was associated with an after-the-fact permit application to keep an emergency coastal armoring structure in place located at 122 Sandcliffs Drive, Santa Rosa Beach, FL, in Walton County. No public comment was received. On June 2, 2011, Chapter 2011-261, Laws of Florida became effective. This Local Bill allows emergency coastal armoring structures constructed in Walton County, between July 10, 2005 and April 30, 2006, to remain in place without a Department permit, therefore, the variance is no longer necessary.

For additional information please contact: Rosaline Beckham at (850)488-7815 or e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on July 27, 2011, the Board of Pharmacy, received a petition for Timothy R. Koch, RPh, on behalf of Walmart Stores, Inc., seeking a waiver of subparagraph 64B16-28.450(6)(a)1., Florida Administrative Code, which requires that the pharmacist write the word "central fill" on the face of the original prescription and record the name, address, and DEA registration number if a controlled substance of the originating pharmacy to which the prescription has been transmitted and the name of the originating pharmacy's pharmacist transmitting the prescription, and the date of transmittal. Petitioner would instead like to provide a printout if requested.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on July 25, 2011, the Board of Pharmacy, received a petition for Robert H. Wilson B. Pharm., on behalf of The Towers Pharmacy, Inc., seeking a variance or waiver of Rule 64B16-27.797, Florida Administrative Code, which requires antineoplastic drugs to be compounded in a vertical flow, Class II biological safety cabinet. Petitioner would instead like to use the facilities at Baptist Hospital Pharmacy.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on August 26, 2011, the Florida Housing Finance Corporation, received a petition for Waiver/Variance of Rule 67-48.027, F.A.C., from SEVILLE PLACE HOLDINGS, LTD, with respect to the restriction on submitting an Application (as defined in subsection 67-48.002(9), F.A.C.), to Florida Housing, as required pursuant to Rules 67-48.004 and 67-48.0072, F.A.C., until after tax exempt bonds have been issued to the Development.

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

or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN that on August 15, 2011, the Florida Office of Financial Regulation issued a NOTICE OF INTENT TO APPROVE PETITION FOR VARIANCE FROM OR WAIVER OF RULE 69W-600.0021, FLORIDA ADMINISTRATIVE CODE (NOTICE OF INTENT). Nature of rule: Rule 69W-600.0021, Florida Administrative Code, relates to the effect of law enforcement records on applications for registration as associated persons. The Petition was filed by Mr. Mickey P. McLellan on August 31, 2010. Notice 9114331 was published in Vol. 36, No. 37, in the September 17, 2010 edition, of the Florida Administrative Weekly. The NOTICE OF INTENT grants the Petition on the basis of legal hardship. NOTICE 10334591 was published in the Vol. 37, No. 34, in the August 26, 2011, which incorrectly indicated Mr. McLellan's Petition was received on August 15, 2011.

A copy of the NOTICE OF INTENT can be obtained by contacting: Mary Howell, Agency Clerk, Office of Financial Regulation, 200 East Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896.

A copy of the Order or additional information may be obtained by contacting: Mary Howell, Agency Clerk, Office of Financial Regulation, 200 East Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896.

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## Section VI Notices of Meetings, Workshops and Public Hearings

**DEPARTMENT OF STATE**

The Florida **Department of State, Office of Cultural, Historical and Information Programs** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 19, 2011, 10:30 a.m. (EST) – until conclusion

PLACE: Conference Call: 1(888)808-6959; Conference Code: 9395093665

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from partners and participants of the Viva Florida 500 initiative to commemorate Florida's 500-year anniversary, or Quincentennial, of the landing of European explorer Juan Ponce de León. Several partners will detail their efforts to date and provide an update on how the initiative is building in local communities around the state. Agenda will be posted on [www.fla500.com](http://www.fla500.com) from September 12, 2011.

A copy of the agenda may be obtained by contacting: Rachel Porter, Special Programs Coordinator at (850)245-6360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: (850)245-6360 or email: rachel.porter@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).

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

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

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fundraising Committee Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6400.

Pursuant to the provisions of 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: Elyse Cornelison, (850)245-6400. If you are 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: Elyse Cornelison, Museum of Florida History, (850)245-6400.

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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

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

DATE AND TIME: September 29, 2011, 10:00 a.m.

PLACE: Florida State Fairgrounds, Tampa, Florida

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Sonia Velez at (813)627-4221. If you are hearing or

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

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: Sonia Velez, (813)627-4221.

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

DATE AND TIME: September 29, 2011, 10:30 a.m.

PLACE: Florida State Fairgrounds, Tampa, Florida

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

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

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

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: Sonia Velez at (813)627-4221.

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

DATE AND TIME: September 29, 2011, 11:00 a.m.

PLACE: Florida State Fairgrounds, Tampa, Florida

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

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

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

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: Sonia Velez at (813)627-4221.

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

DATE AND TIME: September 29, 2011, 12:30 p.m.

PLACE: Florida State Fairgrounds, Tampa, Florida

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

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

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

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: Sonia Velez at (813)627-4221.

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

DATE AND TIME: September 29, 2011, 1:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, Florida

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

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

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

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: Sonia Velez at (813)627-4221.

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## DEPARTMENT OF EDUCATION

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

DATES AND TIMES: Public Awareness Committee, October 4, 2011, 9:30 a.m. – 11:30 a.m.; Executive Committee, October 5, 2011, 9:00 a.m. – 11:00 a.m.; Evaluation Committee, October 6, 2011, 9:30 a.m. – 11:30 a.m.; Legislative Committee, October 11, 2011, 2:00 p.m. – 4:00 p.m.; Planning Committee, October 12, 2011, 9:30 a.m. – 11:30 a.m.; Coordination Committee, October 13, 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).

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of approval of minutes of the State Board meetings held: June 8, 2011, June 21, 2011 and July 19,

2011, and updates on various reports and status of education initiatives by the Commissioner. Items for consideration include action relating to the following rules: New Rule 6A-2.0040, F.A.C., Sanitation Standards in K-12 Private Schools; Rule 6A-6.0251, F.A.C., Management of Chronic Health Conditions; Rule 6A-6.0571, F.A.C., Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks; Rule 6A-6.0573, F.A.C., Industry Certification Process; Rule 6A-6.0785, F.A.C., Charter School Applicant Training Standards; Rules Relating to English Language Learners: Rule 6A-6.0902, F.A.C., Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners; Rule 6A-6.09021, F.A.C., Annual English Language Proficiency Assessment for English Language Learners; Rule 6A-6.09022, F.A.C., Extension of Services in English for Speakers of Other Languages Program; Rule 6A-6.0903, F.A.C., Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program; and Rule 6A-6.09031, F.A.C., Post Reclassification of English Language Learners; Rule 6A-10.0342, F.A.C., Career and Technical Education Program Performance Reporting; and Repeal of Rules 6A-4.0233, F.A.C., Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) – Academic Class and Rule 6A-14.031, F.A.C., Acceleration Mechanisms for Program Completion. Other action items for consideration include: Approval of the 2012 Legislative Agenda; Approval of the 2010-2011 VPK Provider Kindergarten Readiness Rate; Adoption of Resolutions Authorizing the Issuance and Sale of Not Exceeding \$15,065,000 State of Florida, Full Faith and Credit, State Board of Education Capital Outlay Bonds, 2011 Series A; Adoption of Resolutions Authorizing the Issuance and Sale of Not Exceeding \$65,000,000 State of Florida, Full Faith and Credit, State Board of Education Capital Outlay Refunding Bonds, 2011 Series [to be determined]; Approval of New Baccalaureate Degree proposal by Florida Gateway College for a BS in Early Childhood Education; Approval of New Baccalaureate Degree proposal by Miami Dade College for a BS in Early Childhood Education; and Approval of New Baccalaureate Degree proposal by South Florida Community College for a BAS in Supervision and Management. An update will be provided on Differentiated Accountability and the Higher Education Coordinating Council (HECC).

A copy of the agenda may be obtained by contacting: Lynn Abbott at (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or by visiting the Department's website at: <http://www.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: Lynn Abbott at (850)245-9661 or email:

[lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.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: Lynn Abbott at (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org).

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

**DATES AND TIMES:** A Teacher Hearing Panel, September 22, 2011, 8:30 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, 1:30 p.m. or as soon thereafter; An Administrator Hearing Panel, September 23, 2011, 8:30 a.m. or as soon thereafter as can be heard; A Business Meeting, 9:30 a.m. or as soon thereafter as can be heard

**PLACE:** Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lisa Forbess or Kathleen M. Richards at (850)245-0455.

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**The University of North Florida** announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 19, 2011, 1:00 p.m.

**PLACE:** University of North Florida, Social Sciences Building, Dean's Conference Room (51/3201), Jacksonville, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Art in State Buildings selection committee will hold an image review meeting for the Biological Sciences Building to select finalist to provide artwork for the Biological Sciences Building.

A copy of the agenda may be obtained by contacting: Elizabeth Jones at (904)620-2027.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: UNF Disability Resource Center at (904)620-2769 or (904)620-2969. If you are 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: Elizabeth Jones at ejones@unf.edu.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission, “The Commission”**. The Florida Building Commission announces the Education Program Oversight Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 27, 2011, 10:00 a.m. (EST)

PLACE: Meetings to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss “accreditor” and “course” applications for recommendation to the Florida Building Commission; discuss paragraphs 9B-70.002(3)(f), (g), F.A.C., “no changes” and “affirmation of revision to correct a reference, table, diagram, or quoted provision of code, law, or administrative rule.”

A copy of the agenda may be obtained by contacting: Ms. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call: (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs,

2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

**DEPARTMENT OF REVENUE**

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

DATE AND TIME: September 20, 2011, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The date, time, or place of a Cabinet meeting is subject to change. Please refer to the Cabinet Agenda posted to the Department’s Internet site at: <http://dor.myflorida.com/dor/rules> prior to attending a meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rule for the following rule sections:

- Rule 12-3.0015, F.A.C. – Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded – (General; Procedure)
- Rule 12-6.0015, F.A.C. – Public Use Forms – (Informal Protest and Appeal Procedure)
- Rule 12-16.003, F.A.C. – Form of Consent Agreements – (Consent Agreements)
- Rule 12-18.001, F.A.C. – Authorization for Compensation
- Rule 12-18.004, F.A.C. – Submission of Information and Claims for Compensation – (Compensation for Tax Information)
- Rule 12-22.005, F.A.C. – Disclosure Procedures
- Rule 12-22.007, F.A.C. – Registration Information Sharing and Exchange Program – (Confidentiality and Disclosure of Tax Information)
- Rule 12-29.002, F.A.C. – Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment
- Rule 12-29.003, F.A.C. – Florida Tax Credit Scholarship Program; Applications – (Multitax Credits)
- Rule 12A-1.0142, F.A.C. – Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies
- Rule 12A-1.097, F.A.C. – Public Use Forms
- Rule 12A-1.107, F.A.C. – Enterprise Zone and Florida Neighborhood Revitalization Programs – (Sales and Use Tax)
- Rule 12A-16.008, F.A.C. – Public Use Forms – (Rental Car Surcharge)
- Rule 12A-19.041, F.A.C. – Sales of Communications Services to a Residential Household
- Rule 12A-19.100, F.A.C. – Public Use Forms – (Communications Services Tax)
- Rule 12B-4.003, F.A.C. – Public Use Forms
- Rule 12B-4.060, F.A.C. – Tax on Transfers of Ownership Interest in Legal Entities – (Documentary Stamp Tax)

- Rule 12B-5.030, F.A.C. – Importers
- Rule 12B-5.040, F.A.C. – Carriers
- Rule 12B-5.050, F.A.C. – Terminal Suppliers
- Rule 12B-5.060, F.A.C. – Wholesalers
- Rule 12B-5.070, F.A.C. – Terminal Operators
- Rule 12B-5.080, F.A.C. – Exporters
- Rule 12B-5.090, F.A.C. – Local Government Users
- Rule 12B-5.100, F.A.C. – Mass Transit Systems
- Rule 12B-5.110, F.A.C. – Blenders
- Rule 12B-5.121, F.A.C. – Temporary Licenses Issued Under a Declared Emergency
- Rule 12B-5.130, F.A.C. – Refunds
- Rule 12B-5.150, F.A.C. – Public Use Forms
- Rule 12B-5.200, F.A.C. – Retailers of Alternative Fuel
- Rule 12B-5.400, F.A.C. – Producers and Importers of Pollutants – (Fuel and Pollutant Taxes)
- Rule 12B-7.008, F.A.C. – Public Use Forms
- Rule 12B-7.026, F.A.C. – Public Use Forms – (Severance Taxes, Fees and Surcharges)
- Rule 12B-8.001, F.A.C. – Premium Tax; Rate and Computation
- Rule 12B-8.0012, F.A.C. – Insurance Policy Surcharge; Rate and Computation
- Rule 12B-8.003, F.A.C. – Tax Statement; Overpayments
- Rule 12B-8.006, F.A.C. – State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount
- Rule 12B-8.007, F.A.C. – Deposit of Certain Tax Receipts; Refund of Improper Payments
- Rule 12B-8.016, F.A.C. – Retaliatory Provisions – (Insurance Premium Taxes, Fees and Surcharges)
- Rule 12C-1.003, F.A.C. – Definitions
- Rule 12C-1.051, F.A.C. – Forms
- Rule 12C-1.343, F.A.C. – Interest Computations – (Corporate Income Tax)
- Rule 12C-2.0115, F.A.C. – Public Use Forms – (Intangible Tax on Government Leasehold Estates)
- Rule 12C-3.0015, F.A.C. – Documents, Extensions, and Due Dates for Filing
- Rule 12C-3.008, F.A.C. – Public Use Forms – (Estate Tax)

A copy of the agenda and the meeting materials may be obtained by going to the Department’s Internet site at: <http://dor.myflorida.com/dor/rules> or by contacting: Tammy Miller at (850)617-8346.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**NOTICE OF CORRECTION** – The **Department of Revenue** announces a public hearing to which all persons are invited.

**DATE AND TIME:** September 20, 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. The date, time, or place of a Cabinet meeting is subject to change. Please refer to the Cabinet Agenda posted to the Department’s Internet site at: <http://dor.myflorida.com/dor/rules> prior to attending a meeting.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of proposed Rule 12E-1.0051, F.A.C. (Undistributable Collections). The notice of Proposed Rule was published in the Florida Administrative Weekly on July 8, 2011 (Vol. 37, No. 27, pp. 1967-1969). A notice of correction published in the Florida Administrative Weekly on August 19, 2011, (Vol. 37, No. 33, p. 2459).

A copy of the agenda may be obtained by contacting: Phil Scuggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, (850)617-8035, e-mail: [scuggsp@dor.state.fl.us](mailto:scuggsp@dor.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Tammy Miller at (850)617-8346 or [MillerTa@dor.state.fl.us](mailto:MillerTa@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).

**DEPARTMENT OF TRANSPORTATION**

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

**DATE AND TIME:** September 22, 2011, 4:30 p.m. – 6:30 p.m.

**PLACE:** American Beach Community Center, 1600 Julia Street, American Beach, FL 32034

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This workshop is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 427430-1, otherwise known as the SR A1A/Amelia Island Multi-Use Trail. Join us on September 22, 2011, to get the latest information on the SR A1A/Amelia Island Multi-Use Trail project. The Florida Department of Transportation proposes to construct a 5.9 mile Multi-Use Trail along SR-A1A on Amelia Island. The trail will begin at the southern tip of the island and end at Peter’s Point Park north of the Ritz-Carlton development. The Multi-Use Trail will be a 10’ foot wide asphalt trail with 2’ foot shoulders. The project design minimizes tree impacts. The design includes drainage structure modifications, utility coordination and wetland permitting. The workshop will be an open house format from 4:30 p.m. – 6:30 p.m. Project team members will be on hand to discuss the construction plans and answer any questions you may have. Then at 6:30 p.m., we will open the floor for

comments. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, ext. 7873.

Pursuant to the provisions of 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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, ext. 7873. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: Live Oak Hearing, Thursday, October 6, 2011, 5:30 p.m.

PLACE: Live Oak Hearing: Live Oak Passenger Depot, 210 N. Ohio Avenue, Live Oak, Florida

DATE AND TIME: Lake City Hearing, Monday, October 10, 2011, 5:30 p.m.

PLACE: Lake City Hearing: Florida Department of Transportation, Lake City District Office, Madison Room, 1109 South Marion Avenue, Lake City, Florida

DATE AND TIME: Jacksonville Hearing, Thursday, October 13, 2011, 5:30 p.m.

PLACE: Jacksonville Hearing: Florida Department of Transportation, Jacksonville Urban Office, Training Facility, 2198 Edison Avenue, Jacksonville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Presentation of the Department's Tentative Work Program for Fiscal Years beginning July 1, 2012, through June 30, 2017. These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 2012/2013 through 2016/2017, and to consider the necessity of making any changes to the Department's Tentative Work Program. Written comments from the Commissions, Metropolitan Planning Organizations (MPOs) and other interested parties will be received by the Department at the public hearings and through Friday, October 28, 2011.

Comments should be addressed to: Mr. Alan R. Mosley, P.E., District Two Secretary, Florida Department of Transportation, District Two, 1109 South Marion Avenue, Lake City, Florida

32025-5874, 1(800)749-2967. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Lake City District Two Office at 1(800)749-2967.

Pursuant to the provisions of 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: Mr. Bill Henderson, District Planning and Environmental Manager, Lake City District Two Office at 1(800)749-2967. If you are 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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### **BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 21, 2011, 6:00 p.m. – 8:00 p.m.

PLACE: Guana Tolomato Matanzas NERR Marineland Office, 9741 Ocean Shore Blvd., St. Augustine, FL 32080

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) will hold a meeting to provide advisory input for the management of the GTMNERR.

A copy of the agenda may be obtained by contacting: Annette.Odom@dep.state.fl.us, by phone: (904)823-4500 or by mail: 505 Guana River Road, Ponte Vedra Beach, Florida 32082.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Annette Odom at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **STATE BOARD OF ADMINISTRATION**

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

DATES AND TIME: September 21-22, 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: To discuss, in committee meetings, the 2011 standards and procedures and other general business of the Commission. In addition, the Commission will consider the acceptability of RiskLink 11.0.SP2 under the 2009 standards.

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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The **Florida Hurricane Catastrophe Fund**, Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 29, 2011, 1:00 p.m. (ET) – until conclusion of meeting

PLACE: Conference Call: 1(888)808-6959 and enter Conference Code: 4765251363

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval for the filing of a Notice of Proposed Rule for 19-8.010, F.A.C., Reimbursement Contract, and for the filing of this rule for adoption if no member of the public timely requests a rule hearing. In addition, other general business of the Council may be addressed.

A copy of the agenda may be obtained by contacting: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, tracy.allen@sbafla.com, (850)413-1341.

Pursuant to the provisions of 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: Tracy Allen at the email or number 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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#### DEPARTMENT OF CITRUS

The Florida **Department of Citrus** announces a public meeting to which all persons are invited.

DATE AND TIME: September 21, 2011, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, rulemaking, issues pertaining to Chapter 601, F.S., and other matters addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Karen Copley at email: kcopley@citrus.state.fl.us or (863)537-3951.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)537-3984. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Copley at email: kcopley@citrus.state.fl.us or (863)537-3951.

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#### REGIONAL PLANNING COUNCILS

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

DATE AND TIMES: September 19, 2011, 4:00 p.m.; Executive Committee Meeting, 3:00 p.m.

PLACE: Crestview City Hall, 198 North Wilson Street, Crestview, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Council and the above referenced Committee.

A copy of the agenda may be obtained by contacting: www.wfrpc.org.

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

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

For more information, you may contact: Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council at terry.joseph@wfrpc.org.



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

DATE AND TIME: September 19, 2011, 1:00 p.m.

PLACE: County Public Library, Meeting Room, 378 Northwest College Loop, Madison, Florida

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

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: September 22, 2011, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, Olustee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: September 22, 2011, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: September 22, 2011, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: Wednesday, September 21, 2011, 10:00 a.m.

PLACE: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701 (Visit [www.ecfrpc.org](http://www.ecfrpc.org) for map and directions)

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772. If you are 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: Tuesdai Brunsonbyrd-Bowden at (407)262-7772.

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

**DATE AND TIME:** September 28, 2011, 10:00 a.m.

**PLACE:** Heartland Workforce Office, 5901 US Hwy. 27 South, Suite 1, Sebring, FL 33870

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A Meeting of the Heartland 2060 Consortium Partners Advisory Group of Heartland 2060 Regional Plan for Sustainable Development.

A copy of the agenda may be obtained by contacting: Shannon Brett, (863)534-7130, ext. 132 or sbrett@cfprpc.org.

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

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### **METROPOLITAN PLANNING ORGANIZATIONS**

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

**DATE AND TIME:** September 19, 2011, 2:00 p.m.

**PLACE:** Board Room, Broward Metropolitan Planning Organization, Trade Centre South, 100 West Cypress Creek Road, Suite 850, Fort Lauderdale, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular Business Meeting of the Broward County Transportation Disadvantaged Coordinating Board (BCCB).

A copy of the agenda may be obtained by contacting: Deborah Byrnes at (954)876-0037, byrnesd@browardmpo.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: Deborah Byrnes at (954)876-0037, email: byrnesd

@browardmpo.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: Deborah Byrnes at (954)876-0037, email: byrnesd@browardmpo.org.

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### **WATER MANAGEMENT DISTRICTS**

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

**DATE AND TIME:** September 22, 2011, 4:00 p.m. (ET)

**PLACE:** District Headquarters, 3 miles north of I-10 on Highway 90, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board Meeting – to consider District business and amend Fiscal Year 2010-2011 Budget.

Other Meetings to be held on September 22, 2011:

3:30 p.m. – 4:00 p.m. District Lands Committee – to discuss Land Acquisition Matters.

4:15 p.m. Public Hearing on Regulatory Matters.

4:20 p.m. Public Hearing on Land Acquisition Matters.

5:05 p.m. Public Hearing on Consideration of Adoption of Fiscal Year 2011-2012 Millage Rate and Tentative Proposed Budget.

A copy of the agenda may be obtained by contacting: Robin Tucker, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at www.nwfwmd.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. If you are 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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Northern Recreational Public Meeting (NRPM)

**DATE AND TIME:** Tuesday, September 20, 2011, 6:00 p.m. – 8:00 p.m.

**PLACE:** St. Johns River Water Management District, Headquarters, 4049 Reid Street, Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Includes a review of the resource and recreation management accomplishments and land acquisition updates since the previous NRPM in March 2011. One or more Governing Board Members may attend.

A copy of the agenda may be obtained by contacting: Jo Anna Emanuel, (386)329-4879 or email: jemanuel@sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jo Anna Emanuel, (386)329-4879 or email: jemanuel@sjrwmd.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.

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The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2011, 11:00 a.m.

PLACE: Jacksonville Service Center, Cypress Room, 7775 Baymeadows Way, Suite 102, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of committee performing search for new Executive Director of St. Johns River Water Management District.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Marji Hightower at (386)329-4214 or mhightower@sjrwmd.com or by visiting the District's website at: [www.floridaswater.com](http://www.floridaswater.com).

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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 27, 2011, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meeting via telephone or web conferencing technology. Public should attend in person at the District Headquarters.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the FY 2011-2012 final millage rate and final budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

A copy of the agenda may be obtained by contacting: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, by phone: (386)329-4101, or by visiting the District's website at: [www.floridawaters.com](http://www.floridawaters.com).

A copy of the FY 2011-2012 may be obtained by visiting the District's website: <http://floridaswater.com/budget/index.html> or by contacting: District Clerk at (386)329-4500.

For more information, or if you wish to submit written or other physical evidence during the proceeding, you may contact Missy McDermont at the above referenced address or phone number.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Wednesday, September 21, 2011, 8:30 a.m.

PLACE: Rainbow Rivers Club Clubhouse, 12450 San Jose Blvd., Dunnellon, FL 34432

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rainbow Springs Neighborhood Challenge: Educational program highlighting the science behind the natural spring and river systems. Governing Board members may attend.

A copy of the agenda may be obtained by contacting: Howard T. Odum Florida Springs Institute, Emma Knight at (386)462-1003, email: [bknight@floridaspringsinstitute.org](mailto:bknight@floridaspringsinstitute.org).

For more information, you may contact: [Toi.Basso@watermatters.org](mailto:Toi.Basso@watermatters.org) or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4756 (Ad Order EXE0166).

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

DATE AND TIME: Friday, September 23, 2011, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a joint meeting of all advisory committees: Agricultural Advisory Committee; Green Industry Advisory Committee; Environmental Advisory Committee; Industrial Advisory Committee; and Public Supply Advisory Committee. To discuss committee business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103; email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Teri.Hudson@watermatters.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4402. (AD order #20130)

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

DATE AND TIME: Tuesday, September 20, 2011, 5:15 p.m. – until complete

PLACE: South Florida Water Management District, Auditorium, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment and vote on the final FY 11/12 millage rates and budget. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: (1) District Website [www.sfwmd.gov](http://www.sfwmd.gov) or (2) writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Director, Governing Board and Executive Services, (561)682-6344. If you are 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: Director, Governing Board and Executive Services, District, Headquarters, 3301 Gun Club Road, Mail Stop Code 2114, West Palm Beach, FL 33406, (561)682-6344.

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

DATE AND TIME: Wednesday, September 21, 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, and Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809. The meeting will also be webcast.

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” and 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, 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).

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

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

DATE AND TIME: September 30, 2011, 9:00 a.m.

PLACE: South Florida Water Management District, Building B-1, 3rd Floor, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, Conference Call: (561)682-6700 or Nationwide Toll Free 1(866)433-6299, Meeting ID #: 2636

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting: Lourdes Elias at (561)682-2706, website: <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: District Clerk at (561)686-8800. If you are 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: South Florida Water Management District, Attention: Lourdes Elias, MSC 2113, 3301 Gun Club Road, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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### REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water**, Regional Water Supply Authority announces a public meeting to which all persons are invited.

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

PLACE: Tampa Bay Water's Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Board Meeting, if needed, for the purpose of considering a potential settlement offer, which may result from scheduled mediation, will be held following a private Attorney/Client briefing session between the Tampa Bay Water Board of Directors and legal counsel pursuant to Section 286.011(8), Florida Statutes, to discuss possible litigation expenditures and/or settlement negotiations in Tampa Bay Water v. HDR Engineering, Inc., et al. Attorney/Client Briefing Attendees: Board of Directors of Tampa Bay Water, General Manager Gerald Seeber, General Counsel Richard Lotspeich, Richard Harrison, Esquire, Dave Forziano, Esquire, and a certified court reporter.

Pursuant to Section 2.04 of the Amended and Restated Interlocal Agreement, one or more Board Members may participate in the meeting by telephone conference call.

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

Pursuant to the provisions of 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: Records Department, (727)796-2355. If you are 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: Records Department, (727)796-2355.

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### DEPARTMENT OF ELDER AFFAIRS

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

DATES AND TIME: September 14, 2011; December 14, 2011, 10:00 a.m. – 11:00 a.m. (EST/EDT) (Note: Meeting dates have changed from original F.A.W. publication in Vol. 36, No. 51 on December 23, 2010.)

PLACE: 210 North Palmetto Avenue, Room 148, Daytona Beach, FL 32114

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

A copy of the agenda may be obtained by contacting: Ryan Miller, Department of Elder Affairs, 3801 N.W. 40th Terrace, Suite A, Gainesville, FL 32606, (352)955-5015 or email: millerr@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ryan Miller, Department of Elder Affairs, 3801 N.W. 40th Terrace, Suite A, Gainesville, FL 32606, (352)955-5015 or email: millerr@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ryan Miller, Department of Elder Affairs, 3801 N.W. 40th Terrace, Suite A, Gainesville, FL 32606, (352)955-5015 or email: millerr@elderaffairs.org.

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### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 20, 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. Any person interested in participating by telephone may dial: 1(888)808-6959, Participant Code: 8509223803. If you have any difficulty accessing the teleconference, please call: Florida Center's Main Number at (850)412-3730.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Commission on Review of Taxpayer Funded Hospital Districts. The commission was created by Governor's Executive Order Number 11-63, to assess and make recommendations on the role of hospital districts,

whether it is in the public's best interest to have government entities operating hospitals and what is the most effective model for enhancing health-care access for the poor.

A copy of the agenda may be obtained by contacting: Faye Miller, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5407. The agenda will also be posted at the Agency website: <http://ahca.myflorida.com/mchq/FCTFH/fctfh.shtml>.

Pursuant to the provisions of 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: Faye B. Miller, Bureau of Health Facility Regulation, Florida Center, Faye.Miller@ahca.myflorida.com or (850)412-3735. If you are 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: Faye Miller, Bureau of Health Facility Regulation, Florida Center, email: Faye.Miller@ahca.myflorida.com or (850)412-3735.

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

DATE AND TIME: Tuesday, September 20, 2011, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a hearing in Tallahassee for the purpose of taking public comment regarding proposed changes to the current Florida Medicaid Dental Coverage and Limitations Handbook. The Agency proposes to change the effective date of the handbook from September 2010 to November 2011. Also to be discussed is an issue related to preventive dental services. Preventative dental services provided to Medicaid beneficiaries by a Registered Dental Hygienist (RDH) employed by or in contractual agreement with a health access facility may be reimbursed when those services are provided under the general supervision of a dentist as defined in Section 466.003(10), F.S. The Medicaid-enrolled supervising dentist at the facility where the RDH is employed or in a contractual agreement acts as the treating provider for these services.

A copy of the agenda may be obtained by contacting: Mary Cerasoli, Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308-5407, (850)412-4228, e-mail: [mary.cerasoli@ahca.myflorida.com](mailto:mary.cerasoli@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: Mary Cerasoli, Bureau of Medicaid Services at

(850)412-4228. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIMES: There will be two workshops as follows: Monday, September 26, 2011, 12:00 Noon – 4:00 p.m.; Tuesday, September 27, 2011, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling workshops in Tallahassee for the purpose of taking public comment regarding stakeholder questions and concerns.

A copy of the agenda may be obtained by contacting: Susan Debeaugrine, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, (850)412-4261, e-mail: [susan.debeaugrine@ahca.myflorida.com](mailto:susan.debeaugrine@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: Susan Debeaugrine, Bureau of Medicaid Services at (850)412-4261. If you are 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 **Regulatory Council of Community Association Managers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 20, 2011, 9:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business. Repeal of Rule 61E14-3.002, F.A.C., Special Assessment and Legislative input to the department.

A copy of the agenda may be obtained by contacting: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, (850)717-1982.

Pursuant to the provisions of 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: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida

32399-1040, (850)717-1982. If you are 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: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, (850)717-1982.

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: September 27, 2011, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Paul Richard Waters, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Paul Richard Waters, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Paul Richard Waters, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

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The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 6, 2011, 2:00 p.m.; October 7, 2011, 9:00 a.m.

PLACE: Embassy Suites-Fort Lauderdale, 1100 S.E. 17th Street, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable cause panel (portions may be closed to the public) and regular board business.

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

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

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

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

DATES AND TIME: Thursday, October 6, 2011, Probable Cause; Friday, October 7, 2011, Board Meeting, 9:00 a.m. – until all business is concluded

PLACE: Sheraton Suites, 4400 West Cypress Street, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of 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: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607. If you are 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: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

DATE AND TIME: September 21, 2011, 9:00 a.m.

PLACE: Brevard County Agricultural Center, 3695 Lake Drive, Cocoa, Florida 32926

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a technical meeting to discuss reductions in total nitrogen and total phosphorus from water quality improvement projects related to the North Indian River Lagoon Basin Management Action Plan. The Total Maximum Daily Load for the North Indian River Lagoon adopted in March 2009 requires reductions in the loadings of total nitrogen and total phosphorus sufficient to meet seagrass depth targets.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: September 22, 2011, 9:00 a.m.

PLACE: Ocean Lounge at the Tides Collected Club, 1001 South Highway A1A, Patrick Air Force Base, Florida 32925

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a technical meeting to discuss reductions in total nitrogen and total phosphorus from water quality improvement projects related to the Banana River Lagoon Basin Management Action Plan. The Total Maximum Daily Load for the Banana River Lagoon adopted in March 2009 requires reduction in the loadings of total nitrogen and total phosphorus sufficient to meet seagrass depth targets.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection**, Southwest District Office announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 22, 2011, 5:30 p.m. – 7:00 p.m.

PLACE: Kennedy Park Recreation Building, 899 Kennedy Boulevard, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the public meeting is to review the proposed Remedial Action Plan (RAP) for the former Department of Public Works maintenance facility remediation project located on Martin Luther King, Jr., Boulevard in Brooksville. County staff will be present along with representatives from the Florida Department of Environmental Protection and the project consultant, Cardno/TBE.

A copy of the agenda may be obtained by contacting: County's Transportation Services Department at (352)754-4060.

Pursuant to the provisions of 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: County's Transportation Services Department at (352)754-4060. If you are 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: County's Transportation Services Department at (352)754-4060.

The **Division of Air Resource Management** announces a hearing to which all persons are invited.

DATE AND TIME: October 13, 2011, 10:00 a.m.

PLACE: Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 40 CFR 51.102, the Department of Environmental Protection (DEP) announces the opportunity for the public to request a hearing or offer comments on its proposal to submit documentation to the U.S. Environmental Protection Agency



(EPA) confirming that Florida complies with the requirements of section 110(a)(2) of the Clean Air Act with respect to implementation of the 2008 revised national ambient air quality standard for lead (Pb). A public hearing will be held, if requested, at the date, time and place given above. It is not necessary that the hearing be held or attended in order for persons to comment on DEP's proposed submittal to EPA.

Any request for a public hearing must be submitted by letter or e-mail: Marnie Brynes. Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS #5500, Tallahassee, Florida 32399-2400, marnie.brynes@dep.state.fl.us, and received no later than October 10, 2011. Any comments must be submitted by letter or e-mail: Will Sexton at the above address or will.sexton@dep.state.fl, with a copy to: Ms. Brynes, and received no later than October 10, 2011. If no request for a public hearing is received, the hearing will be cancelled, and notice of the cancellation will be posted at website: <http://share.point.dep.state.fl.us/PublicNotices/default.aspx>. Persons may also contact: Ms. Brynes at (850)717-9029 to find out if the hearing has been cancelled. The materials comprising DEP's proposed submittal to EPA are accessible from the above website by clicking on the October 13 hearing link. The materials may also be inspected during normal business hours at the DEP, Division of Air Resource Management Offices, 111 S. Magnolia Dr., Suite 23, Tallahassee, Florida, or accessed with the aid of any DEP District Air Section or DEP-approved local air pollution control office.

A copy of the agenda may be obtained by contacting: Mr. Sexton by letter or e-mail, or by calling: (850)717-9016.

Pursuant to the provisions of 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: Marnie Brynes at (850)717-9029 or email: marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Sexton by letter or e-mail or by calling: (850)717-9016.

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## DEPARTMENT OF HEALTH

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

DATE AND TIME: October 28, 2011, 8:00 a.m.

PLACE: Hilton Fort Lauderdale Airport, 1870 Griffin Road, Dania Beach, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster at (850)245-4474.

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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: September 13, 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. If you are 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 **Office of Trauma, GOAL 8**, Regional System Evaluation Planning Team announces a public meeting to which all persons are invited.

DATE AND TIME: September 20, 2011, 10:00 a.m. – 11:30 a.m. (Eastern Time) (9:00 a.m. – 11:00 a.m. Central Time)

PLACE: Teleconference: 1(888)808-6959, Code: 2354440

GENERAL SUBJECT MATTER TO BE CONSIDERED: Web ex instructions, the agenda and handouts will be posted on the Office of Trauma website seven days prior to the teleconference. The web site link: [www.fl-traumasystem.com](http://www.fl-traumasystem.com). Click on the "Florida Trauma System Plan Advisory Council" link and scroll down to the Planning Team Schedule.

A copy of the agenda may be obtained by contacting: Bonnie Newsom at (850)245-4440, ext. 2780 or via e-mail: Bonnie\_Newsom@DOH.state.fl.us.

A copy of the agenda may be obtained by contacting: Bonnie Newsome at (850)245-4440, ext. 2780 or via e-mail: Bonnie\_Newsom@DOH.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Bonnie Newsom at (850)245-4440, ext. 2780 or via e-mail: Bonnie\_Newsom@DOH.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Collins at (850)245-4440, ext. 2775 or via e-mail at: Janet\_Collins@DOH.state.fl.us.

**DEPARTMENT OF CHILDREN AND FAMILIES**

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

DATE AND TIME: Thursday, September 15, 2011, 11:00 a.m. – 3:00 p.m.

PLACE: Grande Lakes Orlando, JW Marriott, 4040 Central Florida Parkway, Orlando, Florida 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Children and Families has embarked upon a major reengineering project that will change the culture of the organization and redesign the way the Department and its community providers and stakeholders operate under a shared and common vision of integration and collaboration. Secretary David Wilkins has formed the Child Protection Transformation Board, made up of skilled experts in the Florida child welfare community to help advise and guide the Department throughout this transformation process. The end result will be to enhance child safety, well-being and permanency, by fostering positive assets in Florida children and building a collaborative bridge to strong families and communities.

A copy of the agenda may be obtained by contacting: Steven Rodrigues, Department of Children and Families, Executive Communications, 1317 Winewood Boulevard, Building 2, Room 205, Tallahassee, FL 32399-0700, (850)717-4600.

Pursuant to the provisions of 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: Steven Rodrigues, Department of Children and Families, Executive Communications, 1317 Winewood Boulevard, Building 2, Room 205, Tallahassee, FL

32399-0700, (850)717-4600. If you are 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: October 3, 2011, 9:00 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. Meeting of Negotiators to Formulate Recommendation for Award. The purpose of this meeting is to provide an opportunity for the Department’s negotiators to discuss the Respondents with which they conducted negotiations, to determine their recommendation for award that will be presented to the Secretary.

A copy of the agenda may be obtained by contacting: Michele Staffieri, Procurement Manager, (850)717-4354, Michele\_staffieri@dcf.state.fl.us.

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: October 3, 2011, 11:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #07D11GC2 – To Become the Community-Based Managing Entity for Substance Abuse and Mental Health Services in the Central Region. Meeting of Negotiators to Formulate Recommendation for Award. The purpose of this meeting is to provide an opportunity for the Department’s negotiators to discuss the Respondents with which they conducted negotiations, to determine their recommendation for award that will be presented to the Secretary.

A copy of the agenda may be obtained by contacting: Michele Staffieri, Procurement Manager, (850)717-4354, Michele\_staffieri@dcf.state.fl.us.

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: October 3, 2011, 2:00 p.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. Meeting of Negotiators to Formulate Recommendation for Award. The purpose of this meeting is to provide an opportunity for the Department's negotiators to discuss the Respondents with which they conducted negotiations, to determine their recommendation for award that will be presented to the Secretary.

A copy of the agenda may be obtained by contacting: Michele Staffieri, Procurement Manager, (850)717-4354, Michele\_staffieri@dcf.state.fl.us.

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: September 22, 2011, 2:00 p.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Conference Call: 1(888)808-6959, Conference Code: 4883791#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The debriefing meeting of the Department Evaluators for the Invitation to Negotiate for Community-Based Refugee Services Lead Agency in Orange, Osceola, and Seminole Counties (ITN #07K11BS1), as provided for in Section 2.6 of the ITN published on the Vendor Bid System (VBS) on July 13, 2011.

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).

#### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 11, 2011, 9:00 a.m. – conclusion

PLACE: Jim King Committee Room, 401 Senate Office Building (adjacent to The Capitol), South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc., by which the

Council requests an overall average increase in rate levels of 8.9% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2012.

A copy of the agenda may be obtained by contacting: Office of Insurance Regulation, Attention: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cindy Walden at (850)413-2616 or e-mail her at: Cindy.Walden@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

#### AREA AGENCY ON AGING OF PASCO-PINELLAS INC.

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

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

PLACE: The Cottages of Port Richey, 5905 Pine Hill Road, Port Richey, FL 34668

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.

#### MOFFITT CANCER CENTER

The **Moffitt Cancer Center** and Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 16, 2011, 10:00 a.m.

PLACE: Conference Call: 1(808)888-6959, Conference Code: 508 866 1795

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cancer Control Research Advisory Council (CCRAB) Goal II Prevention Conference Call. Discussion of action items made on the last call.

A copy of the agenda may be obtained by contacting: Kimberley.Buccini@Moffitt.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 1 day before the workshop/meeting by contacting: Kimberley.Buccini@Moffitt.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: Kimberley.Buccini@Moffitt.org.

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**CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.**

The **Center for Independent Living of South Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 24, 2011, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon, prior to the Board Meeting.

If alternative format (Braille, large print, electronic or audiotape), ASL interpreter, or other accommodation is required, please request at least 14 days in advance of the meeting date. RSVP to: Mary@soflacil.org or call: (305)751-8025, (TDD) (305)751-8891.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or call (305)751-8025, ext. 110.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2011, 9:00 a.m.

PLACE: Hotel Duval, 415 N. Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, Financial Statements.

A copy of the agenda may be obtained by contacting: Barbara Walker at 1(800)807-7647 or visit our website: www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at 1(800)807-7647. If you are 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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**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 16, 2011, 3:00 p.m.

PLACE: Hammock Board Room, Hammock Beach Resort, 200 Ocean Crest Drive, Palm Coast, Florida

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

A copy of the agenda may be obtained by contacting: Richard C. Dowdy, Program Administrator at (850)878-1874, by email: ssgfc@embarqmail.com or website: www.ssgfc.com.

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**FLORIDA INSTITUTE OF PHOSPHATE RESEARCH**

The University of South Florida, Polytechnic **Florida Industrial and Phosphate Research Institute** announces a public meeting to which all persons are invited.

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

PLACE: USFP/FIPR Institute, Education Building, 1855 W. Main St., Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the agenda may be obtained by contacting: Dr. Brian Birky, Interim Executive Director, or visiting our website at: www.fipr.poly.usf.edu.

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**FLORIDA INSTITUTE FOR THE COMMERCIALIZATION OF PUBLIC RESEARCH**

The **Florida Institute for the Commercialization of Public Research** announces a public meeting to which all persons are invited.

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Florida Institute for the Commercialization of Public Research

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss an update of Board of Directors operations.

A copy of the agenda may be obtained by contacting: Teri Hart, (561)368-8889, teri.hart@florida-institute.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Teri Hart, (561)368-8889, [teri.hart@florida-institute.com](mailto:teri.hart@florida-institute.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: Teri Hart, (561)368-8889, [teri.hart@florida-institute.com](mailto:teri.hart@florida-institute.com).

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### CITY OF LAKELAND

The **City of Lakeland** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 4, 2011, 5:30 p.m. – 7:30 p.m.

PLACE: Country Inn and Suites, 4500 Lakeland Park Drive, Lakeland, FL 33809

GENERAL SUBJECT MATTER TO BE CONSIDERED: The City of Lakeland will conduct a Preconstruction Open House for the improvements to State Road 33 (SR 33) in the City of Lakeland, Polk County, Florida. The meeting will be conducted as an open house workshop with display boards and project plans available for review. Staff from the City of Lakeland and Florida Department of Transportation (FDOT) will be available to answer questions.

The project consists of widening SR 33 from two to four lanes between Lakeland Harbor Boulevard to approximately 1,000 feet northeast of Old Combee Road/Deeson Point Boulevard, a distance of approximately 0.94 miles. This project will also include the completion of sidewalks from Jenkins Nissan to Old Combee Road/Deeson Point Boulevard. The meeting is being held to provide interested stakeholders an opportunity to ask questions and review project plans prior to construction activities, which are anticipated to begin in fall 2011.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Anyone requiring special accommodations pursuant to the Americans with Disabilities Act of 1990 or persons that require translation services (free of charge) at the meeting should contact: Mr. Steven Waterston, Engineering of Record, (407)896-0594, by e-mail: [swaterston@drmp.com](mailto:swaterston@drmp.com).

A copy of the agenda may be obtained by contacting: Mr. Steven Waterston, Engineering of Record, (407)896-0594, by e-mail: [swaterston@drmp.com](mailto:swaterston@drmp.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: Mr. Steven Waterston, Engineering of Record, (407)896-0594, by e-mail: [swaterston@drmp.com](mailto:swaterston@drmp.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: Mr. Steven Waterston, Engineering of Record, (407)896-0594, by e-mail: [swaterston@drmp.com](mailto:swaterston@drmp.com) or Mr. Greg James, City of Lakeland Project Manager, (863)834-6040, by e-mail: [Greg.James@lakeland.gov.net](mailto:Greg.James@lakeland.gov.net).

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### SOIL AND WATER CONSERVATION DISTRICTS

The **Clay County Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2011, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 SR 16 W., Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

For more information, you may contact: Sally Doyle at (904)284-6355.

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### ENTERPRISE FLORIDA, INC.

The **Enterprise Florida, Inc.**, Joint Meeting of Audit and Finance and Compensation Committees announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 27, 2011, 9:30 a.m.

PLACE: Enterprise Florida Office – Orlando, 800 North Magnolia Ave., Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

A copy of the agenda may be obtained by contacting: Pamela Murphy at (407)956-5644.

Pursuant to the provisions of 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: Pamela Murphy at (407)956-5644. If you are 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: Pamela Murphy at (407)956-5644.

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### FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION

The Board of Directors of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 12, 2011, 2:30 p.m.

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to review the Investment Policy revisions and the Claims Administration Agreement.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

Pursuant to the provisions of 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: Cathy Irvin at (850)386-9200. If you are 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 Investment Committee of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 29, 2011, 9:00 a.m.

PLACE: Hyatt Regency Orlando Airport Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding its general business.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin, (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 29, 2011, 10:00 a.m.

PLACE: Hyatt Regency Orlando Airport Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet regarding the general business of the Association. The agenda includes but is not limited to: Receiver's Report, Legal Report, Claims Report, Operations Report and Financial Reports.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin, (850)386-9200. If you are 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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**COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC.**

The **Commission for Florida Law Enforcement Accreditation, Inc.** announces a workshop to which all persons are invited.

DATE AND TIME: September 28, 2011, 4:00 p.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Program Manager, Debbie Moody at 1(800)558-0218.

Pursuant to the provisions of 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: Program Manager, Debbie Moody at 1(800)558-0218. If you are 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: Program Manager, Debbie Moody at 1(800)558-0218.

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The **Commission for Florida Law Enforcement Accreditation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2011, 10:00 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Program Manager, Debbie Moody at 1(800)558-0218.

Pursuant to the provisions of 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: Program Manager, Debbie Moody at 1(800)558-0218. If you are 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: Program Manager, Debbie Moody at 1(800)558-0218.

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**FLORIDA CORRECTIONS ACCREDITATION COMMISSION, INC.**

The **Florida Corrections Accreditation Commission, Inc.** announces a workshop to which all persons are invited.

DATE AND TIME: September 26, 2011, 3:00 p.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Program Manager, Debbie Moody at 1(800)558-0218.

Pursuant to the provisions of 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: Program Manager, Debbie Moody at 1(800)558-0218. If you are 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: Program Manager, Debbie Moody at 1(800)558-0218.

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The **Florida Corrections Accreditation Commission, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 27, 2011, 10:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Program Manager, Debbie Moody at 1(800)558-0218.

Pursuant to the provisions of 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: Program Manager, Debbie Moody at 1(800)558-0218. If you are 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: Program Manager, Debbie Moody at 1(800)558-0218.

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**CITY OF PORT ST. LUCIE**

The **City of Port St. Lucie** in cooperation with the Florida **Department of Transportation** announces a hearing to which all persons are invited.

DATE AND TIME: September 22, 2011, 6:00 p.m.

PLACE: Port St. Lucie Civic Center, Emerald Room 9221 S.E. Civic Center Place, Port St. Lucie, Florida 34952

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This Notice is a SUPPLEMENT to the notice of Public Hearing for the Crosstown Parkway Extension Project Development and Environment Study published on August 26, 2011.

Please note that all information in the original Notice is unchanged; however, the following sentence is amended to that Notice.

“Should a tropical storm or hurricane result in the postponement of the Hearing, an alternate Hearing date of October 6, 2011 at the same time and location has been established.”

A copy of the agenda may be obtained by contacting: Dawn Sonneborn, 1(866)785-8243. If you have questions about the project or scheduled Public Hearing, please contact: Dawn Sonneborn, 1(866)785-8243 or e-mail: dsonneborn@keithandschnars.com. Project information may also be reviewed on the project website: [www.pslcrosstownparkway.com](http://www.pslcrosstownparkway.com).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons with disabilities who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should also contact: Ms. Sonneborn at the telephone number provided above at least seven (7) days prior to the Hearing. Hearing impaired citizens can call the toll free TDD number and relay service at (772)344-4222. Para información en español puede llamar a Verónica Altuve al 1(800)488-1255 (Extensión 6731).

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**MRG MIAMI**

The Florida **Department of Transportation**, District Four announces an Elected Official/Agency Kick-Off meeting to which all local elected officials and agencies are invited.

DATE AND TIME: Thursday, October 6, 2011, 2:00 p.m.

PLACE: Hilton Garden Inn PGA Village, Persimmon Room, 8540 Commerce Centre Drive, Port St. Lucie, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the I-95 (SR 9) Project Development and Environment (PD&E) Study is to provide additional capacity to meet existing and future traffic needs as well as improve safety. The additional capacity will also improve emergency access and enhance hurricane evacuation along the project corridor. The overall projects limits are along I-95 from north of Becker Road to south of Okeechobee Road (SR 70), for a distance of approximately 14 miles in St. Lucie County. Your participation is encouraged and appreciated.

Public participation is solicited without regard to race, color, national origin, sex, religion, disability or family status. Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the agency at least seven (7) days before the meeting by contacting: FDOT,

Project Manager, Mr. Patrick R. Glass, P.E., District Four Office, 3400 West Commercial Boulevard, Fort Lauderdale, FL 33309, (954)777-4681 or Toll Free at 1(866)336-8435, ext. 4681. Mr. Glass may also be contacted via e-mail at: patrick.glass@dot.state.fl.us. Persons who require translation services (free of charge) should also contact: Mr. Glass at least seven (7) 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).

For more information, you may contact: Mr. Glass at (954)777-4681 or Toll Free at 1(866)336-8435, ext. 4681 or via e-mail at: patrick.glass@dot.state.fl.us.

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The Florida **Department of Transportation**, District Four announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, October 6, 2011, 5:30 p.m. – 7:30 p.m.; Presentation, 6:00 p.m.

PLACE: Hilton Garden Inn PGA Village, Persimmon Room, 8540 Commerce Centre Drive, Port St. Lucie, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the I-95 (SR 9) Project Development and Environment (PD&E) Study is to provide additional capacity to meet existing and future traffic needs as well as improve safety. The additional capacity will also improve emergency access and enhance hurricane evacuation along the project corridor. The overall projects limits are along I-95 from north of Becker Road to south of Okeechobee Road (SR 70), for a distance of approximately 14 miles in St. Lucie County. Your participation is encouraged and appreciated. Public participation is solicited without regard to race, color, national origin, sex, religion, disability or family status.

Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the agency at least seven (7) days before the meeting by contacting: FDOT Project Manager, Mr. Patrick R. Glass, P.E., District Four Office, 3400 West Commercial Boulevard, Fort Lauderdale, FL 33309, (954)777-4681 or Toll Free at 1(866)336-8435, ext. 4681. Mr. Glass may also be contacted via e-mail at: patrick.glass@dot.state.fl.us. Persons who require translation services (free of charge) should also contact: Mr. Glass at least seven (7) 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).

For more information, you may contact: Mr. Glass at (954)777-4681 or Toll Free at 1(866)336-8435, ext. 4681 or via e-mail: patrick.glass@dot.state.fl.us.

#### ATKINS

The Florida **Department of Transportation**, District One announces a public information workshop for the State Road 80 design project from Birchwood Parkway to Dalton Lane in Glades and Hendry counties. All members of the public are invited to attend.

DATE AND TIME: Thursday, October 6, 2011, 4:30 p.m. – 6:30 p.m.

PLACE: LaBelle Civic Center, 481 West Hickpochee Avenue, LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT will be widening SR 80 from two lanes to four lanes with a median ranging from 40' feet to 60' feet. At this meeting, FDOT will present the locations of each proposed median opening within the project limits for the public's information. The department is sending notices to all property owners located at least 300 feet on either side of SR 80 within the project limits. FDOT encourages all interested people to attend and express their views regarding the project and information presented.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Florida Department of Transportation at least seven days before the meeting by contact: Mr. Jamey Wooten, Project Manager, Phone: (863)519-2834, E-mail: James.Wooten@dot.state.fl.us. If you are hearing or speech impaired, please contact the Florida Department of Transportation using the Florida Relay Service, 1 (800) 955-8771 (TDD) or 1 (800) 955-8770 (Voice). For more information, please contact: Mr. Jamey Wooten at the above phone number or email address.

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#### INFINITE SOURCE COMMUNICATIONS GROUP, LLC

The Florida **Department of Transportation**, District Six announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 27, 2011, 6:00 p.m. – 8:00 p.m.

PLACE: New Birth Baptist Church, East Campus/Vision to Victory, 13232 N.W. 7 Avenue, Miami, FL 33168

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public meeting for a roadway project on State Road (SR) 9/N.W. 27 Avenue from N.W. 122 Street to N.W. 135 Street to discuss the project's design and scope of work. The project identification number is: 428476-1-52-01. The public meeting will follow an informal, open house format allowing the public to arrive at any time from 6:00 p.m. – 8:00 p.m. Graphic displays will be shown at the meeting, and FDOT representatives will be available to discuss the project and answer questions.



A copy of the agenda may be obtained by contacting: Public Information Specialist, Jeannette Lazo at (305)470-5349, email: Jeannette\_Lazo@urscorp.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: Brian Rick at (305)470-5349 or in writing: FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172, email: brian.rick@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are 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: Public Information Specialist, Jeannette Lazo at (305)470-5349, email: Jeannette\_Lazo@urscorp.com.

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### CARLSON STUDIO MARKETING

The Florida **Department of Transportation**, District One announces a workshop to which all persons are invited.

DATE AND TIME: September 20, 2011, 4:00 p.m. – 7:00 p.m.

PLACE: State College of Florida, Neel Performing Arts Center, 5840 26th St., W., Bradenton, FL 34207

DATE AND TIME: September 21, 2011, 4:00 p.m. – 7:00 p.m.

PLACE: Morgan Center, 1st Floor, Meeting Room, 6207 West Price Blvd., North Port, FL 34288

DATE AND TIME: September 22, 2011, 4:00 p.m. – 7:00 p.m.

PLACE: Selby Library, Jack J. Geldbart Auditorium, 1331 First St., Sarasota, FL 34236

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The “open house style” forums will provide attendees with the SMART Connect Study background and the current status of the study. Public involvement is key to the success of the project. Attendees will have a chance to offer opinions on viable modes of premium transit and potential corridors that would best meet their needs and stimulate future economic development. The workshops are a platform for participants to offer any questions or concerns regarding the SMART Connect Study and current or future transit developments.

For more information, please visit: [www.SMARTConnectStudy.com](http://www.SMARTConnectStudy.com).

A copy of the agenda may be obtained by contacting: Grace Carlson, (941)362-3011.

Pursuant to the provisions of 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: Robin Parrish, (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: Grace Carlson, APR, LEED GA, Carlson Studio Marketing, (941)362-3011 or Grace@CarlsonEcoMarketing.com.

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

### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has declined to rule on the petition for declaratory statement filed by Jimmy R. Smith on June 16, 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. 26 of the Florida Administrative Weekly. The Petition alleged the invalidity of Rule 33-401.401, F.A.C., and requested that the Department immediately halt implementation of the rule. The Department of Corrections denied the petition for declaratory statement because the Petitioner lacks standing to request the declaratory statement and because the petition was not a proper subject for declaratory statement, as it amounted to a challenge to the validity of the rule.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Kendra L. Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500 or email: [jowers.kendra@mail.dc.state.fl.us](mailto:jowers.kendra@mail.dc.state.fl.us).

Please refer all comments to: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500 or email: [jowers.kendra@mail.dc.state.fl.us](mailto:jowers.kendra@mail.dc.state.fl.us).

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Professions has received the petition for declaratory statement from Mark A. Cramer on July 1, 2011. The petition seeks the agency’s opinion as to the applicability of Sections 468.841(1)(d) and 468.8411, Florida Statutes, as it applies to the petitioner.

Can licensed home inspectors, operating within the scope of licensure, inspect for the presence or absence of mold, or sample and identify the presence of mold if any visible mold is less than 10 sq. ft. in area? Also, can licensed home inspectors, when operating within the scope of licensure, offer and advertise mold testing, sampling, and inspections if they are not holding themselves out as a “mold assessor”? Also, can anyone perform mold testing, mold sampling, or mold

inspections if they are not holding themselves out as a “mold assessor” and if they have no prior knowledge of conditions in the home?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

Please refer all comments to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Professions has received the petition for declaratory statement from Reliable Reports of Texas, d/b/a Reliable Reports, Inc. on August 2, 2011. The petition seeks the agency’s opinion as to the applicability of Section 468.8311(4), Florida Statutes, as it applies to the petitioner.

The Petitioner asks if its employees, who perform inspection services as described herein, are providing “home inspection services” pursuant to Section 468.8311(4), Florida Statutes, and are they required to be licensed as home inspectors.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

Please refer all comments to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Shawn G. Brown, Esq. on behalf of Bel Mare Condominium Association, Inc., on August 25, 2011. The petition seeks the agency’s opinion as to the applicability of Section 718.110(4), Florida Statutes, as it applies to the petitioner.

What vote is required to assign a common element parking space to each of 10 penthouse units as a limited common element under Section 718.110(4), Florida Statutes, and the Declaration of Condominium for Bel Mare Condominium Association, Inc.

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

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

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NOTICE IS HEREBY GIVEN that Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Ronald Gilch, Unit Owner, In Re: Greentree Villas Condominium Association, Inc. on July 25, 2011. The following is a summary of the agency's declination of the petition:

The Division has closed its file as Petitioner voluntarily withdrew the Petition for Declaratory Statement.

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

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

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NOTICE IS HEREBY GIVEN that Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has declined to rule on the petition for declaratory statement filed by North Tower at the Point Condominium Association, Inc. and South Tower at the Point Condominium Association, Inc. on March 14, 2011. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a declaratory statement because the Master Association and the IDP owner are not condominium associations subject to the Division’s jurisdiction. The Division lacks jurisdiction to issue an opinion that will affect the interests of a party over which it lacks jurisdiction.

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

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

NOTICE IS HEREBY GIVEN that Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Robert R. Smith, Board Member, In Re: Seven Springs Villas Association, Inc. on June 13, 2011. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement concerning events that have already taken place; or when the Division has not been provided with competent substantial evidence, which includes a complete, current set of governing documents.

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

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

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NOTICE IS HEREBY GIVEN that Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Elena Soutullo, In re: Kensington Condominium Association of Hialeah, Inc., Docket No. 2011042257, on August 25, 2011. The petition seeks the agency's opinion as to the applicability of Section 718.106, Florida Statutes, as it applies to the petitioner.

Whether Kensington Condominium Association of Hialeah, Inc. may charge a unit owner for the use of a parking space under the declaration and Section 718.106, Florida Statutes.

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

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

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The Construction Industry Licensing Board hereby gives notice that on August 5, 2011, it received a Petition for Declaratory Statement filed by Jack Westenbarger. The Petitioner does not state in his request which statute the Petitioner seeks the Board to interpret. However, Petitioner

appears to be requesting an interpretation of Section 489.105(3), Florida Statutes, and whether installation of nitrogen charged "dry" condensing units is legal.

Copies of the petition may be obtained from: G.W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health has received the petition for declaratory statement from Collier HMA Physician Management, LLC, filed on August 26, 2011. The petition seeks the agency's opinion as to the applicability of [Section 458.3265(1)(a)2.c., Florida Statutes] Florida Statutes, as it applies to the petitioner.

The Petition cites the statute incorrectly. The issue relates to an exemption from registration as a pain-management clinic provision based upon the clinic being owned by a publicly held parent corporation whose shares are traded on a national exchange and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 Million.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy Tootle, Executive Director, Florida Board of Medicine, Florida Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399.

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NOTICE IS HEREBY GIVEN that the Department of Health has received the petition for declaratory statement from Ramirez and Weisman, Florida Medical Clinic (FMC) P.A. The petition seeks the agency's opinion as to the applicability of Section 458.3265, Florida Statutes, as it applies to the petitioner.

The petition provides background information about FMC, a multi-specialty group practice registered in three locations as pain-management clinics. It argues for a declaration of exemption from registration as pain-management clinics because of the surgical services codes used in 80 percent of the billings and because certain physicians in the clinics hold board certifications.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy Tootle, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of Ara J. Deukmedjian, M.D., on August 23, 2011. The Petitioner requests the Board's interpretation of Section 456.44, Florida Statutes, as created in Section 3 of Chapter 2011-122, Laws of Florida. Specifically, the Petitioner asks the Board to find that the prescribing of controlled substances for the treatment of pain during the usual course of the disease or injury causing such pain is not the prescribing of controlled substances for the

treatment of "chronic nonmalignant pain" as defined in Section 456.44(1)(d), F.S., and that therefore, Petitioner is not required to register as a controlled substance provider as set forth in Section 456.44(2), F.S., as a result of such prescribing in the treatment of conditions set forth in the Petition. The Board will consider this petition at its meeting scheduled for September 30-October 1, 2011, in Tampa, Florida.

Copies of the petition may be obtained by writing: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

The Board of Optometry hereby gives notice that on August 24, 2011, it received a Petition for Declaratory Statement filed by Nicholas Krevatas, O.D., seeking the Board's guidance concerning use of The Online Appointment Book provided through Luxottica. The Board will address this petition at its next meeting on October 7, 2011.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3252.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has issued an order disposing of the petition for declaratory statement filed by Denise LeHeup, Broker and Jason C. Myers, Broker Associate on May 31, 2011. The following is a summary of the agency's disposition of the petition:

The petition was granted, and it was determined that the proposed additional contractual services would not be considered "insurance" as defined by the code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Catharine Schoenecker at email: catharine.schoenecker@fleur.com.

Please refer all comments to: catharine.schoenecker@fleur.com.

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

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

**NONE**

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

**NONE**

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

**NONE**

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

**NONE**

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

**DEPARTMENT OF EDUCATION**

**NOTICE OF BID/REQUEST FOR PROPOSAL**

The Florida International University Board of Trustees announces that services in the discipline of Architecture/Engineering are required for the project identified below:

Project Name and Number: FIU Stadium Expansion & Master Plan, BT-842

Project Location: Modesto A. Maidique Campus (MMC), Miami, Florida

Project Description: The scope of work for this project shall be broken down into three components:

1. Programming & Master Planning (Component 1) – Shall include development of a comprehensive plan for the short term and long term development of the existing FIU Football Stadium.
2. North side stadium seating (Component 2) – Complete construction of the lower level seating and concourse to essentially match the existing lower level south side seating and concourse.

3. Stadium Build Out (Component 3) – The long term goal is to add a second tier of seating to increase the stadium capacity to hold 40,000 to 45,000 fans. This may include construction of some or all of the items identified in the Owner approved master plan.

Included below are specific requirements/elements for consideration during programming & master planning:

1. Completion of north side bleachers/seating including concourse.
2. Ground level stadium club vs. concourse level stadium club.
3. Structures underneath bleachers.
4. Central structure.
  - Press box
  - Additional suites
  - Coaches' game boxes
  - President's Suite
  - Concourse level stadium club
  - Athletic Dept Offices
  - Restrooms
  - Concessions
5. Upper level bowl and associated amenities.
6. Storage space at ground level for athletic & stadium equipment.
7. Other facilities as required and appropriate.

Included below are specific deliverables and phases which may be required in the scope any of the components as applicable:

1. Planning Study/Programming.
2. Conceptual stadium master plan with phasing framework & construction cost estimates for each phase.
3. Construction Documents for north side bleachers.
4. Construction Administration for north side bleachers.
5. 35% Design & Renderings for overall master plan (fundamentally to facilitate fund raising).
6. Full design (conceptual & advanced schematics).
7. Construction Documents for each phase contingent on funding & owner's desire to proceed.
8. Construction Administration for each phase as it is built.

#### CONTINGENCIES FOR COMPONENTS 2 AND 3:

Funding for components 2 and 3 is contingent upon the University's procurement of financing/funding, (as applicable) for design and construction of each of these components on terms acceptable to the University, at its sole discretion. The university reserves the right to cancel either or both of these components at any time.

Applicants are hereby notified that if the University is unable to secure full funding for components 2 and/or 3, the University intends to proceed only with design and construction of fully funded component(s), if any.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Florida International University Professional Qualifications Supplement (FIUPQS)." The official FIUPQS forms must be downloaded from the FIU web site at: <http://facilities.fiu.edu/projects/BT-842.htm>. Applications on any other form will not be considered.
2. The FIUPQS form should identify all key members and consultants proposed for the complete development of the project including deliverables 1 through 8 above. Do not list specialty consultants as indicated in the FIUPQS instructions, doing so may result in disqualification.
3. A copy of the applicant's current Professional Registration Certificate from the appropriate Governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) bound copies of the required proposal data and one CD copy in Adobe Acrobat PDF format of the requested qualifications to: Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, 11555 S.W. 17th St., Room CSC142, Modesto A. Maidique Campus, Miami, Florida 33199. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The plans and specifications prepared by the A/E are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FIU HAS CREATED STANDARD CONTRACT FORMS AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO A/E'S FOR A/E AND OTHER LICENSED PROFESSIONAL SERVICES TO PROVIDE FOR AN EFFICIENT AND EFFECTIVE PROCESS. THESE FORMS ARE AVAILABLE FOR REVIEW AND CAN BE FOUND AT: <http://facilities.fiu.edu/formsandstandards.htm>.

ALL APPLICANTS SHOULD REVIEW THE APPLICABLE FIU CONTRACT FORM AND STANDARD INSURANCE REQUIREMENTS CAREFULLY PRIOR TO MAKING A DECISION AS TO WHETHER OR NOT TO RESPOND TO THIS ADVERTISEMENT.

The Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the web-site: <http://facilities.fiu.edu/projects/BT-842.htm>. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to: Facilities Planning at (305)348-4090 or via email: [griffith@fiu.edu](mailto:griffith@fiu.edu).

Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m. and 4:00 p.m. (Local Time), Friday, October 7, 2011. Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

**VISIT FLORIDA**

Public Relations Agency

The Florida Tourism Industry Marketing Corporation, dba VISIT FLORIDA has issued an invitation to negotiate for a PR agency of record with capabilities in campaign development, national media relationships and crisis communications. Visit: [www.VISITFLORIDA.org/ITN](http://www.VISITFLORIDA.org/ITN) for a complete packet, including deadlines and project contacts.

VISIT FLORIDA Seeks Video Production Company

The Florida Tourism Industry Marketing Corp., dba VISIT FLORIDA wishes to announce they are seeking a video production company to produce a total of twelve (12) videos to promote Florida's rich Spanish Colonial heritage through the Viva Florida initiative. The videos will be featured on [VivaFlorida.org](http://VivaFlorida.org), a microsite dedicated to Florida's rich and diverse heritage.

The deadline for submissions is September 13, 2011.

**Section XII  
Miscellaneous**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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

Pursuant to section 320.642, Florida Statutes, notice is given that Volkswagen of America, Inc., intends to allow the establishment of Mar Horch Stuart, LLC, d/b/a Audi Stuart as a dealership for the sale of automobiles manufactured by Volkswagen (line-make AUDI) at 3600-3800 Southeast Federal Highway, Stuart (Martin County), Florida 34997, on or after October 9, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Mar Horch Stuart, LLC, d/b/a Audi Stuart are dealer operator(s): Mario Murgado, 665 Southwest

8th Street, Miami, Florida 33130, principal investor(s): Mario Murgado, 665 Southwest 8th Street, Miami, Florida 33130 and Alex Andreus, 665 Southwest 8th Street, Miami, Florida 33130 and Rick Barraza, 665 Southwest 8th Street, Miami, Florida 33130.

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: Anthony Holbrook, Volkswagen of America, Inc., 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Volkswagen of America, Inc., intends to allow the relocation of Broward Automotive, Inc., d/b/a Audi Fort Lauderdale as a dealership for the sale of automobiles manufactured by Volkswagen (line-make AUDI) from its present location at 4250 North Federal Highway, Lighthouse Point (Broward County), Florida 33064, to a proposed location at 2125 Federal Highway, Fort Lauderdale (Broward County), Florida 33316, on or after October 9, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Broward Automotive, Inc., d/b/a Audi Fort Lauderdale are dealer operator(s): Bruce Qvale, 13260 Sabal Chase, Palm Beach Gardens, Florida 33418, principal investor(s): Kjell H. Qvale, 3636 Jackson Street, San Francisco, California 94178 and M. Jeffrey Qvale, 220 Evergreen, Kentfield, California 94904 and Kathryn C. Qvale, 901 Van Ness Avenue, San Francisco, California 94109.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, 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-31, 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: Anthony Holbrook, Volkswagen of America, Inc., 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171.

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 Polaris Sales, Inc., intends to allow the establishment of Daytona Beach Cycles, LLC, d/b/a Indian Motorcycle of Daytona as a dealership for the sale of motorcycles manufactured by Victory (line-make VICO) at 402 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after October 9, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Beach Cycles, LLC, d/b/a Indian Motorcycle of Daytona are dealer operator(s): Michelle Owen, 402 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): Bradley Baran, 25 Cobtail Way, Simsbury, Connecticut 06070.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Kawasaki Motors Corp., U.S.A., intends to allow the relocation of North Florida Cycles, LLC, as a dealership for the sale of motorcycles manufactured by Kawasaki, (line-make KAWK) from its present location at 2590 US 1 South, St. Augustine (St. Johns County), Florida 32086, to a proposed location at 1860 North Ponce De Leon Boulevard, St. Augustine (St. Johns County), Florida 32084, on or after October 9, 2011.

The name and address of the dealer operator(s) and principal investor(s) of North Florida Cycles, LLC, are dealer operator(s): Mark Allen, 3097 Antigua Drive, Jacksonville Beach, Florida 32250, principal investor(s): Mark Allen, 3097 Antigua Drive, Jacksonville Beach, Florida 32250.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, 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: Anthony J. Kestler, Kawasaki Motors Corp. USA, 6100 Boat Rock Boulevard Southwest, Atlanta, Georgia 30336.

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.

**REGIONAL PLANNING COUNCILS**

The Executive Director is responsible for the day to day leadership and administration of the Southwest Florida Regional Planning Council (SWFRPC). The Executive Director educates and implements the vision for the physical, economic, social and environmental future of Southwest Florida. The Council is governed by a 35-member Board comprised of representatives of the six-county region. This position has full management responsibility and authority over the SWFRPC 24 full-time employees and annual budget of \$4.2 million.

Position Title: Executive Director

Salary Range: \$80,000 – \$120,000

Close Date: September 15, 2011

Requirements: This position requires a Master's degree in a relevant field or a Bachelor's degree and 4 years relevant experience. Applicant must be a highly motivated professional, with a minimum of ten (10) years combined experience in administration and planning, with at least 5 years in managerial positions with proven results and increasing responsibilities. Extensive knowledge of Florida Growth Management Statutes, policies and practices with emphasis on state, regional and local planning relationships is required. Experience with principles and practices of local and regional economic development, and visioning is preferred. Membership in American Institute of Certified Planners (AICP) is preferred.

Applicants should direct inquiries to: Ms. Nancy Doyle, Human Resources at (239)338-2550, ext. 233.

Please submit your resume to: Human Resources, 1926 Victoria Avenue, Fort Myers, Florida 33901

Email: hr@swfrpc.org or Fax: (239)338-2561.

Contacting SWFRPC Council members or staff (other than Human Resources) is not permitted and will result in disqualification from the application process.

THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL IS AN EQUAL OPPORTUNITY EMPLOYER. The selection process will be conducted in accord with the provisions of Florida's "Government in the Sunshine" and Public Record Law.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**EXEMPTION**

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: Palm Beach

District: 9-4

ID # E1100012

Decision: A

Issue Date: 8/4/2011

Facility/Project: Edward J. Healey Rehabilitation and Nursing Center

Applicant: Health Care District of Palm Beach County

Project Description: Construct a 198-bed replacement nursing home within three miles of the existing site in two phases – 120 beds & 30 beds, 48 beds will be delicensed.

Proposed Project Cost: \$25,000,000.00

**GRACE PERIOD LETTER OF INTENT**

The Agency for Health Care Administration received and accepted the following letter of intent for the September 7, 2011 application filing date for Hospital Beds and Facilities batching cycle:

County: Seminole

District: 7

Date Filed: 8/24/2011

LOI #: H1108008

Facility/Project: Central Florida Regional Hospital

Applicant: Central Florida Regional Hospital, Inc.

Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds.

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 12, 2011, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 30, 2011.

**DEPARTMENT OF MANAGEMENT SERVICES**

Accepting Applications for Receipt of Tier One Undesignated Funds, for the 2011 Florida State Employees' Charitable Campaign

The Department of Management Services is now accepting applications, Form DMS-ADM-102 Application for Receipt of Tier One Undesignated Funds, for the 2011 Florida State Employees' Charitable Campaign. The deadline for submission is October 1, 2011. Please note:

1. Only organizations (whether members of Umbrella Groups or Independent Unaffiliated) that have been approved to participate in the 2011 campaign cycle and that provided direct local services during the preceding calendar year (2010) in one or more of the fiscal agent areas may apply.
2. Please visit our website at: <http://dms.myflorida.com/fsecc> for further information and to apply online. Applications must be received via e-mail: [FSECC@dms.myflorida.com](mailto:FSECC@dms.myflorida.com), no later than 11:59 p.m. (Eastern Time), October 1, 2011.

For further information, please contact: Ms. Erin Thoresen, [erin.thoresen@dms.myflorida.com](mailto:erin.thoresen@dms.myflorida.com), (850)922-1274 or Mr. Matthew Gregory, [matthew.gregory@dms.myflorida.com](mailto:matthew.gregory@dms.myflorida.com) (850)921-4618.



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notice of Intent to Issue a Variance under Chapter 403, F.S.

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (No. 0294967-003-EV-VE) to Philip Charles Owen, 1130 East Donegan Avenue, Suite 4, Kissimmee, Florida 34744, under Section 403.201(1)(a), Florida Statutes (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels 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 Levy County. The proposed construction will require an environmental resource permit which has been assigned a different file number, File No. 0294967-003, and is not the subject of this intent to issue a variance.

The project is located in Section 19 of Township 13 South, Range 19 East in Levy County, Florida. The street address is the junction of County Road 323 (Northeast 200th Avenue) and East Levy Street (Northeast 130th Street), Williston, Florida 32696. The manmade lake will be constructed across property lines such that the lake will have more than one property owner. The proposed manmade lake will be subject to the water quality standards provided in 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.

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. Mediation is not available.

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: 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 Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an Administrative Hearing within the appropriate time period shall constitute a waiver of that person's right to request an Administrative Determination (Hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Under Sections 120.569(2)(c) and (d), F.S., a petition for Administrative Hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an Administrative Hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: The Clerk of the Department, 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.

**Office of Intergovernmental Programs**

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

**DEPARTMENT OF HEALTH**

**Notice of Emergency Action**

On August 30, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of John J. Ham, D.C., License #CH 2194. 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.

**Notice of Emergency Action**

On August 30, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of David B. Bollett, L.M.H.C., License #MH 8110. 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.

**Notice of Emergency Action**

On August 30, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Cassin Murdock, C.N.A., License #CNA 167333. 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.

**DEPARTMENT OF FINANCIAL SERVICES**

In *Santana v. Department of Financial Services*, Case No. 1D10-2744 (Fla. 1st DCA April 5, 2011), the Court affirmed the amended final order in *Santana v. Department of Financial Services*, Case No. 09-0829RX (Department of Administrative Hearings, April 29, 2010) striking as invalid exercises of delegated legislative authority: Paragraphs 69B-211.042(8)(a) and subparagraph 69B-211.042(17)(c)3., F.A.C.; the phrase in the last sentence of paragraph 69B-211.042(9)(a), F.A.C., "for each additional felony"; and the phrase in subsection 69B-211.042(21), F.A.C., "and are all of equal weight notwithstanding from which paragraph they are drawn."

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

RULES FILED BETWEEN August 22, 2011  
 and August 26, 2011

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./ No.
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**STATE BOARD OF ADMINISTRATION**

19-8.010	8/22/11	9/11/11	37/29	
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**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-9.290	8/22/11	9/11/11	37/21	
40D-9.320	8/22/11	9/11/11	37/21	

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

60BB-1.011	8/25/11	9/14/11	37/25	
60BB-8.451	8/22/11	9/11/11	37/25	
60BB-10.001	8/25/11	9/14/11	37/25	
60BB-10.002	8/25/11	9/14/11	37/25	
60BB-10.003	8/25/11	9/14/11	37/25	
60BB-10.004	8/25/11	9/14/11	37/25	
60BB-10.005	8/25/11	9/14/11	37/25	
60BB-10.006	8/25/11	9/14/11	37/25	
60BB-10.007	8/25/11	9/14/11	37/25	
60BB-10.008	8/25/11	9/14/11	37/25	
60BB-10.009	8/25/11	9/14/11	37/25	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./ No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-5.001	8/22/11	9/11/11	36/52	37/22
61D-5.003	8/22/11	9/11/11	36/52	
61D-5.004	8/22/11	9/11/11	36/52	
61D-5.005	8/22/11	9/11/11	36/52	
61D-5.006	8/22/11	9/11/11	36/52	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Treasury**

69C-4.001	8/22/11	9/11/11	37/26	
69C-4.002	8/22/11	9/11/11	37/26	
69C-4.003	8/22/11	9/11/11	37/26	
69C-4.0035	8/22/11	9/11/11	37/26	
69C-4.004	8/22/11	9/11/11	37/26	
69C-4.0045	8/22/11	9/11/11	37/26	
69C-4.009	8/22/11	9/11/11	37/26	

**LIST OF RULES AWAITING LEGISLATIVE  
 APPROVAL PURSUANT TO (CHAPTER 2010-279,  
 LAWS OF FLORIDA)**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-11.002	7/7/11	*****	37/14	
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