

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-65.001	Purpose
5B-65.002	Definitions
5B-65.003	Wood Boring Pests and Wood Inhabiting Pests That are Harmful to Florida Agriculture, Landscape Plants and Native Plants
5B-65.004	Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products
5B-65.005	Movement of Regulated Articles

PURPOSE AND EFFECT: The purpose of this rule is to prevent the introduction and spread of serious plant pests harbored in or infesting firewood and unprocessed wood products. This will affect the interstate and intrastate movement of firewood and unprocessed wood products that are not treated to eliminate the plant pests of concern in order to protect Florida's forests and other plant resources.

SUBJECT AREA TO BE ADDRESSED: The movement of commercial shipments of firewood, unprocessed wood products and other regulated articles into the state is prohibited unless the shipper has entered into a signed compliance agreement with the state of origin under a master permit that has been issued to the state of origin by the Director. Locally produced or harvested firewood and unprocessed wood products are exempt from this rule provided they are not moved 50 miles from the distribution point.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (4), (5), (7) FS.

LAW IMPLEMENTED: 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Florida Department of Agriculture and Consumer Services, Division of Plant Industry, 1911 Southwest 34th

Street, Gainesville, Florida 32608. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Gaskalla, Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S.W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-65.001 Purpose.

The purpose of this rule chapter is to establish procedures to prevent the introduction of wood boring pests, wood inhabiting pests, and plant disease pathogens into the state, and prevent the spread of these pests within the state by regulating the movement of firewood and unprocessed wood products that can harbor wood boring and wood inhabiting pests and plant disease pathogens.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.002 Definitions.

For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Commercial Shipments. Shipments of regulated articles intended for public or private sale or distribution within the state.

(2) Compliance Agreement. An agreement, meeting the requirements of subsection 5B-65.005(1), F.A.C., between a shipper and the state of origin pursuant to the Master Permit of the state of origin.

(3) Firewood. Cut wood products intended for burning.

(4) Infected. Regulated articles found with plant disease pathogens.

(5) Infested. Regulated articles found with plant pests.

(6) Master Permit. A permit issued by the department to the state of origin allowing the movement of regulated articles into and within the state and specifying the conditions under which the regulated articles are allowed to be moved.

(7) Plant Disease Pathogen. Any organism that can infect plants and cause plant disease.

(8) Producers. Individuals or companies responsible for cutting, packing or distributing regulated articles into or within the state.

(9) Regulated Articles. Firewood or unprocessed wood products including palm products and cut Christmas trees.

(10) Shippers. Individuals or companies responsible for sending or transporting regulated articles into the state.

(11) Unprocessed wood products. Bark, trunks, limbs, stumps or other woody plant material that results from yard waste, incorporated into the construction of furniture, handicrafts, planting containers or other products that have not been treated, processed or finished to eliminate plant disease pathogens, wood boring pests, and wood inhabiting pests as defined in subsections 5B-65.002(7), (12) and (13), F.A.C.

(12) Wood boring pest. Any organism that physically bores into or through the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

(13) Wood inhabiting pest. Any organism that spends part of its life cycle within the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.003 Wood Boring Pests and Wood Inhabiting Pests that are Harmful to Florida Agriculture, Landscape Plants, and Native Plants.

The following wood boring and wood inhabiting pests are known to infest firewood and other unprocessed wood products and can be transported through the movement of these products to areas where they can infest and damage live host trees and other plants and are therefore considered to be a nuisance:

- (1) *Agrilus planipennis*, emerald ash borer;
- (2) *Anoplophora glabripennis*, Asian longhorned beetle;
- (3) *Bursaphelenchus cocophilus*, red ring nematode;
- (4) *Dinapate wrighti*, giant palm borer;
- (5) *Hylurgus ligniperda*, red-haired pine bark beetle;
- (6) *Hylurgops palliates*, exotic bark beetle;
- (7) *Metamasius hemipterus*, silky cane weevil;
- (8) *Orthotomicus erosus*, Mediterranean pine engraver beetle;

- (9) *Rhynchophorus cruentatus*, palmetto weevil;
- (10) *Rhynchophorus ferrugineus*, red palm weevil;
- (11) *Rhynchophorus palmarum*, American palm weevil;
- (12) *Scaphoideus luteolus*, whitebanded elm leafhopper;
- (13) *Scolytus schevyrewi*, banded elm bark beetle;
- (14) *Sirex noctilio*, Sirex woodwasp;
- (15) *Tomicus piniperda*, pine shoot beetle;
- (16) *Xyleborus glabratus*, redbay ambrosia beetle;
- (17) *Xyleborus similis*.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.004 Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products.

Pathogens that cause the following plant diseases are known to infect firewood and unprocessed wood products and can be transported through the movement of these products to areas where they can infect and damage live host trees and other plants and are therefore considered to be a nuisance:

- (1) *Nectria coccinea* var *fagiolata* and *N. galligena*, beech bark disease;
- (2) *Discula destructiva*, dogwood anthracnose;
- (3) *Ophiostoma ulmi* and *O. novo-ulmi*, Dutch elm disease;
- (4) *Candiatius Phytoplasma ulmi*, elm yellows;
- (5) *Raffaelea lauricola*, laurel wilt disease;
- (6) *Ceratocystis fagacearum*, oak wilt disease;
- (7) *Phytophthora ramorum*, sudden oak death.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

5B-65.005 Movement of Regulated Articles.

(1) In order to prevent the introduction and spread of nuisance pests and diseases listed in Rules 5B-65.003 and 5B-65.004, F.A.C., the movement of commercial shipments of regulated articles into the state is prohibited except under a Master Permit (Master Permit For Wood Products, DACS-08444, 06/09) issued by the Department. Such permit will stipulate the conditions under which the regulated articles can be moved into the state. The Master Permit for Firewood and Unprocessed Wood Products, DACS-08444, 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to: P. O. Box 147100, Gainesville, FL 32614-7100. The Master Permit will require all shippers of regulated articles to be under compliance with the state of origin's plant regulatory organization. A Compliance Agreement issued under a Master Permit shall indicate the requirements for inspections and/or treatments. Only heat, fumigation, or chemical treatments in accordance with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Treatment Manual (Rev. 09/2008), Treatment Schedules T312 – Oak Logs and Lumber and T314 – Logs and Firewood, shall be required in the compliance agreement. The Treatment Schedules are herein incorporated by reference and may be obtained from the following website: http://www.aphis.usda.gov/import_export/plants/manuals/ports/treatment.shtm.

(2) Any shipment of firewood or unprocessed wood products found infested or infected with a wood boring or wood inhabiting pest or plant disease pathogen listed in Rule 5B-65.003 or 5B-65.004, F.A.C., shall be quarantined and returned to the shipper or producer or destroyed by the

Department at the expense of the shipper. Infested or infected regulated articles will be placed under Stop Sale and Hold Order DACS-08016, Rev. 11/08. Commercial shipments entering the state through the Department's agricultural interdiction stations without certification of compliance with the Master Permit of the state of origin shall be issued a Report of Plant and Plant Material in Transit, DACS Form 08003, Rev. 06/09, and Report of Plant and Plant Material in Transit Addendum, DACS Form 08441, Rev. 06/09, for the official disposition of the plant material. DACS Form 08003, Rev. 06/09 and Form 08441, Rev. 06/09 are incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to: P. O. Box 147100, Gainesville, FL 32614-7100. Non-commercial shipments entering the state through the Department's agricultural interdiction stations without certification will be allowed entry only when issued and accompanied by a Report of Non-Commercial (Homeowner) Plants or Firewood Without Certification in Transit from Other States DACS-08105, Rev. 06/09, issued at the station. DACS form 08105, Rev. 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to: P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shippers found in violation of the rule will be suspended from shipping under the master permit issued with the state of origin. The suspension shall remain in effect until the department of agriculture of the state of origin has notified the Division of Plant Industry in writing that the shipper is in compliance with all requirements for treatment of firewood or unprocessed wood products.

(3) The destruction or return of shipments in violation of this rule chapter shall be at the expense of the shipper.

(4) Prior to the intrastate movement of commercial shipments of firewood or unprocessed wood products, the owner of the articles must submit DACS 08459, Rev.06/09, Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida to the Division of Plant Industry unless exempted in subsection (7). The form Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida, DACS 08459, Rev.06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100.

(5) The importation or movement of non-certified, commercial or non-commercial shipments of firewood or unprocessed wood products within or into the state is prohibited except as permitted in subsection (7).

(6) Cut Christmas trees may enter the state provided they are accompanied by a federal certificate required for movement from regulated areas of the United States or a certificate of inspection issued by the department of agriculture in the state of origin.

(7) Exemptions:

(a) Locally produced or harvested firewood and unprocessed wood products harvested or produced within a 50-mile radius of the distribution point and not moved more than 50-miles from the point of origin.

(b) Primary and secondary forest products (including saw logs, saw timber, chip-n-saw, sawdust, veneer logs, pulpwood, and chips) transported for processing at pulp/paper mills, saw mills (including plywood plants), OSB plants, mulch plants, and biomass plants.

(c) Commercial shipments of processed mulch destined for further distribution at retail outlets if the shipments are accompanied by proper bill of lading, proof of origin and any applicable federal certificates for shipments originating from a USDA-regulated area.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:

RULE TITLE:

5E-2.040

Pesticide Active Ingredients Subject to Supplemental Registration Fee

PURPOSE AND EFFECT: The Department's purpose in applying these guidelines is to achieve compliance with Section 32, Senate Bill No. 1744, amending Chapter 487, F.S. SUBJECT AREA TO BE ADDRESSED: Pesticide active ingredients subject to supplemental registration fee.

SPECIFIC AUTHORITY: 487.041(1)(d) FS.

LAW IMPLEMENTED: 487.041(1)(d) 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: Dr. Dennis Howard, Bureau Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399; (850)487-0532

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
RULE TITLE: Shellfish Harvesting Area Standards
PURPOSE AND EFFECT: These amendments propose to reclassify the shellfish harvesting areas #79 South Banana River and #88 South St. Johns. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the South Banana River and the South St. Johns shellfish harvesting areas.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the South Banana River and the South St. Johns shellfish harvesting areas for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: July 31, 2009, 2:00 p.m.

PLACE: Division of Aquaculture, Palm Bay Office, 1378 Malabar Road, Suite 1, Palm Bay, Florida 32909

Pursuant to the provisions of 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: Chris Brooks, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301; telephone: (850)488-4033. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09412
RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate the course descriptions of new courses into the “Course Code Directory and Instructional Personnel Assignments” for 2009-2010, as required in SBE

subsection 6A-1.09441(5), F.A.C. Course descriptions in science, physical education, and health education are revised to align courses in these content areas with the new content standards previously approved by the State Board of Education.

SUBJECT AREA TO BE ADDRESSED: New course descriptions to be adopted in the “Course Code Directory and Instructional Personnel Assignments” for science, physical education, and health education to align these course descriptions with the revised content standards.

RULEMAKING AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 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: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 432, Tallahassee, Florida; (850)245-0764, todd.clark@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.002	Informal Conference Procedures
12D-9.003	Composition of Value Adjustment Board
12D-9.004	Duties of the Board
12D-9.005	Appointment of Clerk of the Value Adjustment Board
12D-9.006	Role of the Clerk of the Value Adjustment Board
12D-9.007	Appointment of Legal Counsel to the Value Adjustment Board
12D-9.008	Role of Legal Counsel to the Board
12D-9.009	Appointment of Special Magistrates to the Value Adjustment Board
12D-9.010	Role of Special Magistrates to the Value Adjustment Board
12D-9.011	Training of Special Magistrates, Value Adjustment Board Members and Legal Counsel

12D-9.012	Employment and Role of Board Appraisers or Evaluators
12D-9.013	Organizational Meeting of the Value Adjustment Board
12D-9.014	Prehearing Checklist
12D-9.102	Definitions
12D-9.106	Petition; Form and Filing Fee
12D-9.107	Representation of the Taxpayer
12D-9.108	Scheduling and Notice of a Hearing
12D-9.110	Exchange of Evidence
12D-9.111	Withdrawn or Settled Petitions;
	Petitions Acknowledged as Correct
12D-9.112	Hearings Before Board or Special Magistrates
12D-9.113	Procedures for Commencement of a Hearing
12D-9.115	Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses
12D-9.116	Process of Administrative Review
12D-9.117	Procedures for Conducting a Hearing by Electronic Media
12D-9.118	Disqualification or Recusal of Special Magistrates or Board Members
12D-9.119	Ex Parte Communication Prohibition
12D-9.120	Record of the Proceeding
12D-9.121	Petitions on Transfer of "Portability" Assessment Difference
12D-9.122	Procedures for Remanding Just Value or Classified Use Value Assessments
12D-9.131	Recommended Decisions
12D-9.132	Consideration and Adoption of Recommended Decisions of Special Magistrates by Value Adjustment Boards in Administrative Reviews
12D-9.133	Final Decisions
12D-9.134	Filing and Service
12D-9.145	Further Judicial Proceedings
12D-9.150	Duty of Clerk to Prepare and Transmit Record
12D-9.151	Procedures for Petitions on Denials for Tax Deferrals
12D-9.165	Certification of Assessment Rolls
12D-9.200	Public Notice of Findings and Results of Value Adjustment Board

PURPOSE AND EFFECT: The purpose of these proposed rules is to establish uniform procedures for hearings before value adjustment boards and their special magistrates, and to adopt proposed uniform forms that support these procedures. The effect of these proposed rules is that taxpayers who petition property tax matters to Value Adjustment Boards have

access to comprehensive information about the procedures that govern the hearing of their petitions. Written comments may be submitted to the Department by email, and to an Internet site at <http://dor.myflorida.com/dor/property/vabwb/vabws.html>, which was specifically created to give the public access to all versions of the proposed rules and forms, to give the public a site to which they could submit comments, and to give the public the opportunity to view the comments submitted by others. The preliminary text of these proposed rules will be available from the contact person listed below or from the Department's website stated above on or about July 24, 2009. General comments, questions, or suggestions about the value adjustment board process may be submitted by email to the Department at VAB@dor.state.fl.us.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed new rules in proposed new rule Chapter 12D-9, Florida Administrative Code, is the proposed procedures to be used by value adjustment boards to hear petitions from taxpayers. These proposed new rules on board procedures are being supported by proposed new and revised forms to be adopted in Rule 12D-16.002, Florida Administrative Code, for which a rule development workshop is also being held at the same date, time, and place as this workshop. A separate notice for the rule development workshop for these proposed new and revised forms is also being published in the Weekly.

RULEMAKING AUTHORITY: 194.011(5), 194.034, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: ss. 3, 4, 5, and 6, Ch. 2008-197, L.O.F., 28.12, 192.001, 192.0105, 193.074, 193.122, 193.155, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.171, 194.301, 195.002, 195.022, 195.092, 195.096, 195.097, 196.011, 196.151, 196.193, 196.194, 197.122, 197.253, 197.301, 197.3041, 197.3047, 197.3073, 197.3079, 200.069, 213.05, 465.611, 475.611, Ch. 475, Part II FS., AGO 2002-058, AGO 2008-055, AGO 2008-056.

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

DATE AND TIME: August 4, 2009, 9:00 a.m.

PLACE: Training Room D, Building C-1, Taxworld, 5050 W. Tennessee Street, Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, digital video production, and conference calling technology. The requirements to participate are access to the Internet and a phone. The public can participate in this electronic hearing by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be posted on the Property Tax Oversight Program's VAB Internet site on or before July 24, 2009.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are 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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us.

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002 RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed revisions to this rule is to list the proposed new and amended forms that will support the proposed new rules in Rule Chapter 12D-9, Florida Administrative Code (Requirements for Value Adjustment Boards in Administrative Reviews; Uniform Rules of Procedure For Hearings Before Value Adjustment Boards). The effect of these proposed rules is that taxpayers who petition property tax matters to Value Adjustment Boards, including property tax assessments, denials of classifications, and denials of exemptions, portability assessment difference transfers and deferrals have access to, and have an opportunity to comment on, the proposed forms that support the proposed value adjustment board hearing procedures in new Rule Chapter 12D-9, Florida Administrative Code. Written comments may be submitted to the Department by email, and to an Internet site at: <http://dor.myflorida.com/dor/property/vabwb/vabws.html>, which was specifically created to give the public access to all revised versions of the proposed rules and forms, to give the public a site to which they could submit comments, and to give the public the opportunity to view the comments submitted by others. The preliminary text of the proposed forms will be available from the contact person listed below or from the Department's website stated above on or about July 24, 2009. General comments, questions, or suggestions about the value adjustment board process may be submitted by email to the Department at VAB@dor.state.fl.us.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed revisions to Rule 12D-16.002, Florida Administrative Code, is the proposed new and revised

forms that support the proposed new and amended rules on value adjustment board (the board) procedures. These proposed board procedures are contained in new Rule Chapter 12D-9, Florida Administrative Code, for which a rule development workshop is also being held at the same date, time, and place as this workshop. A separate notice for the rule development workshop for these proposed rules on board procedures is also being published in the Weekly.

RULEMAKING AUTHORITY: 194.011(5), 194.034, 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: ss. 3, 4, 5, and 6, Ch. 2008-197, L.O.F., 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66, Ch. 475, Part II FS.

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

DATE AND TIME: August 4, 2009, 9:00 a.m.

PLACE: Florida Department of Revenue, Training Room D, Building C-1, Taxworld, 5050 West Tennessee Street, Tallahassee, Florida. The public can also participate in this workshop through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, digital video production, and conference calling technology. The requirements to participate are access to the Internet and a phone. The public can participate in this electronic hearing by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be posted on the Property Tax Oversight Program's VAB Internet site on or before July 24, 2009.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are 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: Janice Forrester, Tax Auditor IV, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-85.001	Definitions
14-85.002	Responsibilities of Program Administrator and Department
14-85.003	Qualification of Interchanges
14-85.004	Logo Sign Program
14-85.005	Logo Structures
14-85.006	Configuration of Business Logos
14-85.007	Business Logos and Dual Business Logos
14-85.008	Installation, maintenance and Removal of Logo Structures and Business Logos
14-85.009	Qualification of Businesses
14-85.010	Permits
14-85.011	Priority of Applications
14-85.012	Permit Renewal
14-85.013	Rotation
14-85.014	Denial, Revocation, Suspension, or Cancellation of Permit

PURPOSE AND EFFECT: A substantial amendment and rewrite of Rule Chapter 14-85, F.A.C., pertaining to the Logo Sign Program. Rule 14-85.004, F.A.C., is being repealed and additional rules are being added to the Rule Chapter to clarify the Logo program requirements.

SUBJECT AREA TO BE ADDRESSED: The new rules will incorporate the revisions made to Section 479.261, F.S., during the 2009 legislative session.

RULEMAKING AUTHORITY: 479.261 FS.

LAW IMPLEMENTED: 479.261 FS.

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

DATE AND TIME: July 31, 2009, 10:00 a.m.

PLACE: Florida Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

**EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27M-3.001	Definitions and Forms
27M-3.002	Application Process
27M-3.003	Certification Decision

PURPOSE AND EFFECT: The Office intends to amend the current rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Black Business Loan Program forms.

RULEMAKING AUTHORITY: 288.7102(6)(1) FS.

LAW IMPLEMENTED: 288.7094(2), 288.7102 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: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-103.019	Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-236, Inmate Request, to move language regarding use of the form as an informal grievance to the first page of the form and to clarify the procedure by which copies of the form are maintained and distributed to the inmate and responding official.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) No change.
- (2) Form DC6-236, Inmate Request, effective _____, 8-27-07.
- (3) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, 6-18-07, 8-27-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-108.201	Sanitary Practices Relating to Correctional Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for the processing of and response to complaints related to sanitary conditions in correctional facilities.

SUBJECT AREA TO BE ADDRESSED: Sanitary conditions in correctional facilities.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.31 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.201 Sanitary Practices Relating to Correctional Facilities.

(1) Pursuant to Section 944.31, F.S., the Office of the Inspector General is charged with inspection of each correctional facility with reference to its physical conditions, cleanliness, sanitation, safety and comfort; the quality and

supply of all bedding; the quality, quantity and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution.

(2) Each facility will be inspected monthly by the facility environmental health and safety officer and annually by the regional safety consultant and records of such inspections shall be maintained for three years in order to facilitate review in assuring maintenance of safety standards.

(3) Complaints regarding the matters outlined in subsection (1) above shall be forwarded to the Office of the Inspector General. Upon receipt of a complaint, the Office of the Inspector General shall review the complaint to determine whether further inspection of the facility is necessary in order to ensure compliance with state law and administrative regulations.

(3) If a determination is made that a violation exists, the Department will take the necessary steps to bring the facility into compliance with the applicable regulation.

Rulemaking Authority 944.09 FS. Law Implemented 20.15, 944.09, 944.31 FS. History–New _____.

COMMISSION ON ETHICS

RULE NO.:	RULE TITLE:
34-7.010	List of Forms and Instructions

PURPOSE AND EFFECT: The Commission intends to amend the current rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Financial disclosure forms and instructions (CE Forms 1, 6, 1F and 6F, and 1X and 6X), and the Executive Branch lobbyist registration form and instructions (CE Form 20) will be affected by this rulemaking.

RULEMAKING AUTHORITY: Art. II, Sec. 8(f), (h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 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: Julia Cobb Costas, Senior Attorney, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH**Division of Medical Quality Assurance**

RULE NO.: RULE TITLE:

64B-9.001 Biennial Licensing

PURPOSE AND EFFECT: The purpose and effect would be to repeal a portion of the rule that is difficult to administer.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing.

RULEMAKING AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH**Board of Massage**

RULE NO.: RULE TITLE:

64B7-31.001 Colonic Irrigation

PURPOSE AND EFFECT: To change the Board approved examination.

SUBJECT AREA TO BE ADDRESSED: Colonic Irrigation.

RULEMAKING AUTHORITY: 456.036, 480.035(7), 480.041(4) FS.

LAW IMPLEMENTED: 456.036, 480.032, 480.033, 480.041(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kay Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH**Board of Massage**

RULE NO.: RULE TITLE:

64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: To change the course requirements for Board-approved massage therapy schools.

SUBJECT AREA TO BE ADDRESSED: Board-approved massage therapy schools.

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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: Kay Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH**Board of Opticianry**

RULE NO.: RULE TITLE:

64B12-16.003 Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the procedures regarding apprenticeship requirements and training program.

SUBJECT AREA TO BE ADDRESSED: Apprenticeship requirements and training program.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-25.170
 RULE TITLE: Probable Cause Panel
 PURPOSE AND EFFECT: The Board proposes the rule amendment to expand probable cause candidates.
 SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.
 RULEMAKING AUTHORITY: 465.015 FS.
 LAW IMPLEMENTED: 456.073, 465.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-26.203	Licensure by Examination; Application
64B16-26.2031	Licensure by Examination; Foreign Pharmacy Graduates
64B16-26.2032	Licensure by Examination; Internship Requirements
64B16-26.2033	Pharmacy Intern Registration and Internship Requirements (Foreign Pharmacy Graduates)
64B16-26.204	Licensure by Endorsement
64B16-26.205	Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate new applications.
 SUBJECT AREA TO BE ADDRESSED: Incorporation of new applications.
 RULEMAKING AUTHORITY: 456.033, 465.005, 465.007, 465.0075 FS.
 LAW IMPLEMENTED: 456.013(1), (7), 456.025(3), 456.033, 465.003(12), 465.007, 465.0075, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-27.420	Pharmacy Technician 2:1 or 3:1 Ratio

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification of registered pharmacy technician responsibilities.
 SUBJECT AREA TO BE ADDRESSED: Responsibilities of registered pharmacy technicians.
 SPECIFIC AUTHORITY: 465.005, 465.014 FS.
 LAW IMPLEMENTED: 465.014 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-241.010	Purpose
69B-241.020	Scope
69B-241.030	Definitions
69B-241.040	Calculating Penalty
69B-241.070	Departmental Discretion
69B-241.080	Penalties for Violation of Section 648.44, F.S.
69B-241.090	Penalties for Violation of Section 648.45, F.S.

- 69B-241.100 Penalties for Violation of Other Specific Provisions of the Insurance Code
- 69B-241.110 Penalties for Violation of Specific Provisions of Rule Chapter 69B-221, F.A.C.
- 69B-241.120 Penalties for Violation of Other Insurance Code Provisions
- 69B-241.130 Penalties for Violation of Other Department Rules
- 69B-241.140 Penalties for Violation of Department Orders
- 69B-241.150 Criminal Proceedings
- 69B-241.160 Aggravating/Mitigating Factors
- 69B-241.165 Imposition of Administrative Fine In Lieu of Suspension
- 69B-241.170 Field Office Settlement Stipulation

PURPOSE AND EFFECT: The purpose of the proposed rule chapter is to establish clear standards for penalties imposed upon bail agents subject to the provisions of Chapter 648, F.S. and Rule Chapter 69B-221, F.A.C. The effect is to provide guidelines which provide a consistent approach to penalties for violations of statute and rules.

SUBJECT AREA TO BE ADDRESSED: Penalty guidelines for bail bond agents.

RULEMAKING AUTHORITY: 624.308, 648.26(1)(a) FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS.

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

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

PLACE: 116 Larson Building, 200 East Gaines 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: Ray Wenger, (850)413-5660 or Ray.Wenger@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ray Wenger, Financial Administrator, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5660

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DEPARTMENT'S DIVISION OF AGENT AND AGENCY SERVICES WEBSITE AT: <http://staging.fldoi.gov/agents/Industry/Laws-Rules/docs/BBPenGuide.doc>

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.001
RULE TITLE: List of Approved Forms; Incorporation by Reference

PURPOSE AND EFFECT: Proposed rule amendment to delete subsection 69K-1.001(5), F.A.C., which references Form DFS-RTF-1, "Preneed Funeral Contract Regulatory Trust Fund Remittance," and to delete Form DFS-TFR-1, "Preneed Funeral Contract Consumer Protection Trust Fund Remittance," from subsection 69K-1.001(17), F.A.C. Subsection 69K-1.001(17), F.A.C., is changed to reference the new Form DFS-PNR, "Quarterly Preneed Remittance." The new form can be used to collect remittances for both the Preneed Contract Consumer Protection Trust Fund and the Preneed Funeral Contract Regulatory Trust Fund Remittance, thereby streamlining the administrative process and conserving resources. The proposed rule is renumbered to reflect these changes.

SUBJECT AREA TO BE ADDRESSED: New Form DFS-PNR to replace deleted Form DFS-TFR-1.

RULEMAKING AUTHORITY: 497.101(8), 497.103(5)(b), 497.141(2), (12)(f), 497.142(10)(g), (12), 497.146, 497.147(4)(a), (d), (5), 497.263(2)(a), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.283(2)(c), 497.287(2), 497.367(2), 497.370(1), 497.375(1), 497.380(4), 497.382(1), (2), 497.385(1)(a), (g)1., (2)(f), (g), 497.453(1)(a), (4)(b), (5)(a), (b), (7)(a), (8), 497.454(1), 497.456(13)(f), 497.461(4), (8), (12), (16), 497.462(2), (10), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6)(a), 497.554(2), 497.602(2)(a), 497.603(2), 497.604(2)(a), (6), 497.606(2)(a), (6), (9)(a), 497.608(2) FS.

LAW IMPLEMENTED: 497.101(8), 497.103(2)(c), 497.149, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.367, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.461, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 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: Friday, August 28, 2009, 10:00 a.m.
 PLACE: Alexander Building, 2020 Capital Circle Southeast, 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: Doug Shropshire, (850)413-3039 or Doug.Shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 or (850)413-3039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-5.0024
 RULE TITLE: Remittances to the Regulatory Trust Fund

PURPOSE AND EFFECT: The proposed rule amendment deletes and replaces all existing language in subsection 69L-5.0024(6), F.A.C. to reflect the deletion of Form DFS-RTF-1 (Preneed Funeral Contract Regulatory Trust Fund Remittance). That form is replaced by new Form DFS-PNR (Quarterly Preneed Remittance). The new form serves to collect remittances from both the Regulatory Trust Fund and the Preneed Funeral Contract Consumer Protection Trust Fund, thereby streamlining the administrative process.

SUBJECT AREA TO BE ADDRESSED: New language to replace existing language and related form.

RULEMAKING AUTHORITY: 497.103, 497.453(1) FS.

LAW IMPLEMENTED: 497.453(6), (9) 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: Friday, August 28, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire, (850)413-3039 or

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-10.003
 RULE TITLE: Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

PURPOSE AND EFFECT: The proposed rule amendment adds new subsection, subsection 69K-10.003(3), F.A.C., which specifies that quarterly preneed remittances made by preneed licensees to the Preneed Funeral Contract Consumer Protection Trust Fund are to be made using new Form DFS-PNR (Quarterly Preneed Fund Remittance), which the Department shall provide to preneed licensees on a quarterly basis. The proposed amendment also includes a technical correction.

SUBJECT AREA TO BE ADDRESSED: New subsection and related new form.

RULEMAKING AUTHORITY: 497.103, 497.461(4), 497.462(10), 497.464 FS.

LAW IMPLEMENTED: 497.456(2), (13)(f), 497.458, 497.461, 497.462, 497.464 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: Friday, August 28, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire, (850)413-3039 or Doug.Shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 or (850)413-3039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:	RULE TITLE:
9B-72.090	Product Approval by the Commission

PURPOSE AND EFFECT: Increase product approval fees to a level that generates sufficient revenue to pay for the costs associated with the program.

SUMMARY: Fees are increased as indicated to generate revenue necessary to operate the product approval program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Regulatory Cost has been prepared and is available by contacting Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091.

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: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1) FS.

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

DATE AND TIME: August 11, 2009, 8:30 or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Crown Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

32399-2100, (850)922-6091. If you are 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.090 Product Approval by the Commission.

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

(b) through (g) No change.

(2) Fees for state approval of products.

(a) Fee for approval, Five Three Hundred Dollars (\$500.00) (~~(\$300.00)~~) per subcategory of product. The Commission shall review annually and adjust fees accordingly.

(b) Fee for reinstatement after suspension, Fifty Dollars (\$50.00) per product, plus billable staff hours at Fifty Dollars (\$50.00) per hour, plus consultant fees.

(c) Fees for approval of evaluation entities, certification agencies, testing laboratories and validation entities; for first time approval, Six Five Hundred Dollars (\$600.00) (~~(\$500.00)~~), annual renewal fee, Two One Hundred Fifty Dollars (\$250.00) (~~(\$100.00)~~), revision fee, Two One Hundred Dollars (\$200.00) (~~(\$100.00)~~).

(d) Fee for revision of an existing approval, Five Three Hundred Dollars (\$500.00) (~~(\$300.00)~~) for a revision that results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory.

(e) Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, One Hundred Fifty Dollars (\$150.00) (~~(\$100.00)~~).

(f) Fee for affirmation of an existing product approval for compliance with a new edition of the standards adopted by the Code, One Hundred Fifty Dollars (\$100.00) (~~(\$50.00)~~).

(3) Applications, affirmations and revisions shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

Rulemaking Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-1.1101	Amendments to and Releases of Regulatory Conservation Easements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish the terms and conditions under which the District will agree to amend or release a conservation easement conveyed to it, pursuant to Section 704.06, Florida Statutes, solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity.

SUMMARY: The proposed rule would be used to address requests to the District to amend or release a conservation easement previously conveyed to the District solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity. Typically, such easements are voluntarily proposed as mitigation or to meet other regulatory requirements during the permitting process for projects requiring an environmental resource permit (ERP) under Part IV of Chapter 373, Florida Statutes, and then recorded as a condition of an ERP. In addition, the District’s rule for mitigation banks requires an applicant for a mitigation bank permit to encumber the bank’s property by conservation easement or to convey the property to the District. The District may also receive conservation easements for compliance with

another entity’s regulatory program, such as the federal wetland permitting program implemented by the U.S. Army Corps of Engineers.

The proposed rule establishes the following six categories, along with corresponding criteria for each category, that the District will use to evaluate requests for releases or amendments of these conservation easements: (1) on-site adjustments; (2) regulatory conservation easements not needed to meet regulatory requirements; (3) public projects; (4) way of necessity claims; (5) single-family lots; and (6) legal errors. For the District to agree to release or amend such a conservation easement, a request for release or amendment must satisfy the conditions of any one of these categories.

To obtain a release or amendment under the “On-site Adjustment” category, the person requesting the release or amendment must demonstrate that the on-site acreage of uplands and wetlands preserved by conservation easement after the release or amendment will remain the same or be greater than that before the release or amendment. In addition, it must be shown that the ecological value of the on-site acreage of uplands and wetlands preserved by conservation easement after the release or amendment will be at least equivalent to the greater of (1) the ecological value accorded at the time of permit issuance to the on-site acreage of uplands and wetlands preserved by conservation easement or (2) the current ecological value of the on-site acreage preserved by conservation easement. These criteria can be met by placing appropriate additional on-site areas under conservation easement. On-site acreage includes only areas within the boundaries of a construction permit or the boundaries of a valid conceptual permit. To obtain a release or amendment under the category “Conservation Easements not needed to meet Regulatory Requirements,” the person making the request must demonstrate the existence of one of four factual scenarios set forth in the proposed rule. The third category, “Public Projects,” describes the terms under which the District would voluntarily negotiate the release or amendment of a conservation easement for a public project proposed, contracted or implemented on behalf of, by an entity with the power of eminent domain. This category represents an alternative to eminent domain proceedings. The fourth category, “Single-Family Lots” addresses requests for release or amendment by single-family lot owners, while the fifth category, “Way of Necessity Claims,” addresses requests when the District is subject to, and determines it will not prevail in, a lawsuit for way of necessity under Chapter 704, Florida Statutes. Under the sixth category, “Legal Errors,” the District would release or amend conservation easements when necessary to correct legal errors or to conform the easement with the requirements of applicable permit conditions.

The proposed rule requires the District to give notice of receipt of a request for release or amendment, except in certain limited circumstances stated in the rule, to persons who own property

abutting the conservation easement area proposed to be released or amended and to interested persons, as defined by the rule. Such persons will have 14 days to comment on a request for release or amendment of conservation easement before the District acts on the request. Finally, the rule identifies the requirements for performing appraisals needed to establish equivalent monetary value under the rule which are relevant to the third, fourth, and fifth categories summarized above.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.088 FS.

LAW IMPLEMENTED: 373.096, 373.089, 373.139(2), 373.088 FS.

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

DATE AND TIME: October 13, 2009, Following the regularly scheduled Governing Board meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

PART XI CONSERVATION EASEMENTS

40C-1.1101 Amendments to and Releases of Conservation Easements.

(1) This section establishes the terms and conditions under which the District shall agree to amend or release all or part of a conservation easement conveyed to it, pursuant to Section 704.06, Florida Statutes, solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity. It does not apply to conservation easements that were acquired by the District partly through purchase and partly through a regulatory program. The District's decision to release or amend a conservation easement is a proprietary decision and does not result in any waiver of regulatory requirements. Property owners shall be responsible for obtaining all necessary permits for their construction activities, including any dredging or filling of wetlands. A request for the release or amendment of a conservation easement shall include a copy of the recorded conservation easement; a copy of any conservation easement over other

property offered in exchange for the requested release or amendment; and a map showing the location of the recorded conservation easement and any conservation easement offered in exchange. For the District to agree to release or amend a conservation easement, the request for release or amendment shall satisfy the conditions of any one of the following six categories and the general condition in paragraph 40C-1.1101(1)(g), F.A.C.:

(a) On-site Adjustments. The District shall release or amend a conservation easement under this category when:

1. The on-site acreage of both uplands and wetlands encumbered by conservation easement after the release or amendment shall remain the same or be greater than before the release or amendment of conservation easement; and

2. The ecological value of the on-site acreage of uplands and wetlands encumbered by conservation easement after the release or amendment shall be at least equivalent to the greater of:

a. The ecological value accorded at the time of permit issuance to the on-site acreage of uplands and wetlands preserved by conservation easement; or

b. The current ecological value of the on-site acreage of uplands and wetlands preserved by conservation easement.

3. The District shall use the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C., to establish ecological values.

4. On-site acreage includes only areas within the boundaries of the construction permit that required the conservation easement or the boundaries of a valid conceptual permit.

(b) Conservation Easements not needed to meet Regulatory Requirements. The District shall release or amend a conservation easement under this category when:

1. The conservation easement was not used as mitigation for permitted impacts or otherwise to meet regulatory requirements, due to the permittee not implementing all or part of the permitted surface water management system and abandoning the permit for those impacts; or

2. The conservation easement encumbers an area where the mitigation has failed to meet permit conditions, despite all reasonably prudent measures being implemented to correct problems with the mitigation, and the permittee has obtained a permit modification for alternative mitigation to offset the impacts and has implemented the alternative mitigation; or

3. The permittee has not commenced construction under the permit that required the conservation easement and has obtained a permit modification approving different mitigation, provided that the release or amendment shall not adversely affect the ecological value of other lands or interests in lands, owned by the District; or

4. For a mitigation bank or a permitted bank phase, no bank credits have been sold or used from the bank or permitted phase, as applicable; and the relevant permit for the mitigation bank or permitted phase has been surrendered to the District.

(c) Public Projects. For the purpose of this paragraph, public projects are projects proposed or contracted by, or implemented on behalf of, an entity with the power of eminent domain to condemn the conservation easement, and may include linear facilities such as electric transmission and distribution facilities, pipeline transmission and distribution facilities, or public transportation corridors. For public projects, the District shall negotiate for a voluntary release or amendment of the conservation easement under the following terms and conditions:

1. The entity making the request shall provide an analysis that demonstrates the public project cannot practicably be located in a manner that will avoid the conservation easement. If the analysis demonstrates that avoiding the easement is not technically capable of being done, is not economically viable, or will adversely affect public safety through the endangerment of lives or property, location of the project in a manner that will avoid the easement shall not be considered "practicable" under paragraph 40C-1.1101(1)(c), F.A.C.

2. If the public project cannot be located to avoid the conservation easement pursuant to subparagraph 40C-1.1101(1)(c)1., F.A.C., the public project, to the extent practicable, shall be located within the conservation easement as follows:

a. Adjacent to or within existing utility rights-of-way, along the boundary of the conservation easement, or adjacent to or within existing firelines or roadways;

b. To avoid wetlands or uplands that are used by the bald eagle (*Haliaeetus leucophalus*) or listed wildlife species as defined in subsection 40C-4.021(20), F.A.C.;

c. To avoid a plant community that has been classified by a state rank of three (3) or lower in the document titled "FNAI [Florida Natural Areas Inventory] – Element Tracking Summary" (October 1, 2008); and

d. To minimize impacts to wetlands and other surface waters.

3. In exchange for the release or amendment, the entity making the request must provide the District with a conservation easement having substantially similar terms over other lands within the same drainage basin that have equivalent or greater ecological and monetary value to the area being released or amended. Alternatively, for public projects that are expansions of existing facilities, but are not extensions of linear facilities, the entity making the request may, in exchange for the release or amendment, provide credits from a mitigation bank with equivalent or greater ecological and monetary value, but no less than 0.01 credits, or participate in a regional off-site mitigation area (ROMA) sponsored by the Department or the

District with equivalent or greater ecological and monetary value, located within the same drainage basin as the conservation easement being released or amended.

a. To establish relative ecological values, the District shall use the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. For the conservation easement to be released or amended, the District shall determine the reduction in ecological value that would occur if the request were approved, based on the ecological value accorded to the conservation easement at the time of permit issuance, or the conservation easement's current ecological value, whichever is greater. For the conservation easement proposed in exchange for the release or amendment, the District shall determine the increase in ecological value that would be attributed to the new conservation easement.

b. To establish monetary values, the District shall obtain an appraisal and a review appraisal for the conservation easement to be released or amended in accordance with subsection 40C-1.1101(3), F.A.C. If a conservation easement is proposed in exchange for the release or amendment, the District shall obtain an appraisal and review appraisal for the conservation easement offered in exchange and shall compare the values of the two conservation easements. The cost of measures taken to avoid and minimize impacts under subparagraphs 40C-1.1101(1)(c)1. and 2., F.A.C., shall be considered as part of the value in the exchange. If mitigation bank credits or participation in a ROMA are offered in exchange for the release or amendment of conservation easement, the person requesting the release or amendment must provide the District with a written quote from a mitigation bank for the mitigation credits needed to provide equivalent or greater monetary and ecological value or an analysis from the government entity implementing the ROMA of what portion of the ROMA shall be attributed to the financial contribution proposed.

(d) Way of Necessity Claim. When the District is subject to, and determines it may not prevail in, a lawsuit for a way of necessity, the District shall apply the same criteria as stated in subparagraphs 40C-1.1101(1)(c)1. through 3., F.A.C., except that the term "public project" shall be replaced with the term "way of necessity."

(e) Single-Family Lots. The District shall release up to 6,000 square feet from a conservation easement located on a single-family lot in exchange for credits from a mitigation bank or participation in a government-sponsored regional off-site mitigation area (ROMA), located in the same drainage basin as the conservation easement to be released or amended when:

1. The mitigation bank credits or ROMA participation have equivalent or greater monetary and ecological value to the conservation easement being released or amended.

a. The District shall develop an opinion of monetary value based upon the best available information for the conservation easement area to be released or amended. If this opinion of

value is not acceptable to the person requesting the release or amendment, the District shall obtain an appraisal and review appraisal of the conservation easement area to be released or amended in accordance with subsection 40C-1.1103(3), F.A.C.

b. The person requesting the release or amendment must provide the District with a written quote from a mitigation bank for the mitigation credits needed to provide equivalent or greater monetary and ecological value or an analysis from the governmental entity implementing the ROMA of what portion of the ROMA shall be attributed to the financial contribution proposed.

c. The District shall perform an ecological assessment of the conservation easement to be released or amended and the mitigation bank credits or ROMA participation being offered in exchange in accordance with the Unified Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. For the conservation easement to be released or amended, the District shall determine the reduction in ecological value that would occur if the request were approved, based on the ecological value accorded to the conservation easement at the time of permit issuance, or the conservation easement's current ecological value, whichever is greater.

2. The District shall release the minimum area of conservation easement needed for the lot owner to have a buildable area of up to 6,000 square feet on the lot, where buildable area means the portion of lot available for a residence and other improvements, excluding any setback areas required by local governments.

3. When the District determines by review of the permit file that the conservation easement was intended to prevent direct impacts or secondary impacts associated with docks, piers, boardwalks, bulkheads or mangrove trimming, the District shall amend the easement to allow activities other than docks, piers, boardwalks, bulkheads and mangrove trimming, but shall not release the conservation easement.

4. The District shall only release or amend a conservation easement under this paragraph to individuals or trusts that are the owners of a single family lot and such individuals or trusts may only request such release or amendment for one residential lot.

5. No releases or amendments under this paragraph shall be approved for lands that were subdivided after the conservation easement to be amended or released was recorded.

(f) Legal Errors. The District shall agree to release or amend a conservation easement when a release or amendment is necessary to correct legal errors or to conform the conservation easement with the requirements of applicable permit conditions. Examples of such errors include: where the easement encumbers an entire subdivision rather than only those areas required to be encumbered by District permit; the legal description of the recorded conservation easement is legally incorrect; the conservation easement was conveyed by

an entity that did not have sufficient legal interest; or the language of the conservation easement is inconsistent with the permit that by condition requires the easement to include certain provisions or specifically allows for certain activities.

(g) General Condition. The District shall not accept a conservation easement over an exchange parcel that must be enhanced or otherwise modified to provide equivalent ecological value to the conservation easement being released or amended.

(2) Notice.

(a) Except as otherwise provided in this subsection, for any release of conservation easement greater than 1,000 square feet or amendment affecting more than 1,000 square feet of the conservation easement, the person requesting the release or amendment must provide the District with the names and addresses of all persons who own property abutting the conservation easement area proposed to be released or amended. In addition, the District shall provide notice to all persons who were "interested persons" regarding the permit that caused the conservation easement to be conveyed to the District. An "interested person" is a person, other than the permit applicant, that requested notice of agency action regarding the specific permit application. The District shall provide notice by U.S. Mail, or e-mail when an e-mail address is available, and provide a 14-day comment period from the date of the notice before taking action.

(b) Notwithstanding the provisions in paragraph 40C-1.1101(2)(a), F.A.C., notice shall not be given if: (1) the conservation easement was not used as mitigation for permitted impacts due to the permittee not implementing any of the permitted surface water management system and completely abandoning the permit; or (2) the release or amendment will be made pursuant to subparagraphs 40C-1.1101(1)(b)2., 40C-1.1101(1)(b)3., 40C-1.1101(1)(b)4., 40C-1.1101(1)(e), or 40C-1.1101(1)(f), F.A.C.;

(c) Before releasing any easement in exchange for mitigation bank credits or ROMA participation pursuant to paragraphs 40C-1.1101(1)(c), (d) or (e), F.A.C., the District shall publish a notice of intention to sell in accordance with subsection 373.089(3), F.S.

(d) For conservation easements that also served as mitigation for permits issued by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act, the District shall provide notice and an opportunity to comment or object to the release or amendment to Jacksonville District, U.S. Army Corps of Engineers. The District shall consider any comments or objections from the U.S. Army Corps of Engineers when making the final decision to release or amend such a conservation easement.

(3) Appraisals.

(a) For the District to proceed with an appraisal, the person requesting a release or amendment shall provide a title report for the property to be encumbered by conservation easement in exchange for a release or amendment to the District. The title report shall include an adequate legal description of the property, and shall contain sufficient information to inform the District and the appraiser of the status of ownership, encumbrances, exceptions, and reservations on the property.

(b) If mitigation bank credits or participation in a ROMA are being proposed in exchange for the release or amendment, only an appraisal of the area to be released or amended is required.

(c) Except as otherwise provided in sub-subparagraph 40C-1.1101(1)(e)1.a., F.A.C., one appraisal and a review appraisal shall be prepared for each parcel to be released or amended and for each parcel offered in exchange for the release or amendment in order to establish monetary value.

(d) All appraisals and review appraisals shall be prepared in accordance with the 2008-2009 edition of the Uniform Standards of Professional Appraisal Practice developed by the Appraisal Foundation (“USPAP”).

(e) All appraisals and review appraisals shall be prepared by an appraiser selected and retained by the District.

(f) The person requesting the release or amendment shall pay the District for the cost of any appraisal and any review appraisal, and payment for the cost of the appraisal and review appraisal shall be made before the District proceeds with the appraisal.

Rulemaking Authority 373.044, 373.113, 373.088 FS. Law Implemented 373.096, 373.089, 373.139(2), 373.088 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Veronika Thiebach, Sr. Asst. General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: To amend the District’s Environmental Resource Permit Information Manual, Part B, Basis of Review (BOR), to protect the nesting habitat of Bald

Eagles. The species has been removed from the Florida Fish and Wildlife Conservation Commission’s list of wildlife species that are classified as threatened.

SUMMARY: The BOR is incorporated by reference in District’s rules. The BOR currently requires an applicant to provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to certain wetland and surface water systems. If adopted as proposed, the BOR will specifically include the upland habitat of Bald Eagles in the list of aquatic and wetland dependent species protected from secondary impacts under the District’s environmental resource permitting rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed revisions should pose no significant negative impacts to permit applicants (small business, county, city or otherwise) for the following reasons: 1) the District mitigation provisions are unchanged; 2) previous authorizations for proposed activities are recognized; 3) the FWCC Bald Eagle Management Plan guidelines are significantly less restrictive than the previous US Fish and Wildlife habitat management guidelines (based on the findings of years of monitoring of development activities on Bald Eagles); and 4) the permit applicant may obtain an FWCC permit when it is more advantageous than the other two options. As a result, the incremental transactional costs of the proposed revisions are likely to be zero or to the advantage of the applicant. No incremental costs to the SWFWMD or changes in state or local government revenues are anticipated. This SERC is provided for informational purposes only.

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

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen West, Deputy General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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

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

(2) through (5) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen West, Deputy General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

ENVIRONMENTAL RESOURCE PERMITTING
INFORMATION MANUAL
PART B, BASIS OF REVIEW
ENVIRONMENTAL RESOURCE PERMIT
APPLICATIONS WITHIN THE
SOUTHWEST FLORIDA WATER MANAGEMENT
DISTRICT

CHAPTER ONE – INTRODUCTION

1.7 EXPLANATION OF TERMS

1.7.1 – 1.7.22 No change.

1.7.23 “Listed Species” – Those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003 (as amended December 16, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007) ~~39-27.003, 39-27.004, and 39-27.005~~, F.A.C., and those plant species listed in 50 Code of Federal Regulation 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

1.7.24 – 1.7.41 No change.

CHAPTER THREE – ENVIRONMENTAL

3.1.0 through 3.2.6 No change.

3.2.7 Secondary Impacts

Pursuant to paragraph 3.1.1(f), an applicant must provide reasonable assurance that a regulated activity will not cause adverse secondary impacts to the water resource as described in paragraphs (a) through (d) below.

A proposed system shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in subsection 3.2.2; water quality; upland habitat for Bald Eagles (*Haliaeetus leucocephalus*) and aquatic and wetland dependent listed species; and historical and archaeological resources. De minimis or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of subsection 3.3.8. If such secondary impacts cannot be prevented, the applicant may propose mitigation measures as provided for in section 3.3 through 3.3.8.

This secondary impact criterion consists of the following four parts:

(a) An applicant shall provide reasonable assurance that the secondary impacts from construction, alteration, and intended or reasonably expected uses of a proposed system will not cause violations of water quality standards or adverse impacts to the functions of wetlands or other surface waters as described in section 3.2.2.

Impacts such as boat traffic generated by a proposed dock, boat ramp or dry dock facility, which causes an increased threat of collision with manatees; impacts to wildlife from vehicles using proposed roads in wetlands or surface waters; impacts to water quality associated with the use of septic tanks or propeller dredging by boats and wakes from boats; and impacts associated with docking facilities as described in paragraphs 3.2.4.3(f) and (h), will be considered relative to the specific activities proposed and the potential for such impacts. Impacts of ground water withdrawals to wetlands and other surface waters that result from the use of wells permitted pursuant to Chapter 40D-2, F.A.C., shall not be considered as secondary impacts under rules adopted pursuant to Part IV of Chapter 373, F.S., since these impacts shall be considered in the water use permit application process.

Secondary impacts to habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of 15' and an average width of 25' are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by Bald Eagles (*Haliaeetus leucocephalus*) for nesting or listed species for nesting, denning, or critically important feeding habitat. The mere fact that a species is listed does not imply that all of its feeding habitat is critically important. Buffers shall remain in an undisturbed condition, except for drainage features such as spreader swales and discharge structures, provided the construction or use of these features does not adversely impact

wetlands. Where an applicant elects not to utilize buffers of the above described dimensions, buffers of different dimensions, measures other than buffers or information may be proposed to provide the required reasonable assurance.

(b) An applicant shall provide reasonable assurance that the construction, alteration, and intended or reasonably expected uses of a proposed system will not adversely impact the ecological value of uplands to Bald Eagles (*Haliaeetus leucocephalus*) and aquatic or wetland dependant listed animal species for enabling existing nesting or denning by these species, but not including:

1. Areas needed for foraging; or
2. Wildlife corridors, except for those limited areas of uplands necessary for ingress and egress to the nest or den site from the wetland or other surface water.

Appendix 5 identifies those aquatic and wetland dependent listed animal species that use upland habitats for nesting or denning.

For those aquatic and wetland dependent listed animal species for which habitat management guidelines have been developed by the U.S. Fish and Wildlife Service (USFWS) or the Florida Fish and Wildlife Conservation Commission (FFWCC), compliance with these guidelines will provide reasonable assurance that the proposed system will not adversely impact upland habitat functions described in paragraph (b). For those aquatic or wetland dependent listed animal species for which habitat management guidelines have not been developed or in cases where an applicant does not propose to use USFWS or FFWCC habitat management guidelines, the applicant may propose measures to mitigate adverse impacts to upland habitat functions described in paragraph (b) provided to aquatic or wetland dependent listed animal species. Secondary impacts to the functions of wetlands or uplands for nesting of Bald Eagles (*Haliaeetus leucocephalus*) will not be considered adverse if the applicant holds a valid permit pursuant to paragraph 68A-16.002(1)(a), F.A.C. (May 15, 2008) or a valid authorization as described in subsection 68A-16.002(1), F.A.C. (May 15, 2008) for the same activities proposed by the applicant under Part IV of Chapter 373, F.S., or if the applicant demonstrates compliance with the FFWCC Eagle Management Guidelines incorporated by reference in Rule 68A-16.002, F.A.C. (May 15, 2008).

(c) through (d) No change.

3.2.8 through 3.3.1.4 No change.

3.3.1.5 To offset adverse secondary impacts from regulated activities to habitat functions that uplands provide to Bald Eagles (*Haliaeetus leucocephalus*) for nesting and to listed species evaluated as provided in paragraph 3.2.7.1(b), mitigation can include the implementation of management plans, participation in a wildlife mitigation park established by the Florida Fish and Wildlife Conservation Commission, or other measures. Measures to offset adverse secondary impacts

on wetlands and other surface waters resulting from use of a system can include the incorporation of culverts or bridged crossings designed to facilitate wildlife movement, fencing to limit access, reduced speed zones, or other measures designed to offset the secondary impact.

APPENDIX FIVE

LISTED WILDLIFE SPECIES THAT ARE AQUATIC OR WETLAND DEPENDENT AND THAT USE UPLAND HABITATS FOR NESTING OR DENNING

	Fishes
No change	
	Reptiles
No change	
	Birds
Endangered	
No change	
Threatened	
Charadrius alexandrinus tenuirostris (southeastern snowy plover)	
Charadrius melodus (piping plover)	
Columba leucocephalus (white-crowned pigeon)	
Grus canadensis pratensis (Florida sandhill crane)	
Haliaeetus leucocephala (bald eagle)	
Picoides borealis (red-cockaded woodpecker) ONLY IN LEE, COLLIER AND CHARLOTTE COUNTIES.	
Sterna antillarum (least tern)	
Sterna dougallii (roseate tern)	
Polyborus plancus audubonii (Audubon's crested caracara)	
Species of Special Concern	
No change	
	Mammals
No change	

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.:	RULE TITLE:
60FF-5.004	Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, Florida Statutes.

SUMMARY: The new rule will set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board intends to prepare a Statement of Estimated Regulatory Cost to at a later date.

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: 365.172(6)(a)11., 365.172(8), 365.173(2) FS.

LAW IMPLEMENTED: 365.173(2)(d) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.004 Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers.

(1) All non-wireless and wireless service providers shall remit fees pursuant to Section 365.172(8), F.S. The rate of the wireless and non-wireless E911 fee is set by the E911 Board, but may not exceed 50 cents per month per each service identifier or prepaid calling arrangement.

(2) The non-wireless local exchange provider subscriber fee is applied uniformly statewide, except for those counties that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line.

(3) Wireless providers shall bill the fee to a subscriber on a per-service-identifier basis for service identifiers whose primary place of use is within this state.

(4) The fee shall be assessed on or collected from a wireless service provider with respect to an end user's service if that end user's service is a prepaid calling arrangement subject to Section 212.05(1)(e), F.S. For the purposes of collecting the E911 fees, "prepaid calling arrangement providers" will be identified by the provider named on the prepaid wireless card or phone product purchased.

(a) The collection method(s) for the prepaid wireless fee shall be determined based on a single or combination of methods depending on the service provider's service(s). The menu of collection methods include:

1. Flat Fee Active Account Collection Method – monthly collection basis from each active prepaid subscriber whose account balance is equal to or greater than the amount of the fee.

2. Flat Fee Aggregate Collection Method – monthly collection basis according to a computed formula of aggregate prepaid service provider revenues; number of calculated accounts equals (the revenue divided by the average revenue per user) which is then multiplied by the subscriber fee. The average revenue per user on the Flat Fee Aggregate Collection

Method is the national average per user according to CTIA or the individual provider average revenues per users not to exceed \$50. The average revenue per user will be set for a two year period.

3. Point of Sale Flat Fee Collection Method – \$0.50 per prepaid calling arrangement collection basis where the E911 fee is collected at the point of sale, located in Florida or with a Florida address, on all prepaid calling arrangements sold for primary use in Florida.

4. Other Collection Method – based on E911 Board and service provider mutually agreeable method.

(b) Each prepaid wireless service provider shall notify the Board of the collection method or combination of methods utilized for fee collection based on the service provider's service(s) provided to Florida subscribers. The initial notification shall be included with the first remittance. Service providers shall notify the Board of subsequent changes to the collection method or combination of methods sixty days prior to implementing the collection method. Service providers requesting to utilize the "Other Collection Method" shall submit their proposal in writing to the E911 Board. The provider's representative shall be prepared to attend the E911 Board meeting, either in person or via teleconference, to explain the proposal and any issues at a monthly E911 Board Meeting.

(5) Each provider may retain one percent of the amount of the fees collected as reimbursement for the administrative costs incurred by the provider to bill, collect, and remit the fee. The remainder shall be delivered to the board and deposited by the board into the fund.

(6) Fees shall be submitted to the Board within 60 days after the end of the month in which the fee was collected, together with a monthly report of the number of service identifiers in each county. The information shall be submitted to the E911 Board at the following address:

State of Florida E911 Board
ATTN: Financial Management Services
Post Office Box 7117
Tallahassee, Florida 32399-0950.

(a) Service providers collecting less than \$50 per month of total fee remittances shall provide monthly reports of the number of service identifiers in each county. The reports and the fee remittances are due to the Board on a quarterly basis.

(b) All service providers providing fee remittance for 911 or E911 service pursuant to Section 365.173(2), F.S., shall provide the following information with the fee remittance.

1. Service provider's name and address; Contact Person; Contact Phone Number; E-mail Address;

2. Date of remittance report;

3. Service collection period;

4. Itemization of fee remittance revenue per county, include:

a. County;

b. Total Subscribers: Each provider shall report the number of service identifiers for subscribers or access line based on the county of primary use;

c. Gross Fees Collected Unit cost of each item;

d. 1% Provider Allowance;

e. Adjustment;

f. Description of any adjustment or other pertinent notation; and

g. Net Fees Collected.

5. Remittance Check Amount, Check Date, and Check Number; and

6. The following certification shall be part of the form: These amounts are submitted in compliance with Florida Statutes 365.172, 365.173 and 365.174 along with ordinances and definitions held within. Under penalties of perjury, I declare that I have verified the foregoing and the amounts alleged are true, to the best of my knowledge and belief.

(c) In lieu of submitting a signed Florida Emergency Communications Number E911 System Remittance Report, it can be electronically transmitted to the Board's administrative staff.

(d) Third party companies submitting fee remittances on behalf of wireless and nonwireless service providers shall provide a contact person, address, contact phone number and e-mail address to respond to all E911 Staff inquires about the fee remittances.

(7) The service providers shall provide their company contact on fee remittance information to explain any irregularities noticed in the monthly fee remittance submittals. In the event of multiple irregularities or failures to submit the fee remittances in a timely manner, the provider's representative shall be prepared to attend the E911 Board meeting, either in person or via teleconference, to explain these issues at the monthly E911 Board Meeting.

(8) Service – providers that fail to collect or deliver collected E911 fee revenue and remittance information within the 60 day submission timeframe shall be subject to collection costs required to obtain the fee revenue and to lost interest revenue, calculated in accordance with Section 55.03, Florida Statutes, on the unpaid E911 fee revenues due. The one percent provider allowance shall be applied to offset the total amount of collection costs and lost interest due to the Board, and the service provider shall be obligated to the Board for any remaining balance due.

(9) A service provider may request relief from the monetary obligations resulting from its noncompliance by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its noncompliance. The service provider's representative shall be required to appear, either in person or via teleconference, at the next ensuing Board meeting to present its position and answer any questions from the Board. The Board, in the exercise of its

powers enumerated in Sections 365.172(5) and (6), Florida Statutes, shall consider the facts and circumstances and determine whether relief is justified to avoid imposition of a substantial hardship or a violation of the principles of fairness, and whether relief would serve the purpose of Sections 365.172, 365.173, 365.174, and particularly 365.172(8), Florida Statutes.

Rulemaking Authority 365.172(6)(a)11., 365.173(2)(d) FS. Law Implemented 365.173(2)(d) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2009

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-18.001	Continuing Education Credit Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to consider extension of CE requirement deadline.

SUMMARY: The rule amendment adds a consideration for the extension of the continuing education requirement deadline.

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

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

RULEMAKING AUTHORITY: 455.2124, 489.306 FS.

LAW IMPLEMENTED: 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.001 Continuing Education Credit Requirements.

Every person licensed pursuant to Chapter 481, Part II, Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(1) through (5) No change.

(6) The board may, upon request of a licensee suffering a hardship, temporarily waive the continuing education requirement for one year. The licensee must make the request, in writing to the Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399-0751, or by way of <http://myflorida.com/dbpr/>, detailing the hardship at least 60 days prior to the renewal.

Rulemaking Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended 7-3-03, 3-1-05, 11-12-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

PURPOSE AND EFFECT: To update the survey questions.

SUMMARY: Effective in or after August 2009, this rule amends the survey incorporated by reference.

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

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

RULEMAKING AUTHORITY: 458.3191(4), 459.0081(4) FS. LAW IMPLEMENTED: 381.4018, 458.3191, 459.0081 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: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.002 Physician Survey Procedures.

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at www.FLHealthSource.com must fully complete on line all applicable portions of the physician workforce survey, form DH-MQA 1119, entitled Physician Workforce Survey, effective ~~08/09~~ ~~07/08~~, which is incorporated herein by reference and also may be viewed at <http://www.doh.state.fl.us/mqa/medical/index.html> or at <http://www.doh.state.fl.us/mqa/osteopath/index.html>. The address where physicians who do not renew online are required to obtain, complete and submit a paper copy of the survey with their renewal is 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399.

(2) No change.

Rulemaking Specific Authority 458.3191(4), 459.0081(4) FS. Law Implemented 381.4018, 458.3191, 459.0081 FS. History--New 4-21-08, Amended 10-20-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jessica Swanson Rivenbark

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-4.013	Recertification
64B9-4.014	Inactive Status; Reactivation

PURPOSE AND EFFECT: The purpose of the amendments is to permit Clinical Nurse Specialists the same opportunity to inactivate their advanced licenses that is accorded to advanced registered nurse practitioners.

SUMMARY: The rules permit Clinical Nurse Specialists the same opportunity to inactivate their licenses that is accorded to advanced registered nurse practitioners.

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

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

RULEMAKING AUTHORITY: 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 456.036(5), 456.036(9), 464.012, 464.014, 455.711(5) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

~~64B9-4.013 Recertification-Inactive Status.~~

(1) Upon initial certification, an ARNP shall be issued a certificate in the appropriate category. At the first and subsequent recertifications thereafter, the licensee shall, upon payment of the renewal fee provided in subsection 64B9-7.001(6), F.A.C., receive a dual RN/ARNP license/certificate.

(2) For each recertification cycle, the ARNP shall submit all of the following to the Board:

- (a) Proof of malpractice insurance or exemption.
- (b) Protocols or exemption.
- (c) Proof of current national certification if required.

(3) Failure to recertify as an Advanced Registered Nurse Practitioner within the time period prescribed by the Department will result in the certificate being placed on delinquent status.

~~(4) An ARNP may apply to place his certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status as specified in subsection 64B9-7.001(7), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the ARNP certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.~~

~~(5) When the Registered Nurse license of an Advanced Registered Nurse Practitioner is placed on inactive status, the Advanced Registered Nurse Practitioner certificate will also be placed on inactive status.~~

Rulemaking Specific Authority 464.006, 464.014 FS. Law Implemented 456.036(5), 464.012, 464.014, 455.711(5) FS. History–New 8-31-80, Formerly 21O-11.27, Amended 3-19-87, Formerly 21O-11.027, 61F7-4.013, 59S-4.013, Amended 2-18-98, 4-5-00,_____.

64B9-4.014 Inactive Status; ~~Reactivation of ARNP Certificate.~~

(1) An ARNP or CNS may apply to place his/her certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an

application fee for inactive status as specified in paragraph 64B9-7.001(11)(c), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.

(2) When the Registered Nurse license of an ARNP or CNS is placed on inactive status, the ARNP or CNS certificate will also be placed on inactive status.

~~(3)(4)~~ No inactive certificate may be reactivated unless the applicant holds a current, active license to practice as a Registered Nurse in this State, and meets the requirements of Rule 64B9-4.002, F.A.C., if applicable.

~~(4)(2)~~ Reactivation of an inactive ARNP or CNS certificate or dual RN/ARNP or RN/CNS license/certificate shall be in the manner as provided in Rule 64B9-6.003, F.A.C.

~~(5)(3)~~ Documentation of active practice as a nurse practitioner or a clinical nurse specialist within the past 5 years or documentation of an ARNP or CNS refresher course to include both theoretical and clinical components must be submitted. A current Registered Nurse license under Sections 464.008, 464.009, F.S., is required for the clinical component of a refresher course.

Rulemaking Specific Authority 464.006, 464.012, 464.014 FS. Law Implemented 456.036(9), 464.012, 464.014 FS. History–New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended 4-5-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-14.002
RULE TITLE: Application for Board Certification and Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the Board Certification Form and to provide the form number and website address where the form can be downloaded.

SUMMARY: The rule amendment will adopt the Board Certification Form and to provide the form number and website address where the form can be downloaded.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this 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.

SPECIFIC AUTHORITY: 484.005(1) FS.

LAW IMPLEMENTED: 484.002(6), 484.005(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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-14.002 Application for Board Certification and Renewal.

(1) A licensed optician who wishes to be certified by the Board to be qualified to independently fill, fit, adapt or dispense soft contact lenses pursuant to Section 484.002, Florida Statutes, and subsection 64B12-10.009(2), F.A.C., shall submit to the Board, Form MQA-DH 1194, Board Certification Application, (revised 06/09), which is hereby adopted and incorporated by reference, and can be obtained from the Board of Opticianry's website at www.doh.state.fl.us/mqa/opticianry ~~must make application to the Board on the form provided by the Agency.~~ The application shall be accompanied by the fee specified in Rule 64B12-11.014, F.A.C, which is non-refundable.

(2) through (4) No change.

~~Rulemaking Specific~~ Authority 484.005(1) FS. Law Implemented 484.002(6), 484.005(1) FS. History--New 3-5-87, Amended 3-30-89, 1-30-91, Formerly 21P-14.002, 61G13-14.002, 59U-14.002, Amended 10-12-97, 9-4-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

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

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendment is to add two additional pharmaceutical agents to the rule, which a certified optometrist is qualified to administer and prescribe in the practice of optometry.

SUMMARY: The proposed amendment adds two pharmaceutical agents to the rule that a certified optometrist is qualified to administer and prescribe in the practice of optometry.

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

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

RULEMAKING AUTHORITY: 463.005, 463.055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1)(a) through (5)(n) No change.
- (o) Difluprednate ophthalmic emulsion – .05%.
- (6)(a) through (d) No change.
- (e) Bimatoprost – .03%.

~~Rulemaking Specific~~ Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 12, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 26, 2009

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-15.002	Sites – Mobile Home, Lodging, and Recreational Vehicle Parks
64E-15.003	Water Supply
64E-15.004	Sewage Disposal
64E-15.006	Plumbing
64E-15.007	Garbage and Refuse Disposal
64E-15.009	Recreational Camp Standards
64E-15.010	Permits and Fees

PURPOSE AND EFFECT: Develop rules to clarify language; bring incorporated references current; incorporate necessary modifications to avert waterborne pathogen transmission; and remove certain language to eliminate the need for variances being filed by the regulated community. The effect will be to provide a greater usability for the regulated community and the department.

SUMMARY: The proposed rule incorporates changes suggested by the Office of General Counsel. The proposals address rules and/or rule titles, codes and referenced standards; waterborne pathogen transmission; setbacks in RV parks; and a grammatical error.

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

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.

RULEMAKING AUTHORITY: 381.006, 513.05 FS.

LAW IMPLEMENTED: 381.006(1), (4), (6), (7), (14), 381.0072, 386.041, 403.862(1)(f), 513.012, 513.03, 513.05, 513.08, 553.73 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: July 31, 2009, 9:00 a.m.
PLACE: 4042 Bald Cypress Way, Room 225Q, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 hours before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are 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: David B. Wolfe, HSEC, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-15.002 Sites – Mobile Home, Lodging, and Recreational Vehicle Parks.

(1) through (2) No change.

(3) Recreational Vehicle Parks. The minimum size and location of each recreational vehicle space constructed or developed after the effective date of this rule shall be as follows:

(a) Each recreational vehicle space shall contain a minimum of 1200 square feet.

(b) The density shall not exceed 25 recreational vehicle units per acre of gross site.

(c) Each tent space shall contain a minimum of 500 square feet.

~~(d) All recreational vehicle units or accessory buildings shall be parked or located 25 feet from any public street or highway right-of-way.~~

~~(d)(e)~~ Each recreational vehicle space shall be clearly identified.

Rulemaking Specific Authority 381.006, 381.011(43), 513.05 FS. Law Implemented 513.012, 513.05 FS. History–New 5-20-96, Formerly 10D-26.110, Amended _____.

64E-15.003 Water Supply.

(1) The water supply for each Mobile Home Park, Lodging Park, Recreational Vehicle Park, or Recreational Camp, shall comply with the provisions of Chapter 64E-8, F.A.C., Drinking Water Systems; or Chapter 62-550, F.A.C., Drinking Water Standards, Monitoring and Reporting Permitting and Construction of Public Water Systems, 40 CFR 141, Subpart I – Control of Lead and Copper, Edition of July, 2000, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, 40 CFR 141 Subpart L – Disinfection and Residuals, Disinfection Byproductsm and Disinfection Byproduct Precursors, Edition of July 1, 2003, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, 40 CFR 141 Subpart O – Consumer Confidence reports, Edition of July 1, 2004, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>,

~~Chapter 62-551, F.A.C., Control of Lead and Copper, Chapter 62-555, F.A.C., Permitting, Construction, Operation, and Maintenance of Public Water Systems Drinking Water Standards, Monitoring and Reporting, and Chapter 62-560, F.A.C., Requirements for Public Water Systems That Are Out of Compliance. The system for each park shall be designed for the maximum water demand.~~

(2) No change.

(3) Every building in a recreational vehicle park which provides personal hygiene or cooking facilities shall be connected to an approved, potable water supply which meets the minimum requirements of subsection (1) above. Recreational vehicle parks shall also comply with the following additional requirements:

(a) In recreational vehicle parks, where each space is served by a water supply service connection, the connection shall be protected against the hazards of backflow and back-siphonage.

(b) All recreational vehicle parks shall provide at least one easily accessible, backflow and back-siphonage protected potable water supply station with a water supply outlet for filling vehicle storage tanks. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 100 spaces, or fraction thereof, that do not have water hookups at the site. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 250 spaces, or fraction thereof, when more than 50 percent of the spaces have water and sewer hookups.

(c) Non-potable water accessibility shall not be co-located with potable water access points (hydrants, taps, or hose bibbs). Non-potable water access shall be designated and secured to prevent use as a potable water supply. Residents and guests shall be informed how to identify any non-potable water accessibility points within a park or camp.

Rulemaking Specific Authority 381.006, ~~381.011(13)~~, 513.05 FS. Law Implemented 381.006(1), 386.041, 403.862(1)f, 513.012, ~~513.12~~, 513.05 FS. History–New 5-20-96, Formerly 10D-26.120, Amended _____.

64E-15.004 Sewage Disposal.

(1) A safe method of sewage collection, disposal, or treatment and disposal shall be provided at each park or camp and shall be in compliance with either Chapter 64E-6, Standards for ~~Individual~~ Onsite Sewage Treatment and Disposal Systems, or Chapter 62-600, F.A.C., Domestic Wastewater Facilities ~~Treatment Requirements~~. Transportable wastewater containers and cassette-type toilets may be used under the following conditions:

(2) through (7) No change.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(7), (14), 381.0065, 386.041, 513.05, 513.08 FS. History–New 5-20-96, Formerly 10D-26.130, Amended 1-6-03, _____.

64E-15.006 Plumbing.

Plumbing shall be in compliance with ~~the applicable~~ plumbing requirements of the 2007 edition of the Florida Building Code, herein incorporated by reference and available free on the internet at <http://www2.iccsafe.org/states/florida/codes/provisions-of-the-State-Building-Code>, as adopted in Rule 9B-3.047, F.A.C.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.05, 513.08, 553.73 FS. History–New 5-20-96, Formerly 10D-26.150, Amended _____.

64E-15.007 Garbage and Refuse Disposal.

(1) through (2) No change.

(3) All garbage shall be collected twice weekly or in accordance with the frequency of the collection jurisdiction and transported in covered vehicles or covered containers. Burning of refuse in the park or camp is prohibited, except in incinerators for which the design and location has been approved by the Department of Environmental Protection. Refuse shall be transported and disposed of in accordance with provisions of Chapter 62-701, F.A.C., Solid Waste Management Facilities.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, ~~513.012~~, 513.05, FS. History–New 5-20-96, Formerly 10D-26.160, Amended _____.

64E-15.009 Recreational Camp Standards.

(1) through (3) No change.

(4) Electric Wiring-Recreational Camps. Electric wiring shall be installed in accordance with the electrical requirements provisions of the 2008 version local electrical ordinance or if no such ordinance exists, in accordance with the provisions of the latest edition of the National Electrical Code which is incorporated herein by reference and available online from the National Fire Protection Association at [www.NFPA.org](http://www.nfpa.org).

(5) through (8) No change.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(6), (14), 381.0072, 513.05 FS. History–New 5-20-96, Formerly 10D-26.180, Amended _____.

64E-15.010 Permits and Fees.

(1) through (3) No change.

(4) Enforcement. Supplemental to other enforcement remedies, citations for violation of applicable rules shall be issued on DH Form 3159, Citation for Violation, Mobile Home, Recreational Vehicle, and Lodging Park and Recreational Camps Program, which is incorporated herein by reference and furnished by the department through the county health departments.

Rulemaking Specific Authority ~~381.0011(13)~~, 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-00895, 386.03, ~~512.065~~, 513.012, 513.02, 513.03, 513.045, 513.065, ~~513.05~~ FS. History–New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David B. Wolfe (850)245-4277
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 26, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 24, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-17.001 RULE TITLE: Materials Incorporated by Reference
PURPOSE AND EFFECT: Rule Chapter 64F-17, F.A.C., will be revised and amended to adopt new and revised manuals by reference, to update, clarify and expand existing rules that will assure the efficient administration of the Child Care Nutrition Program while promoting program integrity and the quality of food and service provided to children.
SUMMARY: This rule adopts and incorporates by reference federal regulations governing the Child Care Nutrition Program.

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

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

RULEMAKING AUTHORITY: 383.011(2)(b), 120.54(6) FS.
LAW IMPLEMENTED: 383.011(1)(i) 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: Phil Reeves, Bureau Chief, Bureau of Child Nutrition Program, 4025 Esplanade Way, Mail Bin #G-240, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-17.001 Materials Incorporated by Reference.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, ~~2009~~ 2007, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published in the January 1, ~~2009~~ 2007, edition of the Code of Federal Regulations are hereby adopted and incorporated by reference. A copy of these portions of the federal regulations can be located at <http://www.gpoaccess.gov/cfr/index.html> or can be obtained from the Department of Health, Bureau of Child Nutrition Program, 4025 Esplanade Way, Mail Bin #G-240, Tallahassee, Florida 32399.

(2) The Department of Health’s publications entitled “Procedure Manual for Sponsors of Unaffiliated Centers,” dated August 1, 2006, the “Procedure Manual for Sponsors of Day Care Homes,” dated April 1, 2007, and the “Procedure Manual for Sponsors of Affiliated Child Care Centers,” dated September, 2007 are incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Rulemaking Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History--New 7-22-99, Amended 2-20-04, 4-10-07, 12-6-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Reeves
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon
General
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 22, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 24, 2009

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Marine Fisheries

RULE NO.: 68B-14.0038 RULE TITLE: Recreational Red Snapper Season
PURPOSE, EFFECT AND SUMMARY: The purpose of this rule amendment is to modify the Commission’s Reef Fish Rule to become consistent with federal recreational reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980’s. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council’s red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons in federal waters. However, the success of the red snapper rebuilding plan depends not only upon controlling harvest in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters. Florida plays a particularly important role in the success of the red

snapper rebuilding plan because Florida’s recreational fishery, occurring in both state and federal waters, accounts for a large proportion of the recreational red snapper catch. The recreational fishery is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public, aids enforceability, and contributes to the overall red snapper rebuilding effort in the Gulf of Mexico. This rule section was amended in early 2009, to better align the recreational season in state waters with the federal season. It is being amended again because the National Marine Fisheries Service has determined that the recreational sector of the Gulf of Mexico red snapper fishery exceeded its total allowable catch by 1.2 million pounds in 2008. By law the National Marine Fisheries Service is required to correct this overage to keep the red snapper rebuilding plan on schedule. The National Marine Fisheries Service’s proposed correction would shorten the 2009 red snapper season by an additional 47 days. The Commission approved this rule amendment for state waters at a publicly noticed meeting on June 18, 2009.

Rule 68B-14.0038, F.A.C., (Recreational Red Snapper Season) would amend the Commission’s Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally managed waters of the Gulf of Mexico as proposed by the National Marine Fisheries Service. The proposed Commission rule would change the recreational red snapper fishing season from June 1 through September 30 to June 1 through August 14. This is the same recreational fishing season being proposed for federal waters by the National Marine Fisheries Service.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

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

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0038 Recreational Red Snapper Season.

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from June 1 through ~~August 14~~ ~~September 30~~, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from ~~August 15~~ ~~October 1~~ through May 31, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, 3-12-09,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-21.0015	Definitions
68B-21.003	Prohibition of Sale of Snook
68B-21.004	Seasons
68B-21.005	Size Limits

PURPOSE AND EFFECT: The primary purpose of the proposed rule amendments are to clarify that the Commission prohibits the sale of snook harvested or taken within or without the state in order to fully protect the snook resources from illegal sales or importation and to clarify definitions and other pro.

SUMMARY: The proposed rule will clarify that the sale of Commission rule of snook taken within or without the state is prohibited, that the size limit and season requirements of Commission rules apply to snook taken within or without the state, that snook is regulated in Florida and Federal waters by Commission rule and that snook can be temporarily possessed to measure minimum or maximum size and must be returned free, alive and unharmed if undersize or oversize.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared. The agency has determined that this rule will ___or will not ___X___ have an impact on small business. A SERC has ___ or has not ___X___ been prepared by the agency.

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

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-21.0015 Definitions.

(1) "Atlantic Region" means all state and federal waters of the Atlantic Ocean north and east of the Dade-Monroe County line, and all inland waters of the counties encompassed by the St. Johns River Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County, but including all waters of Lake Okeechobee and the Kissimmee River.

(2) No change.

(3) "Gulf Region" means all state and federal waters of the Gulf of Mexico, the inland waters of Charlotte County, Collier County, Glades County, Hendry County, Highlands county, Lee County, Monroe County and all counties encompassed by the Southwest Florida Water Management District, the Suwanee River Water Management District, and the Northwest Florida Water Management District, and all waters of Everglades National Park, but excluding all waters of Lake Okeechobee and the Kissimmee River.

(4) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirement of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(5) through (9) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02, 7-1-06, 7-12-07,_____.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook taken within or without the state in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule 68B-8.012, F.A.C.

(2) It is unlawful for any wholesale or retail seafood dealer or restaurant to possess, buy, sell, or store any snook or part thereof taken within or without the state, or permit any snook or part thereof to be possessed, bought, sold or stored on, in, or about the premises or vehicles where such wholesale or retail seafood business or restaurant is carried on or conducted; provided, however, that snook which have been lawfully harvested, or parts thereof, may be kept on the premises of a restaurant for the limited purpose of preparing such snook for consumption by the angler who harvested them, so long as such snook or parts thereof are packaged or on strings with tags bearing the name and address of the owner clearly written thereon.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Formerly 46-21.003, Amended 5-13-02, 7-12-07,_____.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, ~~regardless of where taken,~~ any snook taken within or without the state during the following closed periods, in the indicated areas:

(a) Statewide, during the period beginning December 15 of each year and continuing through January 31 of the following year.

(b) In the Atlantic Region, during the months of June, July or August.

(c) In the Gulf Region, during the first 14 days of the month of December, and during the months of February, May, June, July, or August.

(2) Exceptions to the closed seasons established by this rule shall only be granted by special permit issued by the Commission pursuant to Section 379.244(2), F.S., for experimental, scientific, or exhibitional purposes.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02, 7-12-07,_____.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 28 inches or greater than 32 inches in total length in the Atlantic Region and less than 28 inches or greater than 33 inches in the Gulf Region.

(2) All snook harvested from Florida and federal waters shall be landed in a whole condition. The possession, ~~while on state waters,~~ of snook; whether taken within or without the

state, that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of snook, or mere removal of gills from snook, before landing is not prohibited. Preparation of snook for immediate consumption on board the vessel from which the fish were caught is not prohibited.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, 7-19-06, 7-12-07,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-3.012	Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To require the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol approved by the State Fire Marshal on a location near the main entry of the structure.

SUMMARY: The rule provides the size shape color and location of the symbol required on structures constructed of light-frame trusses.

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

Any person who wishes to provide information regarding 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.

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215, 633.027 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: Friday, August 14, 2009, 10:00 a.m.

PLACE: The conference room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) through (5) No change.

(6) Notice required for structures with light-frame truss-type construction.

Purpose: The purpose of this rule is to require the placement of an identifying symbol on structures constructed with a light-frame weight truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(a) Definitions.

1. “Light-frame truss-type construction” means a type of construction whose primary structural elements are formed by a system of repetitive wood or light gauge steel framing members.

2. “Approved symbol” means a Maltese Cross measuring 8 inches horizontally and 8 inches vertically, of a bright red reflective color, designed in accordance with Figure 1.

3. “Townhouse” means a single-family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof with open space on at least two sides.

(b) Any commercial, industrial, or any multiunit residential structure of three units or more (excluding townhouses), which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Each approved symbol shall include within the center circle one of the following designations:

1. Structures with light-frame truss roofs shall be marked with the letter “R”.

2. Structures with light-frame truss floor systems shall be marked with the letter “F”.

3. Structures with light-frame truss floor and roof systems shall be marked with the letters “R/F”.

(c) The approved symbol shall be placed within 24 inches to the left of the main entry door and:

1. Be permanently attached to the face of the structure on a contrasting background, or

2. Be mounted on a contrasting base material which is then permanently attached to the face of the structure.

(d) The distance above the grade, walking surface or the finished floor to the bottom of the symbol shall be not less than 4 feet (48 in).

(e) The distance above the grade, walking surface or the finished floor to the top of the symbol shall be not more than 6 feet (72 in).

(7) In single tenant structures with multiple main entry doors, such as big box retail stores, department stores and grocery stores, the authority having jurisdiction is authorized to require that other main entry doors of the structure be marked with an approved symbol to carry out the purpose in subsection (6) above.

(8) In multiple tenant structures and covered malls with multiple main entry doors, the authority having jurisdiction is authorized to require that other main entry doors be marked with an approved symbol to carry out the purpose in subsection (6) above. In such structures, approved symbols shall be marked on one side only and spaced not closer than 100 feet or at each end of the structure when such structure is less than 100 feet in length.

(9) The owner of each new structure required to comply with this section shall mark the structure with the approved symbol prior to receiving a certificate of occupancy.

(10) The owner of each existing structure required to comply with this section shall mark the structure with the approved symbol within 90 days of the effective date of this rule section.

(11) Where the owner of the structure and the authority having jurisdiction disagree as to the use of light-frame truss-type construction within the structure, the owner shall be granted not more than 45 days to provide written verification from a licensed engineer or licensed architect; otherwise the owner shall comply with the rule.

Figure 1:

Approved Symbol



Light-frame “Roof” only



Light-frame “Floor” only



Light- frame “Floor & Roof”

Rulemaking Specific Authority 633.01(1), 633.022, 633.0215, ~~633.027~~ FS. Law Implemented 633.01, 633.022, 633.0215, ~~633.027~~ FS. History–New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, 5-18-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Goodloe, Chief, Bureau of Fire Prevention
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer
 DATES PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008 and June 19, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-42.003	Definitions
69A-42.004	Discretionary Powers of the Authority Having Jurisdiction
69A-42.0041	Fire Separation Requirements
69A-42.005	Standards of the National Fire Protection Association Adopted

PURPOSE AND EFFECT: The purpose of the rule and the amendments is to maintain the separation distances that existed in prior editions of the National Fire Protection Standards.

SUMMARY: The rule maintains the separation distances between and among mobile homes at 10 feet side to side, 8 feet end to side and 6 feet end to end horizontally.

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

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

RULEMAKING AUTHORITY: 633.01(1), 633.022(1)(b) FS. LAW IMPLEMENTED: 633.01(4), 633.022(1)(b), 633.022(2)(b) FS.

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

DATE AND TIME: Friday, August 14, 2009, 11:00 a.m.
 PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3171. If you are 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-42.003 Definitions.

As used in this rule chapter, unless the context clearly requires otherwise.

(1) through (2) No change.

(3) “Mobile Home” shall have the same meaning as “Manufactured Home” set forth in NFPA 501A, adopted by reference in Rule 69A-3.012, F.A.C.

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

Rulemaking Specific Authority ~~633.01(1)~~, 633.022(1)(b) FS. Law Implemented ~~633.01(4)~~; 633.022(1)(b), 633.022(2)(b) FS. History–New 5-1-84, Formerly 4A-42.03, Amended 8-1-90, 9-6-01, Formerly 4A-42.003, Amended _____.

69A-42.004 Discretionary Powers of the Authority Having Jurisdiction.

The authority having jurisdiction may modify these rules under the following conditions:

(1) Any modification to this rule chapter must be in strict conformance with this section. No currently placed mobile home shall be displaced unless it is clearly evident in the opinion of the authority having jurisdiction that there is a threat of imminent danger to the health, safety or welfare of the general public. ~~of these rules shall be allowed only in existing buildings and to the extent that, in the opinion of the authority having jurisdiction, it is clearly evident that a reasonable degree of safety to life and property from the hazards of fire, explosion, and panic is provided and maintained under the modification.~~

(2) through (3) No change.

Rulemaking Specific Authority 633.01(1), 633.022(1)(b) FS. Law Implemented ~~633.01, 633.01(4), 633.022(1)(b), 633.022(2)(b) FS.~~ History—New 5-1-84, Formerly 4A-42.04, Repromulgated 8-1-90, Formerly 4A-42.00, Amended _____.

69A-42.0041 Fire Separation Requirements.

No portion of a mobile home, excluding the tongue, shall be located closer than 10 ft. (3m) side to side, 8 ft. (2.4m) end to side, or 6 ft. (1.8m) end to end horizontally from any other mobile home or community building unless the exposed composite walls and roof of either structure are without opening and constructed of materials that will provide a one-hour fire resistance rating or the structures are separated by a one-hour fire-rated barrier.

Rulemaking Authority 633.01(1), 633.022(1) FS. Law Implemented 633.01(4), 633.022(1)(b), 633.022(2)(b) FS. History—New _____.

69A-42.005 Standards of the National Fire Protection Association Adopted.

(1) ~~The standards of the National Fire Protection Association standards 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities" NFPA 501A, the edition as adopted in Rule 69A-3.012, F.A.C., and 1194, "Standard for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds," NFPA 1194 the edition as adopted in Rule Chapter 69A-3, F.A.C., shall be the governing standards, except as modified in this Rule Chapter "Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks".~~

(2) No change.

Rulemaking Specific Authority 633.01(1), 633.022(1)(b) FS. Law Implemented 633.022(1)(b), 633.022(2)(b), ~~633.01(4) FS.~~ History—New 5-1-84, Formerly 4A-42.05, Amended 8-1-90, 9-6-01, Formerly 4A-42.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 10, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-48.008
RULE TITLE: Monitoring

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide conditions under which the managed facilities-based voice network method of monitoring fire alarm signals can be approved by the local authority having jurisdiction.

SUMMARY: Fire alarm signals in specified occupancies must be monitored so that the fire department is automatically alerted when the alarm is activated. A managed facilities-based voice network, as described in the rule, is an acceptable monitoring alternative to a standard telephone monitoring system.

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

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

RULEMAKING AUTHORITY: 633.70(4) FS.

LAW IMPLEMENTED: 633.022(1)(b), 633.701 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: Friday, August 14, 2009, 9:00 a.m.

PLACE: Conference Room at the Atrium, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3619. If you are 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-48.008 Monitoring.

~~(1) Monitored Automatic emergency forces notification and any type of monitoring of fire alarm signals shall be installed and operate in accordance with the applicable NFPA standards adopted in subsection 69A-3.012(1), F.A.C., and incorporated by reference therein.~~

~~(2) Any person currently providing or proposing to provide fire alarm monitoring services to protected premises company wishing do monitoring or is currently monitoring in a fire department's area shall notify the authority having jurisdiction in writing at least 10 days prior to offering the service of that location. The provider shall notify the authority having jurisdiction verbally within 24 hours of discontinuing monitoring services to a protected premise shall be notified when any monitoring is discontinued within 24 hours. The verbal notification shall be confirmed by written notification provided to the authority having jurisdiction within 10 days of the discontinuance of monitoring services and follow up that notification by written notification.~~

(3) Managed Facilities-based Voice Network (MFVN) is a physical facilities-based communication network that:

(a) Is managed and maintained by the service provider to ensure service quality and reliability from the service subscriber location to the point at which a call is transferred or handed off to another MFVN peer network such as the public switched telephone network (PSTN), defined as a single or an interconnected collection of local, long distance and international phone companies;

(b) Conforms to all relevant PSTN standards with respect to:

1. Dialing,
2. Dial plan,
3. Call completion,
4. Carriage of alarm signals and protocols, and
5. Loop voltage treatment;

(c) Provides real-time transmission of voice and real-time transmission of signals that carry alarm industry standard alarm formats unchanged;

(d) Preserves primary line seizure for alarm signal transmission;

(e) Provides a method of electrical power backup such as a battery that provides a minimum of 8 hours of continued uninterrupted voice service availability to the attached alarm system, and

(f) Provides disaster recovery plans to address individual customer outages and network power restoration procedures. The plans shall be provided to the authority having jurisdiction upon request.

(4) The provider must demonstrate that the network is an MFVN as described in this rule by submitting to the authority having jurisdiction an attestation that the company's network meets the criteria paragraphs (a) through (f) above.

Rulemaking Specific Authority 633.70(4), ~~633.701(7)~~ FS. Law Implemented 633.022(1)(b), 633.701 633.01(1), ~~633.022(2)(b), 633.70(4), 633.701(7)~~ FS. History–New 11-16-94, Amended 7-11-01, Formerly 4A-48.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2008 and June 6, 2009

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-52.003 RULE TITLE: Application

PURPOSE AND EFFECT: To adopt two application forms by rule.

SUMMARY: The first application form requests the Department to conduct a plans review pursuant to Section 633.085(3), F.S., to assure compliance with the Florida Fire Prevention Code. The second application form requests the Department to conduct a building site inspection to assure compliance with the Florida Fire Prevention Code.

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

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

RULEMAKING AUTHORITY: 633.01, 633.085 FS.

LAW IMPLEMENTED: 633.085 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: Friday, August 14, 2009, 11:30 a.m.

PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

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

contacting: William Fowler, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3736. If you are 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: William Fowler, phone (850)413-3736

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-52.003 Application.

The State Legislature mandates that the State Fire Marshal shall perform the following functions for which fees shall be charged:

(1) Inspect each state-owned building on a recurring basis, as defined in Rule 69A-3.011~~009~~, F.A.C., and inspect high hazard state owned occupancies at least annually for compliance with applicable fire safety standards for state-owned buildings.

(2) Perform tests on all components of any electronic fire warning system, smoke detection system and any pressurized air handling unit.

(3) Inspect any new, renovated, alteration or change of occupancy of any existing state-owned or state-leased building.

(4) Review plans for all new construction, renovation, alteration, or change of occupancy of any existing state-owned or state-leased building.

(5) A request to review plans pursuant to Section 633.085, F.S., shall be submitted on Form DFS-K3-1973, "Application for Plan Review", effective _____, adopted herein and incorporated by reference.

(6) A request for a building site inspection shall be submitted on Form DFS-K3-1528, "Request for Building Site Inspection", effective _____, adopted herein and incorporated by reference.

Rulemaking Specific Authority 633.01, 633.085(5) FS. Law Implemented ~~633.01(4)~~, 633.085 FS. History--New 6-18-91, Amended 9-6-01, Formerly 4A-52.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Fowler

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.008
 RULE TITLE: Notice Required for Buildings with Light-frame Truss-type Construction

PURPOSE AND EFFECT: To require the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol approved by the State Fire Marshal on a location near the main entry of the structure.

SUMMARY: The rule provides the size, shape, color, and location of the symbol required on structures constructed of light-frame trusses.

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

Any person who wishes to provide information regarding 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.

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215, 633.027 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: Friday, August 14, 2009, 10:30 a.m.

PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-60.008 Notice Required for Structures With Light-frame Truss-type Construction.

(1) Purpose: The purpose of this rule is to require the placement of an identifying symbol on structures constructed with a light-frame truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(2) Definitions.

(a) “Light-frame truss-type construction” means a type of construction whose primary structural elements are formed by a system of repetitive wood or light gauge steel framing members.

(b) “Approved symbol” means a Maltese Cross measuring 8 inches horizontally and 8 inches vertically, of a bright red reflective color, designed in accordance with Figure 1.

(c) “Townhouse” means a single-family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with open space on at least two sides.

(3) Any commercial, industrial, or multiunit residential structure of three units or more, (excluding townhouses) which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Each approved symbol shall include within the center circle one of the following designations:

(a) Structures with light-frame truss roofs shall be marked with the letter “R”.

(b) Structures with light-frame truss floor systems shall be marked with the letter “F”.

(c) Structures with light-frame truss floor and roof systems shall be marked with the letters “RF.”

(4) The approved symbol shall be placed within 24 inches to the left of the main entry door and:

(a) Be permanently attached to the face of the structure on a contrasting background, or

(b) Be mounted on a contrasting base material which is then permanently attached to the face of the structure.

(5) The distance above the grade, walking surface or the finished floor to the bottom of the symbol shall be not less than 4 feet (48 in.).

(6) The distance above the grade, walking surface or the finished floor to the top of the symbol shall be not more than 6 feet (72 in.).

(7) In single tenant structures with multiple main entry doors, such as big box retail stores, department stores and grocery stores, the authority having jurisdiction is authorized to require that other main entry doors of the structure be marked with an approved symbol to carry out the purpose in subsection (1) above.

(8) In Multiple tenant structures and covered mall structures with multiple main entry doors, the authority having jurisdiction is authorized to require that other main entry doors of the structure be marked with an approved symbol to carry out the purpose in subsection (1) above.

(9) In multiple tenant structures and covered malls with multiple main entry doors, the authority having jurisdiction is authorized to require that other main entry doors be marked with an approved symbol to carry out the purpose in subsection (1) above. In such structures, approved symbols shall be

marked on one side of the structure only and spaced not closer than 100 feet or at each end of the structure when such structure is less than 100 feet in length.

(10) The owner of each new structure required to comply with this section shall mark the structure with the approved symbol prior to receiving a certificate of occupancy.

(11) The owner of each existing structure required to comply with this section shall mark the structure with the approved symbol within 90 days of the effective date of this rule.

(12) Where the owner of the structure and the authority having jurisdiction disagree as to the use of light-frame truss-type construction within the structure, the owner shall be granted not more than 45 days to provide written verification from a licensed engineer or licensed architect; otherwise, the owner shall comply with the rule.

Figure 1:



Light-frame “Roof” only



Light-frame "Floor" only



Light-frame "Floor & Roof"

Rulemaking Authority 633.01(1), 633.022, 633.0215, 633.027(2) FS.
Law Implemented 633.01, 633.022, 633.021, 633.027 FS. History-
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Goodloe, Chief, Bureau of Fire Prevention
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Alex Sink, Chief Financial Officer
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 15, 2008 and June 19, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 20, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.001
 RULE TITLE: Installation of Monuments

PURPOSE AND EFFECT: To add language which requires cemeteries to provide access to monument builders during normal business hours; to not unreasonably restrict monument builders; to change the requirements for notifying the monument establishment that the application is noncompliant; to change the notice requirement for improperly installed monuments from 3 to 5 days; and to require monument builders to pay for damages to cemeteries.

SUMMARY: The proposed amendments will provide additional guidelines for monument establishments and cemeteries regarding installation of monuments by licensed monument establishments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined the proposed rule amendments will likely impose transactional costs to small businesses, or individuals. However, the transactional costs cannot be specified because the costs will vary from cemetery to cemetery. Some cemeteries will have simple access requirements, which others may require advance filing of written application by the monument establishment for each memorial. Cemeteries may have costs associated with the need to revise by laws. There are approximately 101 licensed Monument Establishments, and approximately 157 licensed cemeteries in the state of Florida.

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: 497.103 FS.

LAW IMPLEMENTED: 497.267, 497.273, 497.278, 497.558 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-12.001 Installation of Monuments.

(1) A cemetery shall require that any person engaged in the retail sale of monuments or monument services to consumers who wishes to install, place, or set, or inscribe a monument shall provide the cemetery with proof that the person has a valid license registration with the Department. If a

cemetery wishes to require proof that a monument dealer or builder has obtained all necessary local or occupational licenses, then the cemetery shall require ~~the monument dealer to make~~ such an affirmative representation in the application contract between the cemetery and the monument dealer or builder.

(2) Pursuant to subsection 497.273(3), F.S., a cemetery may adopt bylaws setting forth minimum standards for monuments installed in the cemetery which can include the style and size of a monument or its foundation, the content and material of which the monument and/or foundation is to be constructed, the locations or gardens in which different monuments may be installed, the manner of installation of either a flat or upright monument, the specific location on the grave for the installation of either flat or upright monuments, the requirements for the removal and replacement of monuments in the path that any installation equipment must take to install a specific monument, and the clean-up necessary after installation. In all cases, the cemetery must comply with its own minimum standards. Nothing in this rule shall be construed to allow a cemetery to have exclusive rights to monument construction or installation within the cemetery or any part of the cemetery, except for inscriptions in community mausoleums.

(3) Pursuant to subsection 497.273(3) and Section 497.555, F.S., all cemeteries shall permit during normal business hours to licensed monument establishments to install, inscribe or repair a monument, marker or private mausoleum. Cemeteries may adopt bylaws to establish minimum standards for access. These minimum standards shall not unreasonably restrict access to the cemetery grounds, the method of transporting burial merchandise to the burial space, or increase the cost to the owner of interment or burial rights. In all cases, monument establishments and cemeteries shall comply with these minimum standards.

(4)(3) As the cemetery is the only entity holding the records of the ownership of the burial (interment) rights it may require that a person prior to delivering a monument for installation in the cemetery shall submit an application to the cemetery showing the foundation, design, style, size and material of the monument to be installed purchased. If required by the cemetery, the application shall include be accompanied by a scaled sketch of the proposed monument showing the with the proposed lettering, showing the family name, the location of the first names of the deceased and/or others, dates and any other items planned to be a part of the monument. If the application does not meet the minimum standards for burial merchandise and installation thereof, it so requires the cemetery shall contact the monument establishment within five (5) working days with a written notice of non-compliance must either approve or disapprove the application, in writing, and provide notice to such person,

~~postmarked within 5 working days of the date that the completed application was received by the cemetery. If the cemetery it does not do so, the application will be deemed to be approved. The cemetery shall require the written approval of the owner(s) of the burial (interment) rights and legally authorized person or next of kin which shall may be on the application form submitted by the monument establishment installer prior to scheduling installation.~~

(5)(4) The cemetery is the scheduling agent for all activities conducted within the cemetery. The scheduling of burials takes priority over all other activities. The cemetery shall schedule the installation of a monument within two (2) working days of the date requested by the installing person provided all the proper authorizations and other requirements have been delivered to and approved by the cemetery. The time of installation must be set so that the installation and the clean up can be accomplished prior to the normal closing time of the cemetery. The foregoing shall be subject to change by the cemetery in the event it received notification of a death of an owner of burial rights located in such a location that the installation of the monument would interfere with the burial.

(6)(5) In the event a burial is taking place and in the determination of the cemetery the installation of a monument will be considered an interference with the burial, the installing persons shall be required by the cemetery to withdraw until the funeral being conducted has concluded and those in attendance have left the cemetery at which time the installation of the monument may be continued.

(7)(6) Prior to the initiation of the monument installation the cemetery shall mark the place on the grave where the monument is to be installed by placing a flag, or other marker, thereon. Nothing in this rule is intended to imply or require that a cemetery shall have to lay out or engineer a grave site for the installation of a monument. If the cemetery is requested by the monument installer to engineer the grave site, the fee for such service shall be disclosed on the cemetery's price list.

(8)(7) After installation, the cemetery shall inspect the installation. If the installation is improper and not in compliance with the cemetery's minimum standards operating procedures, the installing person shall be notified in writing postmarked within five (5) ~~three (3)~~ working days after installation of the manner in which the installation is not in compliance and the installing person shall have 15 days from the date of notification, in which to make the correction. In the event that the correction is not made within the said 15 days, the cemetery has the right to correct the installation and charge the installing person a reasonable charge for making the correction. A monument establishment shall be responsible for the reasonable cost of repairs needed to repair damages to property in the cemetery caused by the monument establishment's operations in the cemetery.

~~(9)(8)~~ The cemetery shall not be liable for improper installation of monuments not installed by the cemetery.

~~(10)(9)~~ Nothing in this rule shall be construed as requiring a cemetery to replace stolen monuments or portions thereof, or to replace or repair monuments that are damaged due to vandalism or other causes beyond the cemetery's control.

~~(11)(10)~~ A cemetery shall not require any person or firm that installs, places, or sets a monument to obtain any form of insurance, bond, or surety or make any form of pledge, deposit, or monetary guarantee as a condition for entry on or access to cemetery property.

~~(12)(11)~~ In the event that the cemetery has approved a monument sketch or made written representations to the monument establishment which is not according to the records of the cemetery, the cemetery shall be solely responsible to correct or replace the monument.

Rulemaking Specific Authority 497.103 FS. Law Implemented ~~497.267, 497.273(3), 497.278, 497.550, 497.555, 497.558~~ FS. History--New 1-24-95, Formerly 3F-12.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-5.010 RULE TITLE: Procedure for Employee Curriculum Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rule repeal, as published in Vol. 35, No. 21, of the Florida Administrative Weekly on May 29, 2009, has been withdrawn.

THE PERSON TO BE CONTACTED WITH REGARD TO THE RULE IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-1.002	Definitions
9B-1.003	Administration and Department Responsibilities
9B-1.004	Adoption of Model Codes
9B-1.006	Certification of Agencies
9B-1.007	Manufacturer Certification
9B-1.009	Design Plan and Systems Approval
9B-1.0095	Component System
9B-1.010	Manufacturer's Quality Control Manual Procedures
9B-1.011	Alterations and Relocation
9B-1.016	Department Insignia
9B-1.017	Insignia Application and Issuance
9B-1.018	Insignia Denial
9B-1.019	Removal of Insignia
9B-1.020	Schedule of Fees
9B-1.0211	Change in Manufacturer's Status
9B-1.0221	Manufacturer's Obligations Upon Sale of Building
9B-1.023	Oversight, Complaint
9B-1.026	Factory-built Schools, Certifications
9B-1.028	Factory-built Schools, Inspections and Work Progress Reports
9B-1.030	Factory-built Schools, Insignia and Data Plate

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 13, April 3, 2009 issue of the Florida Administrative Weekly.

A Statement of Estimated Regulatory Cost has been prepared. A copy can be obtained by contacting Ila Jones at (850)922-6091 or via e-mail Ila.jones@dca.state.fl.us.

9B-1.002 Definitions.
 (1) through (26) No change.

Rulemaking Specific Authority ~~553.37(2)(c) 553.76(4)~~, 553.415 FS. Law Implemented 553.37, 553.415, ~~553.73~~ FS. History--New 1-17-72, Amended 2-23-75, 12-8-75, 3-1-80, 9-29-82, Formerly 9B-1.02, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07, _____.

9B-1.003 Administration and Department Responsibilities.
 (1) through (4) No change.

Rulemaking Specific Authority 553.37(1), (2), ~~553.73(2), 553.76(4)~~ FS. Law Implemented 553.37(1), (2), ~~553.73(2), 553.76(4)~~, 553.381 FS. History--New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 7-16-03, 5-13-07, _____.

9B-1.004 Adoption of Model Codes.

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

Rulemaking Specific Authority 553.37(1), 553.415, 553.73(2), 553.76(4) FS. Law Implemented 553.37(3)(8), 553.38(4), 553.415, 553.73(1), (2) FS. History–New 1-17-72, Amended 6-19-74, 2-23-75, 12-21-76, 3-20-79, 3-1-80, 6-24-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.04, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.006 Certification of Agencies.

(1) through (6) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~553.38(1), 553.73(2), 553.76(4)~~ FS. Law Implemented 553.37(2) ~~(1)(e), (8)~~ FS. History–New 1-17-72, Amended 2-23-75, 12-8-75, 11-14-76, 3-23-77, 3-1-80, 9-29-82, 4-21-83, 11-1-84, Formerly 9B-1.06, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.007 Manufacturer Certification.

(1) through (4) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~553.38(1), 553.381, 553.73(2), 553.76(4)~~ FS. Law Implemented ~~553.37(8)~~, 553.381 FS. History–New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, 9-7-00, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.009 Design Plan and Systems Approval.

(1) through (8)(s) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~553.76(4)~~ FS. Law Implemented 553.37(2) ~~(1)(a)~~ FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.09, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.0095 Component System.

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

Rulemaking Specific Authority 553.37(2), 553.38, ~~553.76(4)~~ FS. Law Implemented 553.37(2), 553.38, 553.36(6)(5), ~~553.76(4)~~ FS. History–New 9-13-01, Amended 7-16-03, 5-13-07,_____.

9B-1.010 Manufacturer’s Quality Control Manual Procedures.

The manufacturer’s Quality Control Manual shall at a minimum contain the following information.

(1) through (5)(f) No change.

Rulemaking Specific Authority 553.37(2)(1)(b), ~~553.76(4), 553.381~~ FS. Law Implemented 553.37(2)(1)(b), (6), (8), ~~553.76(4)~~ 553.381 FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 5-13-07,_____.

9B-1.011 Alterations and Relocation.

(1) through (5) No change.

Rulemaking Specific Authority 553.37(2), ~~(5)(4), 553.375~~ FS. Law Implemented 553.37(2), ~~(5) (4), (4), 553.375~~ FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.11, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.016 Department Insignia.

(1) through (11) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~(e), 553.76(4)~~ FS. Law Implemented 553.37(2) ~~(1)(5), 553.38, 553.73(2)~~ FS. History–New 1-17-72, Amended 9-17-73, 2-23-75, 3-1-80, 6-24-80, 9-29-82, 11-1-84, Formerly 9B-1.16, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.017 Insignia Application and Issuance.

(1) through (2) No change.

Rulemaking Specific Authority 553.37(2)(1)(b) FS. Law Implemented 553.37, 553.38, ~~553.73(2), 553.76(4)~~ FS. History–New 1-17-72, Amended 9-27-73, 2-23-75, Formerly 9B-1.17, Amended 1-1-87, 3-1-92, 3-1-95, 7-16-03, 5-13-07,_____.

9B-1.018 Insignia Denial.

No change.

Rulemaking Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History–New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95, 9-7-00,_____.

9B-1.019 Removal of Insignia.

Rulemaking Specific Authority 553.37(2)(1) FS. Law Implemented 553.37(2), ~~(5), (6) (3), (4), 553.38(1)~~ FS. History–New 1-17-72, Amended 9-17-73, Repromulgated 2-23-75, Amended 3-1-80, Formerly 9B-1.19, Amended 3-1-95,_____.

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

- (1) and (2) No change.
- (3) Insignia fees:
 - (a) Factory-built schools fee is \$20 ~~\$15~~ per building;
 - (b) No change.
 - (c) Storage sheds (less than 720 square feet in area) is \$7 ~~\$5~~;
 - (d) Manufactured buildings fee is \$60 ~~\$50~~ per module, including storage sheds over 720 feet.

Rulemaking Specific Authority 553.37(8)(7) FS. Law Implemented 553.37(8)(7) FS. History–New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 8-16-04, 5-13-07,_____.

9B-1.0211 Change in Manufacturer’s Status.

(1) through (4) No change.

Rulemaking Specific Authority 553.37(2)(1) FS. Law Implemented 553.37(2)(1), ~~(4)~~ 553.381(1) FS. History–New 9-13-01, Amended 7-16-03, 5-13-07,_____.

9B-1.0221 Manufacturer’s Obligations Upon Sale of Building.
No change.

Rulemaking Specific Authority ~~553.37(1), (3), (11) 553.38~~ FS. Law Implemented ~~553.37(1), (3), (11) 553.38~~ FS. History–New 9-13-01, Amended 5-13-07, Repromulgated _____.

9B-1.023 Oversight, Complaint.
(1) through (3)(f) No change.

Rulemaking Specific Authority ~~553.37(2) 553.38(2)~~, 553.39 FS. Law Implemented ~~553.37(2) 553.38(2)~~, 553.39 FS. History–New 9-13-01, Amended _____.

9B-1.026 Factory-built Schools, Certifications.
(1) through (3)(i) No change.

Rulemaking Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended _____.

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.
(1) and (2) No change.

Rulemaking Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended 7-16-03, 5-13-07, _____.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

(1) Each factory-built school building utilized for public educational purposes shall bear the “SREF/school” insignia of the Department and a data plate. The data plate shall be fabricated by the manufacturer of new buildings and the owner of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently affixed on or about the electrical panel. The insignia must be affixed prior to leaving the factory. The data plate shall provide the following information:

- (a) through (w) No change.
- (2) through (4) No change.

Rulemaking Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended 5-13-07, _____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.0222
RULE TITLE: Returns; Time and Place for Filing
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated June 18, 2009, the provisions of paragraph (a) of subsection (2) of Rule 12C-1.0222, F.A.C., have been changed to remove reference to

federal case law and Internal Revenue Service Announcements for purposes of determining “good cause” for granting extensions of time for filing Florida corporate income tax returns. When adopted, that paragraph will read:

(a) An extension of the due date of any required return will be effective until 15 days after the expiration of the federal extension or until six (6) months after the due date of the return, whichever occurs earlier. The aggregate amount of time of extensions for a return cannot exceed 6 months. If an automatic extension is not permitted because a federal extension has not been requested or is not allowed, the application for extension of time to file a return must contain sufficient facts to establish good cause why the return cannot be filed on or before the original due date. An extension of time for filing a return does not operate as an extension of time for payment of the tax or any part thereof.

In addition, the provisions of subparagraph 1. of paragraph (b) of subsection (2), and the provisions of subparagraph 2. of paragraph (b) of subsection (3), have been revised to provide that Forms F-7004 and F-1065 are incorporated by reference in Rule 12C-1.051, F.A.C. When adopted, subparagraph (2)(b)1. will read:

1. Form F-7004, Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (incorporated by reference in Rule 12C-1.051, F.A.C.), signed by a person duly authorized by the taxpayer to sign a request for extension, is filed with the Department on or before the due date prescribed for filing the return. See Rule 12C-1.0221, F.A.C., for persons authorized to request an extension of time to file. For affiliated groups, the parent company qualified to file a Florida consolidated income tax return must file Form F-7004. An extension granted to the parent company of an affiliated group applies to the parent company’s consolidated return. If any corporate partner requires an extension of time to file its separate Florida corporate income tax return, a separate Form F-7004 must be filed by the corporate partner with the Department.

When adopted, subparagraph (3)(b)2. will read:

2. The automatic federal extension of time to file a federal partnership return is five (5) months. When a taxpayer is granted an extension of time to file its Florida Partnership Information Return (Form F-1065, incorporated by reference in Rule 12C-1.051, F.A.C.), the due date is 15 days after the federal return due date. For example, a partnership whose fiscal year ends on December 31, will be granted an extension of time from May 1 to October 1 to file its Florida partnership return when all the requirements for an extension of the due date of a return provided in this rule are met.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-10.006
RULE TITLE: Additional Permitting Criteria

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 34, No. 48, November 26, 2008 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.901 Confidential Records
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-6.010 Payment Methodology for Nursing
 Home Services
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: RULE TITLE:
62B-26.001 Description of the Walton County
 Coastal Construction Control Line
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

(1) There is hereby established, pursuant to Section 161.053, Florida Statutes, the revised Walton County Coastal Construction Control Line. The legal description of said line is attached hereto.

(2) This rule amendment shall take effect on the date of filing with the Florida Department of State and shall be ~~that it~~ is duly recorded in the public records in the office of the Clerk of the Circuit Court, in and for Walton County, Florida, together with each affected municipality.

(3) After this rule amendment becomes effective, a permit, under Section 161.053, Florida Statutes and Chapter 62B-33, Florida Administrative Code, to alter, excavate or construct on property seaward of the established control line is required from the Department of Environmental Protection.

Rulemaking Authority 161.053(21) 370.021(4) FS. Law Implemented 161.053 FS. History—New 5-13-75, Amended 12-29-82, Formerly 16B-26.01, 16B-26.001, Amended _____.

"The Metes and Bounds Description of the Coastal Construction Control Line of Walton County, Florida as published in the notice of propose

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-8.005 Unprofessional Conduct
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 26, July 2, 2009 issue of the Florida Administrative Weekly.

The change corrects the cross-references in paragraphs (4) and (6) of the rule text.

Paragraph (4) of the said rule shall read as follows:

(4) In order to administer or monitor any pharmacologic agents in accordance with subsection (1) or (2) above, a registered nurse must:

Paragraph (6) of the said rule shall read as follows:

(6) Pharmacologic agents that may be administered by a registered nurse or licensed practical nurse pursuant to paragraphs (2) and (3) shall not include medications that are intended to result in loss of consciousness such as propofol, penthotal, dexmedetomidine, or any medication which the manufacturer's package insert states should be administered only by individuals trained in the administration of general anesthesia.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-4.004 Manner of Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

The change corrects the revision date of the application form.

Subsection (2) of the said rule shall read as follows:

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number ~~DH-MQA 1128, Revised 06/09~~ ~~DH-MQA 1128, Revised 08/08~~ ~~DPR OPA 0001 effective 4/8/92~~, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.002	Categories of Captive Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-6.002 has been changed to delete the following word in paragraph (1)(d):

(d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be ~~substantially~~ indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.

Proposed amendment to Rule 68A-6.0022 has been changed to include the following new language as shown in subparagraph (5)(c)1.:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological family (except crocodilians which shall be in the same biological order; ratites which shall be in the same biological sub-order; and cougars, panthers or cheetahs which shall remain at the genus level), which are substantially similar in size, characteristics, behavior, habits, care and nutritional requirements to the species for which the permit is sought.

Proposed amendment to Rule 68A-6.0023 has been changed to include the deletion of one word and addition of the following new language as shown in subsection (3):

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, ~~all~~ wildlife shall be tethered or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph (2)(b) above, must be present to prevent physical contact with unconfined Class I or Class II wildlife except in instances where public contact is allowed in paragraph (3)(a) below.

Proposed amendment to Rule 68A-6.0023 has been changed to include the following new word as shown in paragraph (3)(a):

(a) Public contact and exhibition.

Proposed amendment to Rule 68A-6.0023 has been changed to include the following new language as shown in subparagraph (3)(a)1.:

1. General: All Class I, II, or III wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

Proposed amendment to Rule 68A-6.0023 has been changed to include the following addition and deletion of language as shown in subsection (6):

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of

~~all~~ changes in inventory including ~~births, deaths,~~ acquisitions and sales or transfers of all wildlife. Possessors of Class I or Class II wildlife must also maintain an accurate record of all births and deaths. Such records shall be open to inspection upon request by commission personnel.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-12.011 Regulations Governing the Establishment and Operation of Game Farms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009, issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-12.011 has been changed to include the following new acreage in paragraph (1)(a):

(1)(a) Such game farm must not exceed an area of 2,000 ~~640~~ acres owned or leased and no game farm may join or be connected to another game farm. In the event that the facility location is under lease to the applicant, said lease must be for a term sufficient to cover the term of the license and such lease is subject to review and approval by commission personnel as a condition to the granting of the license.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:
68B-14.0039 Recreational Grouper Season
68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-14.0039 has been changed to include the following new text.

68B-14.0039 Recreational Grouper Season.

In all state waters of the Gulf of Mexico, except in all waters of Monroe County, the closed season for the recreational harvest and possession of gag grouper, red grouper, black grouper,

yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp shall be from February 1 through March 31, each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-6-09, Amended _____.

Proposed amendment to Rule 68B-14.0045 has been changed to delete the following text.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.
- (a) through (d) No change.

~~(e) During the months of March and April each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, or black grouper harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.~~

~~2. Except as provided in 68B-14.0046, F.A.C., beginning February 1 and continuing through March 31 of each year, the harvest, possession, or landing of and the purchase, sale, or exchange, of gag grouper, black grouper, red grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp harvested from state waters of the Gulf of Mexico, except from all waters of Monroe County, is prohibited.~~

- (f) through (h) No change.
- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07, 4-1-08, _____.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:
68B-14.0046 Transit Through State Waters During Closed Seasons

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-166.002
 RULE TITLE: Mediation of Commercial Residential Property Insurance Claims

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S. The program established under this rule is prompted by the critical need for effective, fair, and timely handling of commercial residential property claims. This program is available to all first-party claimants and insurers prior to commencing the appraisal process set forth in their policies or commencing litigation. The program is also available to litigants referred to the Department from Circuit or County court. For claims which have not previously been mediated under any Department mediation program, the mediation procedures described in this rule are available to all commercial residential property claims for property located in the State of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance, or to liability coverage contained in property insurance policies. This program does not apply to policies issued under the National Flood Insurance Program established under the National Flood Insurance Act of 1968. Personal lines residential insurance claims can be mediated pursuant to Rule 69J-166.031, F.A.C. a separate rule. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible.

- (2) through (3) No change.
- (4) No change.
- (a)1. No change.

2. ~~The mailing that contains the notice of the right to mediate may include the Department's consumer brochure on mediation but no other materials, forms, or documents may be included.~~ Notification shall be in writing and shall be legible, conspicuous, printed in at least 12-point type, and printed in typeface no smaller than any other text contained in the notice. The first paragraph of the notice shall contain the following statement: "The Chief Financial Officer for the State of Florida has adopted a rule to facilitate the fair and timely handling of commercial residential property insurance claims. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process after receipt of this notice by calling the Department of

Financial Services at 1(877)693-5236. The parties will have 21 days from the date of the notice to otherwise resolve the dispute before a mediation hearing can be scheduled."

3.a. through f. No change

4. Failure of an insurer to abide by this procedure and to notify the insured as required above will result in the insurer being referred to the Florida Office of Insurance Regulation for administrative action pursuant to Section 624.15, F.S.

(b) No change.

(c) Upon receiving a request for mediation, and after the expiration of the 21 day resolution period, the Administrator shall randomly select from the Department's list a mediator to conduct the mediation conference. The Administrator shall notify the mediator of his or her selection and indicate the names and addresses of the parties and their known representatives, their phone numbers (if known), the Department's file number, the date of the request for mediation, and that the mediation is to occur within 45 days of the request. The mediator will have three business days from the date of notification by the Administrator to accept or reject the selection. If the mediator rejects the selection or fails to accept the selection within three business days, or if the mediator is disqualified pursuant to paragraph (7)(e), then the Administrator shall randomly select another mediator. For all mediation requests under this rule, the time limits in this section shall not be applicable for two years following the declaration of a disaster. ~~Failure of an insurer to abide by this procedure and to notify the insured as required above will result in the insurer being referred to the Florida Office of Insurance Regulation. The Florida Office of Insurance Regulation will take such further action as it deems appropriate.~~

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

(b) For two years following the declaration of a disaster, the amounts allocated to the mediator and the Administrator shall may be modified by the Department if and to the extent necessary to cover the cost of facilities to conduct the mediation, but in no event will the total cost for mediation exceed those listed in paragraph (6)(a) above.

(c) through (d) No change.

(7) through (8) No change.

(a)1. through 4. No change.

5. The mediator will notify the insured, insurer, and the Administrator in writing of the exact time, date, and location of the conference. In times of declared disaster, the Administrator shall require additional methods of communication such as telephone or email with the insured, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

(b) No change.

(c)1. No change.

2. The mediation conference also may be attended by persons who may assist a party in presenting his claim or defense in the conference, such as contractors, adjusters, engineers, and interpreters. The parties may not have separate counsel in the mediation conference unless requested by the insured or if the parties agree otherwise. If the insured elects to have an attorney participate in the conference, the insured shall notify the mediator of such participation ~~7~~ 14 days before the conference, unless the parties agree otherwise. Upon receipt of such notice from the insured, the mediator shall provide notice to the insurer that the insured will be represented at the mediation conference.

(d)1. No change.

2. Parties and their representatives must refrain from turning the conference into an adversarial process. A party will be determined not to have negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators, which is hereby incorporated by reference. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(e) through (g) No change.

(9) No change.

(a) The insurer shall pay the mediator's fee and the Administrator's fee. ~~The Department reserves the right to reduce fees based on consumer surveys and cost analysis.~~ All funds due the Department shall be remitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212, together with a reference to the Department's file number, the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Insurance Regulatory Trust Fund to defer Department costs.

1. No change.

2. Cancellation Due To Absence. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered an absence. Payment shall be as follows:

a. If the insured fails to appear at the conference, the conference shall be considered to have been held and the insurer must make payment in accordance with subsection (6)(a) of this rule. If the insured wishes to schedule a new conference after failing to appear, the insured shall pay a sum equal to the fees paid by the insurer for the first scheduled mediation. This sum shall be applied towards the second

mediation with the insurer paying the balance of the cost of that second mediation total cost of mediation for the new conference will be borne by the insured. The mediator's fee shall be payable directly to the mediator and the administrative fee shall be paid to the Administrator. The new conference shall be rescheduled only upon the insured's payment of the total cost of the mediation at the rate specified in subsection (6) of this rule.

b. If the insurer fails to appear at the conference, the insurer shall make payment for the conference in accordance with ~~paragraph subsection (6)(d)~~ of this rule. If the insurer fails to appear at the conference without good cause, the insurer shall pay the insured's actual cash expenses incurred in attending the conference and shall pay a second total cost of mediation for the rescheduled conference. Good cause includes severe illness, injury, or other emergency which could not be controlled by the insurer and could not reasonably be remedied by the insurer prior to the conference by providing a replacement representative. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the Department will report the failure to appear to the Florida Office of Insurance Regulation for administrative action pursuant to Section 624.15, F.S. as a potential violation of Florida law. The Florida Office of Insurance Regulation will take such further action as it deems appropriate.

~~(b) Any disputes regarding the amount of disbursement of funds shall be resolved by the Department.~~

~~(b) Any (e) Except as provided in subsection (8)(a)3., any~~ expenses associated with the mediation conference, such as travel, telephone, postage, meals, lodging, facilities, and other related expenses, shall be borne by the party, mediator or other person incurring the expense.

(10) through (12) No change.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
 RULE TITLE: Procedure for Licensing a Monument Establishment
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

These changes are being made in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

Rulemaking Authority 497.103(1), ~~497.105(5)~~ FS. Law Implemented ~~420.60(2)~~, 497.361, 497.551 FS.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
RULE TITLE: Procedure for Licensing a Monument Establishment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-164.040
RULE TITLE: Determining Reserve Liabilities for Preened Life Insurance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly. Subsection (9) will read, "This rule is applicable to preened life policies and certificates as defined in paragraph (4)(c) issued on or after January 1, 2009."

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on June 30, 2009, the Criminal Justice Standards and Training Commission, received a petition for rule waiver from Clemente Martin. Petitioner wishes to waive subsection 11B-27.002(4), F.A.C. The Petitioner wishes to waive that portion of the rule requiring an officer to become employed within four years of starting basic recruit training. Petitioner was in the process of becoming employed at the time his four year window expired.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Suwannee River Water Management District, received a petition for variance from Ryan Bell, 13 N. E. 3rd Street, Chiefland, FL 32626, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. The property owner has constructed an unpermitted deck within the 75-foot setback of the Suwannee River, located in Township 10 South, Range 14 East, Section 31, Dixie County. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 08-0245.

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on June 17, 2009, the Department of Management Services, received a petition for an emergency waiver or variance from the requirements of subsection 60L-39.005(1), Florida Administrative Code, which incorporates by reference Form DMS-ADM-100. Form DMS-ADM-100 requires that applicants for the Florida State Employees' Charitable Campaign provide a copy of page one of the organization's most recent filing of IRS Form 990 attached to the application to determine whether the applicant's fundraising and administrative expenses exceed 25% in violation of Section 110.181(1)(h)1., Florida Statutes. Petitioner is an integrated auxillary of Calvary Chapel Church, Inc. Compliance would cause a hardship for Petitioner because pursuant to Section 6033 of the Internal Revenue Code and its regulations promulgated thereunder, specifically Regulation 1.6033-2(g), an annual IRS Form 990 return is not required to be filed by an organization exempt from taxation under Section 501(a) of the Internal Revenue Code recognized as an integrated auxillary.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Debbie Shoup, Agency Clark, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-2400.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2. The petition was received from Leigh B. Terssler on behalf of Casa Del Mar II Condominium in St. Petersburg, FL (License number 24926) (VW 2009-227). A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rules 3.11.3, 3.3.2, and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, platform guard and restriction of doors from Kathleen M. Huldrum on behalf of Sundial of Sanibel, FL (License Numbers 26667, 26668, 29588, 29589, 29590, 30579 and 30580) (VW 2009-228).

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

NOTICE IS HEREBY GIVEN THAT on June 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rules 3.9.1, 3.11.3, 3.4.6, 3.3.2, and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, terminal stopping devices, platform guard, light protection in the car and restriction of doors from Alan C. Pierce on behalf of Franklin County Courthouse (License number 28447) (VW 2009-229).

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

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2. The petition was received from Ralph Metzger III on behalf of The Clarendon Condominium in Highland Beach, FL (License Numbers 30787 and 30788) (VW 2009-230).

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

NOTICE IS HEREBY GIVEN THAT on June 25, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unreferenced A17.3 rules requiring new ground hall station, new car station housing, ADA compliant phone, platform guard and new controller until 2010. The petition was received from Lucinda L. Shaffer, CAM, CFPM on behalf of Sunset Captive Bayside Condominium Association (VW 2009-232).

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

NOTICE IS HEREBY GIVEN THAT on June 25, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance for unreferenced violations from Randy C. Moody on behalf of Park Central Towers Association, Inc. in St. Petersburg, FL (VW 2009-246).

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

NOTICE IS HEREBY GIVEN THAT on June 29, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from Rules 2.20.4, 2.20.9 and 2.24.2, ASME A17.1, 2005 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires steel suspension ropes, wedge shackles with non-welded terminations and grooved sheaves of a minimum pitch. The request was submitted by Richard Dolson of Otis Elevator on behalf of Salvador Dali Museum (VW 2009-247).

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

NOTICE IS HEREBY GIVEN THAT on June 29, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and restricted door openings. The petition was received from John D. Lambert on behalf of Terrace East Condominiums in Sarasota, FL (VW 2009-248).

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

NOTICE IS HEREBY GIVEN THAT on June 18, 2009, the Board of Accountancy, received a petition for Jacqueline Montes Carrasco, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Chiropractic Medicine has issued an order.

The Order is regarding the Petition for Waiver or Variance, which was filed on April 28, 2009, by Bruce Kesten, D.C. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 20, of the May 22, 2009, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education, including at least three (3) hours in risk management, six (6) hours in record keeping/documentation and coding; and two (2) hours in the area of ethics and boundaries. The Board considered the instant Petition at a duly-noticed meeting, held June 26, 2009, in Orlando, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute would be met by granting a variance or waiver from Rule 64B2-13.004, Florida Administrative Code. The Board further finds that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance submitted by Shands Teaching Hospital and Clinics, Inc., for and on behalf of the Infectious Disease Pharmacokinetics Laboratory, seeking a permanent waiver from subsection 64B3-5.003(3), F.A.C., for the following individuals: Charles Peloquin, Vaneska Mayor, Behrang Mahjoub, Theodore Zagurski from the above-referenced rule, as noticed in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly, has been withdrawn.

A copy of the withdrawal letter can be obtained from: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Dentistry hereby gives notice that it has received a petition, filed on June 4, 2009, by Edwin A. Bayo, Esq., on behalf of Sandra Pinzon, D.D.S., seeking a variance or waiver of subsections 64B5-7.003(4), and/or 64B5-2.0146(2), F.A.C., with regard to the requirement that each applicant for a Florida dental license must have received a dental degree from an American Dental Association (ADA) accredited dental school. Based upon her completion of two years of postgraduate dental training in the United States at ADA accredited dental schools.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a petition, filed on July 2, 2009, by Edwin A. Bayo, Esq., on behalf of Sacha Piedrahita, D.D.S., seeking a variance or waiver of paragraph 64B5-2.013(3)(g), F.A.C., with regard to the requirement that an applicant for a Florida dental license successfully completes the Class II Amalgam and Class III composite part of the Practice or Clinical Examination on the same exam day in order to be found qualified for a dental license in Florida.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on June 19, 2009, the Board of Massage Therapy, received a petition for from Rhonda Bell and Bethany Crawley, seeking a waiver or variance of Rule 64B7-29.002, F.A.C., requiring Petitioners to apprentice with a massage establishment containing a whirlpool bath, sauna, steam cabinet and/or steam room.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on June 16, 2009, the Board of Massage Therapy, received a petition for waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., from Mary Etsen, which requires that effective September 1, 2001, at least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration due to medical hardship. Petitioner is seeking a waiver due to a medical condition.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on June 17, 2009, the Board of Massage Therapy, received a petition from Joshua MacLoed. Pursuant to Chapter 28-104 and paragraph 28-104.004(2)(b), F.S., requesting an exemption from the continuing education requirements (CEU) for the massage therapy license renewal period of 2009, due to financial hardship. (Petitioner did not state the rule in which he seeks a waiver/variance. However, it appears that he is seeking a waiver/variance of paragraph 64B7-28.009(3)(a), F.A.C.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on June 18, 2009, the Board of Massage Therapy, received a petition for waiver or variance from Heather Malinowski, of paragraph 64B7-29.001(5)(e), F.A.C., requiring an apprentice be trained in an establishment that has hydrotherapy equipment. Petitioner alleges that this creates a hardship because her sponsor does not have hydrotherapy equipment, and would have to build another room to the establishment.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on June 25, 2009, the Board of Massage Therapy, received a petition for waiver or variance of subsection 64B7-28.009(3), F.A.C., from Ross A. Pachmayr, with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to his wife's medical condition which prohibits him from attending at this time.

Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Vitaly Siomin, M.D., on May 28, 2009, has been withdrawn, upon request of the Petitioner. The verification directly from Petitioner's medical school has been received by the Board office and the Petition is now moot. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 23, of the June 12, 2009, issue of the F.A.W. The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on June 5, 2009, the Board of Nursing has issued an order.

The Board of Nursing hereby gives notice of the issuance of an order granting the petition for waiver or variance filed by Susan Williams, RN, MSN, CRNA. The petition for waiver or variance was published in Vol. 37, No. 17, of the May 1, 2009, Florida Administrative Weekly. The Petitioner filed a petition for waiver or variance from Rule 64B9-4.0025, F.A.C. The petition for waiver or variance was heard at a duly-noticed public meeting on June 5, 2009. The Board found that the petition was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. The Board found that the applicant's petition meets the purpose of the underlying statute.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on July 8, 2009, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on May 27, 2009, by Daniel Hernandez, Esq., representing Infiltrator Systems, Incorporated, regarding the "Quick4 Equalizer 24 Low Profile Chamber". Petitioner sought a variance from subsection 64E-6.009(7), paragraphs 64E-6.009(7)(a) and (7)(d), Florida Administrative Code, which require that after innovative system testing is completed, requests for approval of system components and designs which are not specifically addressed in Chapter 64E-6, F.A.C., to be submitted to the department's Bureau of Onsite Sewage Program. Requests for approval are required to include empirical data showing the results of innovative system testing in the state of Florida. The rules also require that alternative drainfield materials and designs not be approved when they would result in a reduction in drainfield size compared to a

mineral aggregate drainfield. Notice of the petition was published in the June 12, 2009, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Department of Children and Families, received a petition for waiver of Rule 65C-15.017, Florida Administrative Code, from Sequel Care of Florida and Dawn Bethel, assigned Case No.: 09-020W. Rule 65C-15.017, Florida Administrative Code, defines educational requirements for licensed child-placing agency staff.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on July 1, 2009, the Florida Housing Finance Corporation, received a petition for Waiver from paragraph 67-48.004(14)(e), F.A.C. The petition is seeking a waiver to convey a one acre triangular shaped piece of property (the "outparcel") which is not part of the Development, but was part of the larger parcel identified in the Purchase and Sale Agreement provided as proof of site control in the initial SAIL Application.

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 www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on July 6, 2009, the Florida Housing Finance Corporation, received a petition for Waiver from subsection 67-48.0072(19), F.A.C. The petition is seeking a waiver of the rule which mandates that contingency

reserves total no more than five (5%) percent of hard and soft costs for new construction within the Total Development Cost for application and underwriting purposes.

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: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation, and the Florida Folklife Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 31, 2009, 10:30 a.m. – 3:00 p.m.

PLACE: Dean's Office, Conference Room CAH-190, College of Arts & Humanities, University of Central Florida Campus, Orlando, Florida 32816-1990

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Folklife Council and reviewing of the Apprenticeship Program applications.

A copy of the agenda may be obtained by contacting: Robert L. Stone, Outreach Coordinator, Florida Folklife Program, 3826 Southwest 2nd Avenue, Gainesville, Florida 32607, by telephone/fax (352)375-5461 or email: mangoton@bell-south.net.

Pursuant to the provisions of 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: Robert L. Stone (please see contact information above) or Susanne Hunt at (850)245-6333. If you are 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: Robert L. Stone (please see contact information above) or Susanne Hunt at (850)245-6333.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 8, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance & Budget Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: July 14, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: July 15, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame/History Committee.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: July 23, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: July 23, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women, Foundation Inc.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following full Council business meeting and telephone conference meetings which all persons are invited to attend.

Council on the Social Status of Black Men and Boys' Business Meeting

Full Council Business Meeting

DATE AND TIME: August 6, 2009, 9:00 a.m. – 5:00 p.m.
 PLACE: Dean's Conference Room, School of Journalism and Graphic Communications, Florida Agricultural and Mechanical University, 510 Orr Drive, 4th Floor, Room 4003, Tallahassee, FL 32307

Executive Committee Meeting

DATE AND TIME: August 17, 2009, 10:00 a.m. – 12:00 Noon
 PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Committees on Improving Economic, Criminal Justice and Gangs, and Educational Outcomes

DATE AND TIME: August 17, 2009, 2:00 p.m. – 4:00 p.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 3321010629

Committees on Improving Foster Care and Family Issues and Health Status

DATE AND TIME: August 20, 2009, 9:00 a.m. – 11:00 a.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 1021731236

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact: Fredrica Doctor or Travis Dudley at (850)414-3369 or (850)414-3355.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council** (AITC) announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2009, 1:00 p.m. – 3:30 p.m.

PLACE: Kissimmee Animal Diagnostic Disease Laboratory, Kissimmee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Animal Industry Technical Council (AITC) will hold its annual face-to-face meeting at the Kissimmee Animal Diagnostic Disease Laboratory. This meeting is open to the public.

A copy of the agenda may be obtained by contacting: Anne Vuxton at (850)410-0914.

Pursuant to the provisions of 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: Anne Vuxton at (850)410-0914. If you are 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 **Pesticide Registration Evaluation Committee** (PREC) announces a public meeting to which all persons are invited.

DATE AND TIME: August 6, 2009, 9:00 a.m.

PLACE: Bureau of Pesticides, Conference Room 606, Building 6, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399, (850)487-2130.

The **Department of Agriculture and Consumer Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 23, 2009, 3:00 p.m.

PLACE: Teleconference Call: 1(877)290-0784, Conference Code: 4078285522, call five minutes prior to the scheduled meeting time

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of a Subcommittee of the Florida Amusement Device and Attraction Advisory Committee to discuss public service announcements in regards to amusement ride safety.

A copy of the agenda may be obtained by contacting: Rob Jacobs, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790.

Pursuant to the provisions of 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: Rob Jacobs at (850)488-9790. If you are 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 Agriculture and Consumer Services, Division of Forestry** (DOF) and the Land Management Uniform Cost Accounting Council (LMUAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 27, 2009, 1:30 p.m. – 5:00 p.m.

PLACE: Eyster Conference Room, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary focus of this meeting will be to have council; 1) agree on the role, in consideration of legislative directives, of the chair and its staff; 2) Identify the legislative mandates regarding land management and reporting; 3) review the work that has been accomplished to date to facilitate these legislative mandates; 4) set a draft LMUAC agenda for the subsequent council meeting to be held in early September. It is anticipated that from the September meeting, the council will establish time sensitive goals for LMUAC and direct staff to focus on resolution of primary issues of statutory compliance and land management reporting.

A copy of the agenda may be obtained by contacting: John Barrow at (850)488-1425.

Pursuant to the provisions of 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: John Barrow at (850)488-1425. If you are 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: John Barrow at (850)488-1425.

The **Aquaculture Review Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 6, 2009, 12:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4884033

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033, as well as for teleconference information.

Pursuant to the provisions of 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: Kim Norgren at (850)488-4033. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: August 4, 2009, 9:30 a.m. – 12:30 p.m.

PLACE: Florida Hotel and Conference Center at the Florida Mall, 1500 Sand Lake Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Apprenticeship Advisory Council will hold a meeting to discuss general items relating to apprenticeship in Florida. The agenda includes follow-up actions from previous Council meetings on subjects of committee structure, assignments and responsibilities. The program will include an apprenticeship update relative to apprentices and programs registered in Florida.

A copy of the agenda may be obtained by contacting: Juanita Warren at (850)245-0454 or e-mail: Mrs. Warren at Juanita.Warren@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: Mrs. Warren at (850)245-0454 or e-mail: Mrs. Warren at Juanita.Warren@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).

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

DATE AND TIME: July 22, 2009, 10:00 a.m. – Completion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2450861. Anyone wishing to appear in person may do so at 325 West Gaines Street, Conference Room 1244, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the appeal of the immediate termination of Sunrise Community Charter School by Broward County School Board.

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

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

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

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

DATE AND TIME: A Teacher Hearing Panel, August 6, 2009, 9:00 a.m. or as soon thereafter

PLACE: Senate Office Building, Room 401, 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

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

DATE AND TIME: A Teacher Hearing Panel, August 7, 2009, 9:00 a.m. or as soon thereafter

PLACE: Senate Office Building, Room 401, 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **University of South Florida** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 18, 2009, 9:00 a.m. – 5:00 p.m.; July 19, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Marriott Hotel at International Place, 4200 Jim Walker Blvd., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The University of South Florida, Louis de la Parte Florida Mental Health Institute announces the Florida Medicaid Drug Therapy Management Program for Behavioral Health Expert Panel Meeting to update the Florida Medication Guidelines for the pharmacological treatment of schizophrenia, bipolar disorder and to obtain updated guidance on the use of antipsychotic medications.

A copy of the agenda may be obtained by contacting: Marie McPherson at mmcpherson@fmhi.usf.edu or (813)974-5378.

Pursuant to the provisions of 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: Marie McPherson at mmcpherson@fmhi.usf.edu or (813)974-5378. If you are 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: Marie McPherson at mmcpherson@fmhi.usf.edu.

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

DATE AND TIME: July 28, 2009, 9:00 a.m.

PLACE: FAU, 777 Glades Road, Bldg. 94, Room 201, Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a slide review meeting regarding Florida's Art in State Building Program for BT-679 Alumni Center.

A copy of the agenda may be obtained by contacting: Corina Mavrodin at cmavrodi@fau.edu.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Corina Mavrodin at (561)297-0541. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Florida Public Archaeology Network** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 28, 2009, 1:30 p.m. – 4:30 p.m. (CST)

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: FPAN Board of Directors to discuss the year end review, budget situation, and other related matters.

A copy of the agenda may be obtained by contacting: Cheryl Phelps, FPAN Office Administrator at (850)595-0050, ext. 100, email: cphelps@uwf.edu.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: UWF ADA office at (850)857-6114 (TTY). If you are 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 **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2009, Commission Meeting, 9:00 a.m.

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

GENERAL SUBJECT MATTER TO BE CONSIDERED: All Degree Granting Institutions and Non-Degree granting institutions on July 27, 2009 for the following: Disciplinary Matters, Informal Hearings, Committee reports by the Health Science/Foreign Medical Schools Committee on application of UNIBE School of Medicine for a Medical Clinical Clerkship Program, pursuant to Section 1005.31(12), Florida Statutes and Rule 6E-2.0042, Florida Administrative Code; and Accreditation Review Committee report on the application for recognition of The Higher Learning Commission of the North Central Association of Colleges and Schools, as an accrediting body for the purpose of Licensure by Means of Accreditation, pursuant to Section 1005.32, Florida Statutes and subsection 6E-2.002(3), Florida Administrative Code; Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 28, 2009, 10:30 a.m. – Until Completion, Structural Technical Advisory Committee

PLACE: Meetings to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review recommendations of the Flood Resistant Standards Workgroup for consideration by the Commission and consideration and recommendation of Declaratory Statement and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Mo Madoni, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 25555 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: Mr. Mo Madoni, 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.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

Code Administration Technical Advisory Committee; Electrical Technical Advisory Committee

DATE AND TIME: July 29, 2009, 9:00 a.m. – Until Completion

PLACE: Meetings to be conducted using communications media technology, specifically Conference Call: 1(888)808-6959, Conference Code: 1967168. Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statements and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Mo Madoni, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 25555 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: Mr. Mo Madoni, 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 Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Sales and Use Tax Rule 12A-1.004, F.A.C. (Sales Tax Brackets), Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates), Rule 12A-1.039, F.A.C. (Sales for Resale), Rule 12A-1.060, F.A.C. (Registration), Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), Rule 12A-1.0911, F.A.C. (Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors), and Rule 12A-1.097, F.A.C. (Public Use Forms). A Notice of Proposed Rule was published in the Florida Administrative Weekly on May 22, 2009 (Vol. 35, No. 20, pp. 2346-2350).

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

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

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice), Rule 12A-1.0115, F.A.C. (Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels,

Taverns, or Other Like Places of Business and by Transportation Companies), Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), and Rule 12A-1.097, F.A.C. (Public Use Forms). A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on October 12, 2007 (Vol. 33, No. 41, pp. 4739-4750). A Notice of Change was published in the Florida Administrative Weekly on December 28, 2007 (Vol. 33, No. 52, pp. 6183-6184). A Notice of Withdrawal of proposed Rule 12A-1.0011, F.A.C., and Rule 12A-1.005, F.A.C., was published in the Florida Administrative Weekly on January 23, 2009 (Vol. 35, No. 3, p. 328). A Notice of Public Hearing was published in the Florida Administrative Weekly on January 23, 2009 (Vol. 35, No. 3, pp. 328-336), for a second hearing on the proposed amendments. A Notice of Change to remove subsection (10) from proposed Rule 12A-1.011, F.A.C., was published in the Florida Administrative Weekly on June 19, 2009 (Vol. 35, No. 24, p. 2959).

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

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

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rule to create Communications Services Tax Rule 12A-19.080, F.A.C., Distribution Adjustments Resulting From Misallocation of Tax.

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

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

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Insurance Premium Tax Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation). A Notice of Proposed Rule was published in the Florida Administrative Weekly on May 22, 2009 (Vol. 35, No. 20, pp. 2350-2354). A Notice of Change will publish in the Florida Administrative Weekly on July 10, 2009.

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

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

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed changes to Corporate Income Tax Rule 12C-1.0222, F.A.C. (Returns; Extensions of Time; Payments of Tentative Tax), and the proposed repeal of Corporate Income Tax Rule 12C-1.032, F.A.C. (Payments of Tentative Tax). A Notice of Proposed Rule was published in the Florida Administrative Weekly on May 22, 2009 (Vol. 35, No. 20, pp. 2354-2356). A Notice of Change will publish in this edition of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

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

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District One in cooperation with the City of Lakeland announces a hearing to which all persons are invited.

DATE AND TIMES: Monday, August 3, 2009, Open House, 6:00 p.m.; Formal Hearing, 7:00 p.m.

PLACE: Lakeland Technology Building, Room 1100, USF/PSC Campus, 3433 Winter Lake Road, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design and social, economic and environmental effects of the proposed East West Road, a new four-lane roadway that will connect State Road 33 in Lakeland to the Pace Road Extension at the Polk Parkway, a distance of about six miles. The new road will initially be built as a two-lane facility that can be expanded to four lanes as funding becomes available. The East West Road will serve as the primary access to the new USF Polytechnic campus at the southwest corner of I-4 and the Polk Parkway, as well as for other associated research parks and businesses that will support and enhance the campus. Financial Project ID Number 426645-1-21-01.

A copy of the agenda may be obtained by contacting: Gwen Pipkin, Project Manager, Florida Department of Transportation, Post Office Box 1249, Bartow, FL 33831, (863)519-2375.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing or translation services (free of charge) is asked to advise the agency at least 7 days before the hearing by contacting: Ms. Pipkin. If you are 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 hearing is being developed in compliance with Title VI of the Civil Rights Act of 1964 and Related Statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. For more information, you may contact Ms. Pipkin at the address or phone number listed above.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing in the following dockets to which all persons are invited.

Docket No. 080407-EG – Commission review of numeric conservation goals (Florida Power & Light Company)

Docket No. 080408-EG – Commission review of numeric conservation goals (Progress Energy Florida, Inc.)

Docket No. 080409-EG – Commission review of numeric conservation goals (Tampa Electric Company)

Docket No. 080410-EG – Commission review of numeric conservation goals (Gulf Power Company)

Docket No. 080411-EG – Commission review of numeric conservation goals (Florida Public Utilities Company)

Docket No. 080412-EG – Commission review of numeric conservation goals (Orlando Utilities Commission)

Docket No. 080413-EG – Commission review of numeric conservation goals (JEA).

PREHEARING CONFERENCE

DATE AND TIME: Monday, August 3, 2009, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-085, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

EXECUTIVE OFFICE OF THE GOVERNOR

NOTICE OF CHANGE – The Governor's Office of Policy and Budget announces a public meeting to which all persons are invited.

DATE AND TIME: ****UPDATE**CHANGE OF DATE****
2010 Sunshine Census Statewide Complete Count Committee Meeting scheduled for July 16 has been moved to July 30, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: Valencia Community College's Criminal Justice Institute, 8600 Valencia College Lane, Orlando, FL 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2010 Sunshine Census Statewide Complete Count Committee Meeting.

- Discuss outreach plans
- Update from the Governor's Office
- Update from the U.S. Census Bureau

Subcommittees will discuss a "plan-of-action" including, a timeline, outlets of exposure and upcoming events.

A copy of the agenda may be obtained by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

Pursuant to the provisions of 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: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880. If you are 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 **Faith-based and Community Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 10:00 a.m. – 2:00 p.m. (EDT)

PLACE: First Avenue National Bank, 910 S. W. 1st Avenue, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Advisory Council business.

A copy of the agenda may be obtained by contacting: Frances Rhodes at (850)410-0696.

For more information, you may contact: Frances Rhodes at (850)410-0696.

REGIONAL PLANNING COUNCILS

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

DATE AND TIMES: Thursday, August 6, 2009, Planning and Growth Management Committee, 8:30 a.m.; Personnel, Budget and Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly meetings.
A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrfc.org.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.
DATE AND TIME: July 22, 2009, 9:30 a.m.
PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870
GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Community Resources Task Force of the Heartland 2060 Regional Visioning effort.
A copy of the agenda may be obtained by contacting: Shannon Brett, Senior Planner at (863)534-7130, ext. 132, email: sbrett@cfrpc.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.
For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.
DATE AND TIME: July 29, 2009, 1:30 p.m.
PLACE: Okeechobee County Public Library, 206 S. W. 16th Street, Okeechobee, FL 34974
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Transportation Disadvantaged Local Coordinating Board.
A copy of the agenda may be obtained by contacting: Marcia Staszko, Program Director.
If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
For more information, you may contact: Marcia Staszko, Program Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **South Florida Regional Planning Council**, Executive Committee announces a public meeting to which all persons are invited.
DATE AND TIME: Monday, August 3, 2009, 10:30 a.m.
PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting. Any proposed Local Government Comprehensive Plan received prior to the meeting. Any adopted Local Government Comprehensive Plan received prior to the meeting. Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting. Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Adopted Local Government Comprehensive Plan Amendments for Broward County. Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting. Meeting on monthly Council business. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call: Council Offices at (954)985-4416 (Broward).
A copy of the agenda may be obtained by contacting: (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)985-4416. If you are 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: (954)985-4416.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.
DATE AND TIME: August 6, 2009, 10:00 a.m.
PLACE: Indian River State College, Fee High Liability Building, 4600 Kirby Loop Road, Fort Pierce, FL 34981
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the quarterly meeting of Council's Florida District X Local Emergency Planning Committee.
A copy of the agenda may be obtained by contacting: Kathryn Boer at (772)221-4060.

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 48 hours before the workshop/meeting by contacting: If you are 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 **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 30, 2009, 10:30 a.m. (ET)

PLACE: Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue, East, Blountstown, FL 32424.

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

DEPARTMENT OF CORRECTIONS

The Florida **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 3, 2009, 10:30 a.m.

PLACE: Reception and Medical Center (Regional Director's Conference Room at RMC), 7765 South County Road 231, Lake Butler, Florida 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the RMC Hospital Governing Body.

Pursuant to the provisions of 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: Gerda Godwin at (386)496-6074. If you are 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: Gerda Godwin at (386)496-6074.

METROPOLITAN PLANNING ORGANIZATIONS

The Florida **Metropolitan Planning Organization**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 12:00 Noon – 3:00 p.m.

PLACE: Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee St., MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368 or email: brigitte.messina@mpoac.org.

The Florida **Metropolitan Planning Organization**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 3:30 p.m. – 6:00 p.m.

PLACE: Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee St., MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368 or email: brigitte.messina@mpoac.org.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 28, 2009, 10:00 a.m. – 12:00 Noon

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director, or his designee, will conduct a public meeting to receive public comment on pending applications for individual consumptive use permits and individual environmental resource permits. An agenda will be available at least 7 days before the meeting; the agenda will identify those permit applications for which the District will receive public testimony or information.

A copy of the agenda may be obtained by contacting: RIM (Division of Regulatory Information Management), St. Johns River Water Management District, Attention: Vicki Young, 4049 Reid Street, Palatka, FL 32177, (386)329-4523, or by visiting the District's web site: www.sjrwmd.com.

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

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

DATE AND TIME: July 24, 2009, 10:00 a.m.

PLACE: Booker Creek Preserve Environmental Education Center, Auditorium, 3940 Keystone Road, Tarpon Springs, FL 34688

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed rules that will govern the second phase, through the year 2020, of the environmental recovery for the areas within the Northern Tampa Bay Water Use Caution Area affected by withdrawals from the Tampa Bay Water wellfields.

A copy of the agenda may be obtained by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658, TDD Only: 1(800)231-6103, Fax: (352)754-6878, Suncom: 663-6878.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658, TDD Only: 1(800)231-6103, Fax: (352)754-6878, Suncom: 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Tuesday, July 28, 2009, 9:00 a.m.

PLACE: Polk County Administration Building, 330 West Church Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Committee Meetings, Board Meeting, and Public Hearing: Conduct Committee meetings, Governing Board meeting, and public hearing. This will include adoption of proposed District and Watershed Basin millage rates for fiscal year 2010. (Ad Order 33337)

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (FL Only) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Director at the address above or email: ADACoordinator@swfwmd.state.fl.us. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: August 6, 2009, 1:00 p.m.

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, St. Lucie Estuary Conference Room, 780 S.E. Indian Street, Stuart, FL 34997

DATE AND TIME: August 28, 2009, 1:00 p.m.

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, St. Lucie Estuary Conference Room, 780 S.E. Indian Street, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: Additional rule development workshop to amend Rules 40E-2.010, 40E-2.011, 40E-2.031, 40E-2.041, 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.101, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.341, 40E-2.351, 40E-2.381, 40E-2.441, 40E-2.451, 40E-2.501, 40E-10.011, 40E-10.021, 40E-10.031, 40E-10.061, 40E-20.010, 40E-20.011, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.141, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331, 40E-20.341, 40E-20.351, 40E-20.381, 40E-20.391, F.A.C., to discuss concepts to develop draft rules to assure water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River in support of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South Project.

NOTE: For those unable to attend a link will be placed on the District's Home Page at: www.swfwmd.gov to listen to the meeting.

A copy of the agenda may be obtained by contacting: Gardenia Long, South Florida Water Management District, Martin/St. Lucie Service Center, 780 S.E. Indian Street, Stuart, FL 34997, (772)223-2600, ext. 3617, email: glong@swfwmd.gov.

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

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

For more information, you may contact: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, 1(800)432-2045, ext. 6544 or (561)682-6544, email: sburns@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov or Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, 1(800)432-2045, ext. 6536 or (561)682-6536, email: bmills@sfwmd.gov.

For procedural questions contact: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

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

DATES AND TIME: August 4, 2009; September 8, 2009; October 6, 2009; November 3, 2009; December 1, 2009, 10:00 a.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32301, (850)410-5700; Conference Call: (850)410-5666

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Quality Improvement Team will be meeting the first Tuesday of every month thru the end of the year (8/4, 9/8, 10/6, 11/3, 12/1) to discuss the development and implementation of a Quality Improvement Plan for the Medicaid Non-Emergency Transportation Contract and discuss other committee business.

A copy of the agenda may be obtained by contacting: Josie West, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Josie West, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are 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: Josie West, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399, (850)410-5700.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

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

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority and Public Hearing for the Authority's FY10 Final Budget.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of 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: (941)316-1776. If you are 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: (941)316-1776.

SPACE FLORIDA

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

DATE AND TIME: Tuesday, July 21, 2009, 11:00 a.m. – 12:00 Noon (Eastern Daylight Time)

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Executive Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at email: dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at email: dspicer@spaceflorida.gov. If you are 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: Deb Spicer, Vice President of Communications, Government and External Affairs at email: dspicer@spaceflorida.gov.

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

DATE AND TIME: Friday, July 24, 2009, 2:00 p.m. – 5:00 p.m. (Eastern Daylight Time)

PLACE: Hyatt at Orlando International Airport, Discovery Room, Orlando FL and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida President Search Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at email: dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at email: dspicer@spaceflorida.gov. If you are 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: Deb Spicer, Vice President of Communications, Government and External Affairs at email: dspicer@spaceflorida.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Communities for a Lifetime announces a workshop to which all persons are invited.

DATE AND TIME: August 21, 2009, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Renaissance Senior Center, Curry Ford Community Park, 3800 S. Econolockhatchee Trail, Orlando, Florida 32829

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical assistance for communities currently participating in the Community for a Lifetime initiative and communities interested in joining the initiative.

A copy of the agenda may be obtained by contacting: Janine R. Harris, Community Relations Manager, Communities for a Lifetime at (850)414-2373 or email: harrisj@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: Janine R. Harris, Community Relations Manager, Communities for a Lifetime at (850)414-2373 or via email at: harrisj@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: Janine R. Harris, Community Relations Manager, Communities for a Lifetime at (850)414-2373 or via email at: harrisj@elderaffairs.org.

The Florida **Department of Elder Affairs, Division of Statewide Community-Based Services** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, July 28, 2009, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Florida Department of Management Services, Agency for Persons with Disabilities (next to Department of Elder Affairs), 4030 Esplanade Way, Conference Room 225A, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to provide an opportunity for Long-Term Care (LTC) Diversion Program providers to present input to the Department on the capitation rates for the upcoming contract year and other contractual and operational issues as time permits.

A copy of the agenda may be obtained by contacting: Cheryl Young, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2067, Email: youngca@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: Cheryl Young, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2067, Email: youngca@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: Cheryl Young, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2067, Email: youngca@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 11, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the technical aspects of the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, (850)488-3560.

Pursuant to the provisions of 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: Aldria White, at the address and phone number above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Aldria White, at the address and phone number above.

DEPARTMENT OF MANAGEMENT SERVICES

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

DATE AND TIME: Monday, July 27, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

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

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

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

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

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

The **Florida Black Business Investment Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 29, 2009, 10:00 a.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the FBBIB announces a meeting to discuss operations, identify areas for future board priorities, receive reports from committees/task force, review/approve related issues and other business as needed, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The FBBIB at (850)878-0826.

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

For more information, you may contact: The FBBIB, P. O. Box 7435, Tallahassee, FL 32314.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Regulatory Council of Community Managers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 22, 2009, 9:30 a.m.

PLACE: This meeting will be held via Conference Call: 1(888)808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Suggestions.

A copy of the agenda may be obtained by contacting: Regulatory Council Staff at (850)922-5012 or via Fax: (850)617-4458.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Regulatory Council Staff at (850)922-5012 or via Fax: (850)617-4458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Auctioneers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 21, 2009, 9:30 a.m.

PLACE: This meeting will be held via conference call. The Conference Number is: 1(888)808-6959, Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Suggestions.

A copy of the agenda may be obtained by contacting: Board of Auctioneers Staff at (850)922-5012 or via Fax (850)617-4458. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Auctioneers Staff at (850)922-5012 or via Fax (850)617-4458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Business and Professional Regulation, Barbers Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 3, 2009, 9:00 a.m. or soon thereafter

PLACE: Hilton Fort Lauderdale Beach Resort, 505 North Fort Lauderdale Beach Blvd., Fort Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Barbers Board Office, 1940 North Monroe 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: Barbers Board Office, Robyn Barineau, Executive Director at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATES AND TIME: Monday, July 27, 2009; Tuesday, July 28, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call: 1(888)808-6959, Conference Code: 4879516

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exams/CE/Public Awareness Committee, Additional Business and Application Review meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

Pursuant to the provisions of 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: July 28, 2009, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, August 11, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial: 1(888)808-6959, Conference Code: 4879516

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, August 12, 2009; Thursday, August 13, 2009; Friday, August 14, 2009, 8:30 a.m. or soon thereafter

PLACE: Hilton Ocala, 3600 S. W. 36th Avenue, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary, committee, application review, additional business, probations and general business meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial: 1(888)808-6959, Conference Code: 4879516

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exams/CE/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, October 14, 2009; Thursday, October 15, 2009; Friday, October 16, 2009, 8:30 a.m. or soon thereafter

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary, committee, application review, additional business, probations and general business meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 12, 2009, 9:00 a.m.

PLACE: Access Phone: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The **Division of Certified Public Accounting** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 20, 2009, 9:00 a.m.

PLACE: Via Conference Call Dial-in: 1(888)808-6959, Conference Code: 3105110

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications for Minority Scholarships.

A copy of the agenda may be obtained by contacting: Trencia Jenkins or Vyrus Hayes, Florida Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

Pursuant to the provisions of 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: Trencia Jenkins or Vyrus Hayes, Florida Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Business and Professional Regulation, Division of Real Estate** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, July 29, 2009, 9:00 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida or Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Department – disciplinary proceedings regarding unlicensed activity.

The Hearing Officer for the Department will be participating via teleconference.

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

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

contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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

DATE AND TIME: Monday, August 10, 2009, 2:30 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

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

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

DATE AND TIME: Tuesday, July 21, 2009, 2:00 p.m.

PLACE: City of Port St. Lucie, Building B Training Room, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the initiation of St. Lucie Basin Management Action Plan (BMAP) development. The BMAP will document implementation activities for adopted Total Maximum Daily Loads in the St. Lucie Basin. Discussion topics include nutrient sources in the St. Lucie Basin and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Jennifer Gihring, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or via phone at (850)245-8418.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jennifer Gihring at (850)245-8418. If you are 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: Tuesday, July 22, 2009, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council office, 1926 Victoria Ave., Fort Myers FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the initiation of the Everglades West Coast and the Caloosahatchee Basin Management Action Plans (BMAPs) development. The BMAPs will document implementation activities for adopted Total Maximum Daily Loads in the Everglades West Coast and the Caloosahatchee Basins. Discussion topics include nutrient sources in the two Basins and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Beth Alvi, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8559.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Beth Alvi at (850)245-8559. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Division of Water Resource Management** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 29, 2009, 10:00 a.m. – 5:30 p.m. (EDT); July 30, 2009, 9:00 a.m. – 3:00 p.m. (EDT); August 18, 2009, 10:00 a.m. – 5:30 p.m. (EDT); August 19, 2009, 9:00 a.m. – 3:00 p.m. (EDT); September 22, 2009, 10:00 a.m. – 5:30 p.m. (EDT); September 23, 2009, 9:00 a.m. – 3:00 p.m. (EDT)

PLACE: Science Applications International Corp. (SAIC), Science Bldg. II, Florida Room, 12809 Science Drive, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: During these two-day meetings, the Statewide Stormwater Treatment Rule Technical Advisory Committee will consider design and performance standards for stormwater treatment systems, with particular emphasis on reducing nutrient discharges, as part of a new statewide stormwater quality rule, Chapter 62-347, F.A.C. In particular, the discussions will be on the revised Applicant's Handbook, July 2009, and the requirements within it.

A copy of the agenda may be obtained by contacting: Mary VanTassel, Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, FL 32399-2400, Mary.VanTassel@dep.state.fl.us, (850)245-8486, or facsimile (850)245-8499. Information on this rulemaking, including the ability to sign-up for electronic notifications, may be found at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/index.htm>. (OGC No. 07-0552)

Pursuant to the provisions of 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: Mary VanTassel. If you are 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: July 30, 2009, 6:00 p.m.

PLACE: Florida Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7577

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss issues related to the Lower St. Johns River Tributaries Fecal Coliform Basin Management Action Plan (BMAP). The primary topic of discussion during this meeting will be the Finalization of the BMAP document that will be proposed for adoption by Secretarial Order.

A copy of the agenda may be obtained by contacting: Amy Tracy, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3500, Tallahassee, Florida 32399-2400 or by e-mail: amy.tracy@dep.state.fl.us.

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

agency at least 5 days before the workshop/meeting by contacting: Amy Tracy at (850)245-8506. If you are 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 workshop to which all persons are invited.

DATE AND TIME: August 26, 2009, 10:00 a.m.

PLACE: Bob Martinez Center, Room 611, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Department's recommendations and receive public comment on the intended use of the Fiscal Year (FY) 2010 Federal Clean Water Act appropriations and State matching funds. Funds may be used to finance wastewater, stormwater or non-point source preconstruction and/or construction projects through direct loans under State Revolving Fund Rule, Chapter 62-503, Florida Administrative Code. Approximately \$180 million is projected to be available for assignment to projects in FY 2010. Workshop topics will include project eligibility, project prioritization, types of assistance available, source and use of funds, and the proposed priority list of projects.

A copy of the agenda may be obtained by contacting: Gary Powell at the same address as above, phone (850)245-8358 or e-mail: gary.powell@dep.state.fl.us. The agenda and associated documents will also be posted on the Department's web page at <http://internetdev/water/notices.htm> not later than August 19, 2009.

Pursuant to the provisions of 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: Gary Powell at the same contact information as above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gary Powell at the same contact information as above.

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

DATE AND TIME: August 26, 2009, 2:00 p.m.

PLACE: Bob Martinez Center, Room 611, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and take final action on adoption of the Fiscal Year (FY) 2010 State Revolving Fund priority list for water pollution control loan projects under Chapter 62-503, Florida Administrative Code (F.A.C.).

Projects currently listed on the contingency portion of the FY 2009 priority list will be elevated to the fundable portion of the FY 2010 priority list in rank order, subject to the \$10 million segment cap.

There are currently no funds available for adding new projects to the fundable portion of the FY 2010 priority list. New construction projects which met program requirements by the June 1, 2009 deadline, and new preconstruction projects, will be ranked and added to the bottom of the FY 2010 contingency portion of the priority list.

Pursuant to subsection 62-503.600(4), F.A.C., the Department's funding commitment to projects currently assigned to the water pollution control loan priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled.

Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

After the hearing, the Department will file the written Record of Final Agency Action. A copy of the Record of Final Agency Action will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with: Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing. Gary Powell at the same address, phone (850)245-8358 or e-mail: gary.powell@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Gary Powell at the same address, phone (850)245-8358 or email: gary.powell@dep.state.fl.us. The agenda and associated documents may also be obtained from the Department's web site at <http://internetdev/water/notices.htm> on or before August 19, 2009.

Pursuant to the provisions of 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: Gary Powell at the same address, phone (850)245-8358 or email: gary.powell@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: Gary Powell at the same address, phone (850)245-8358 or email: gary.powell@dep.state.fl.us.

DEPARTMENT OF HEALTH

The **Developmental Disabilities Prepaid Services Study Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 1:00 p.m. – 4:00 p.m

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics for discussions will include:

- Presentation from Deborah Linton, ARC of Florida.
- Review proviso language of SB1660.
- Recommendations to be made including: services for which a voucher could be used, financial requirements for such a system, qualifications of service providers, necessary steps to qualify prepaid service plan for federal waiver match program or other possible federal funding.
- Logistics discussion – frequency of meetings, conference calls, member availability.
- Overview of questions for consideration by the group.
- Input from Centers for Autism and Related Disabilities (CARD).

A copy of the agenda may be obtained by contacting: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.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 3 days before the workshop/meeting by contacting: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Governor's Task Force on Autism Spectrum Disorders** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, July 23, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Free Conference Call: 1(888)808-6959, Code 9439484

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor's Task Force on Autism Spectrum Disorders. The Task Force will discuss the scope and prioritization of issues to be addressed as listed in Executive Order 09-82.

A copy of the agenda may be obtained by contacting: There will be no formal agenda for this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.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: www.healthyfloridians.com/autism.html.

The **Governor's Council on Physical Fitness** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, July 23, 2009, 4:00 p.m. – 6:00 p.m.; Friday, July 24, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: St. Pete Times Forum, 401 Channelside Drive, Tampa, FL 33602-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue work outlined in Executive Order 07-52 and 09-91. To review and discuss the Governor's Council on Physical Fitness' recommendations and plan for upcoming year.

A copy of the agenda may be obtained by contacting: Katie Hammond, Florida Department of Health at (850)245-4259 or email: katie_hammond@doh.state.fl.us.

For more information, you may contact: Katie Hammond, Florida Department of Health at (850)245-4259 or email: katie_hammond@doh.state.fl.us.

The **Board of Medicine**, Dietetics-Nutrition and Electrolysis Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 5:00 p.m. or shortly thereafter. The Board of Medicine is announcing that certain Committee meetings will be held on the Thursday, August 13, 2009, prior to the Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.Floridashealth.com for cancellations or changes to meeting dates, or call the Board of Medicine at (850)245-4131 for more information.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or email: Gwyn_Willis@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 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or email: Gwyn_Willis@doh.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Medicine**, Surgical Care Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 6:00 p.m. or shortly thereafter. The Board of Medicine is announcing that certain Committee meetings will be held on the Thursday, August 13, 2009, prior to the Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.Floridashealth.com for cancellations or changes to meeting dates, or call the Board of Medicine at (850)245-4131 for more information.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or email: Gwyn_Willis@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 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or email: Gwyn_Willis@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 21, 2009, 2:00 p.m.

PLACE: To be held via Meet-Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 28, 2009, 2:00 p.m.

PLACE: To be held via Meet-Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Opticianry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 3, 2009, 9:00 a.m.

PLACE: (850)245-4461 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include 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)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special

accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to the meeting date.

The **Board of Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 11, 2009, 1:00 p.m.

PLACE: Crowne Plaza Orlando Universal, 7800 Universal Boulevard, Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to approve previous meeting minutes, review Rule 64B16-26.351, 64B16-27.350, 64B16-30.001, 64B16-30.002, 64B-1630.003, and 64B16-30.0035, F.A.C., and general committee business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, FL 32399-3254 or (850)245-4292. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 27, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

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

DATE AND TIME: August 12, 2009, 8:00 a.m.

PLACE: Crowne Plaza Orlando Universal, 7800 Universal Boulevard, Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Athletic Training** hereby gives notice of a public hearing on the above-referenced rule to be held by telephone conference call to which all interested persons are invited.

DATE AND TIME: Monday, August 24, 2009, 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2453454. The rule was originally published in Vol. 35, No. 22, of the June 5, 2009, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION – The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Correction of Date: Tuesday, July 28, 2009, 9:30 a.m.

PLACE: Department of Children and Families, 1055 US Hwy. 17 N, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chapter 39, F.S., Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)619-4100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, DCF at (863)619-4100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Diane Dvorak, DCF at (863)619-4100.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** (FWC), Boating and Waterways Section and Office of Recreation Services announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2009, 6:30 p.m. – 8:00 p.m.

PLACE: Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: The listening session is designed to learn as much as possible about the issues of concern to paddlers and others who use small non-motorized watercraft. Some of the issues FWC staff hopes to learn more about include users' perspectives on access, navigation, shared use of waterways and safety.

A copy of the agenda may be obtained by contacting: Jerrie Lindsey at jerrie.lindsey@myfwc.com or calling (850)410-4951 or Lt. Scott Olson at scott.olson@myfwc.com or calling (850)488-5600.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jerrie Lindsey at jerrie.lindsey@myfwc.com or calling (850)410-4951 or Lt. Scott Olson at scott.olson@myfwc.com or calling (850)488-5600.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a workshop to which all persons are invited.

DATE AND TIME: August 6, 2009, 2:30 p.m.

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop for this rule has been rescheduled from July 8, 2009 to August 6, 2009, 2:30 p.m.

A copy of the agenda may be obtained by contacting: Debra Seymour, Office of Insurance Regulation, E-mail: debra.seymour@floir.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation, E-mail: debra.seymour@floir.com. If you are hearing or

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

For more information, you may contact: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@florir.com.

FLORIDA CENTER FOR NURSING

The **Florida Center for Nursing** announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2009, 2:00 p.m. – 6:00 p.m.; Friday, July 17, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: For additional information call Cathy at (407)823-0980.

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

A copy of the agenda may be obtained by contacting: Cathy at (407)823-0980.

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

SOIL AND WATER CONSERVATION DISTRICT

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 20, 2009, 8:15 a.m.

PLACE: USDA-NRCS Service Center, 1416 U.S. 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Doris Newman.

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 20, 2009, 9:00 a.m.

PLACE: USDA Service Center, 1450 North Krome Avenue, Suite 104, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to Board of Supervisors: Nursery Lab, MIL Lab, District Reports and Projects.

A copy of the agenda may be obtained by contacting: Norma Wilson, Administrative Assistant at (305)242-1288.

For more information, you may contact: Mr. Morgan Levy, Administrator at (305)242-1288.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 21, 2009, 2:00 p.m.

PLACE: Business Innovation Center – TRDA, 1050 West NASA Boulevard, Melbourne, FL 32901

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

A copy of the agenda may be obtained by contacting: Dave Kershaw, Deputy Director at (321)872-1050, ext. 102, dkershaw@trda.org.

FLORIDA HEALTH CHOICES, INC.

The **Florida Health Choices, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Retail Federation Conference Room, 100 East Jefferson Street, Tallahassee, FL 32301; Call-in number: 1(877)776-0428, Code: 823484#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Health Choices, Inc., Post Office Box 10369, Tallahassee, FL 32302, (850)222-7718.

Pursuant to the provisions of 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: Allison Sullivan at (850)222-7718. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGIES

The **Florida Alliance for Assistive Services and Technologies**, Spinal Cord Injury Resource Center (FSCIRC), Advisory Council announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, July 30, 2009, 1:00 p.m. – 5:00 p.m.; Friday, July 31, 2009, 8:00 a.m. – 2:30 p.m.

PLACE: The Embassy Suites Hotel, USF, 3705 Spectrum Blvd., Tampa, FL 33612; Teleconference Call: 1(888)808-6959, Conference code 2373773

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FSCIRC Advisory Council will meet to conduct such business as specified on the agenda. If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, 1(888)788-9216. If you would

like to present information to the advisory council, or if you require reasonable accommodations due to a disability, please contact FAAST, Inc. at the above address at least 14 working days in advance of the meeting.

A copy of the agenda may be obtained by contacting: FAAST, Inc., 325 John Knox Road, Bldg. 400, Ste 402, Tallahassee, FL 32303, 1(888)788-9216.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: FAAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, 1(888)788-9216. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

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

MEETING: Advocacy Committee Teleconference
 DATE AND TIME: Thursday, August 6, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Planning Committee Teleconference
 DATE AND TIME: Thursday, August 13, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Evaluation Committee Teleconference
 DATE AND TIME: Thursday, August 13, 2009, 2:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Finance Committee Teleconference
 DATE AND TIME: Thursday, August 20, 2009, 1:30 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Executive Committee Teleconference
 DATE AND TIME: Thursday, August 27, 2009, 3:00 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Advocacy Committee Teleconference
 DATE AND TIME: Thursday, September 3, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Planning Committee Teleconference
 DATE AND TIME: Thursday, September 10, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Evaluation Committee Teleconference
 DATE AND TIME: Thursday, September 10, 2009, 2:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Finance Committee Teleconference
 DATE AND TIME: Thursday, September 17, 2009, 1:30 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Executive Committee Teleconference
 DATE AND TIME: Thursday, September 24, 2009, 3:00 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Advocacy Committee Teleconference
 DATE AND TIME: Thursday, October 1, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Planning Committee Teleconference
 DATE AND TIME: Thursday, October 8, 2009, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Evaluation Committee Teleconference
 DATE AND TIME: Thursday, October 8, 2009, 2:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Finance Committee Teleconference
 DATE AND TIME: Thursday, October 15, 2009, 1:30 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

MEETING: Executive Committee Teleconference
 DATE AND TIME: Thursday, October 22, 2009, 3:00 p.m. (EST)

PLACE: FILC Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year

to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda and conference number and code may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The **Florida Birth-Related Neurological Injury Compensation Association** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2009, 1:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850)488-8191.

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

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from General Home Development Corporation of Pinellas, Inc., DCA09-DEC-214. The petition seeks the agency’s opinion as to the applicability of section 903.2.7, Florida Building Code, Building Volume (2007, as amended) as it applies to the petitioner.

Petitioner asks if section 903.2.7 requires an automatic sprinkler system in 300 square foot single story apartment units that all exit to a common front porch that leads directly to the ground and would not otherwise require a sprinkler system under section 30.3.5.3, of the Florida Fire Protection Code NFPA.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Sea Shutters, Inc., DCA09-DEC-254. The petition seeks the agency’s opinion as to the applicability of sections 1609.1.4, Florida Building Code, Building Volume (2004, as amended) and R301.2.1.2 and R4410.4.7, Florida Building Code, Residential Volume (2004, as amended) as it applies to the petitioner.

Petitioner asks for clarification of how the interpretation of sections 1609.1.4, Florida Building Code, Building Volume (2004, as amended) and R301.2.1.2 and R4410.4.7, Florida Building Code, Residential Volume (2004, as amended) contained in Declaratory Statement #DCA08-DEC-002 applies to non-porous impact protective systems.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Real Estate Commission hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement which was filed on April 6, 2009, on behalf of Auction Educators, Inc. The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 19, of the May 15, 2009, Florida Administrative Weekly. The Petitioner sought a Declaratory Statement interpreting Rule 61G2-8.010, F.A.C., Section 475.004(1)(a), F.S., and Section 468.381, F.S., regarding auctioneers who are not licensed as real estate brokers or sales associates. The Commission considered the Petition at a duly-noticed public meeting held on May 19, 2009. The Commission’s Order, filed on June 18, 2009, denied the Petition for Declaratory Statement, finding that the petition lacks specificity and the petitioner lacks standing.

A copy of the Board’s Order may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division Of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Shields Family R.L.L.P., Case #104405-09-FM, on May 15, 2009. The following is a summary of the agency’s disposition of the petition:

The Petition asks whether the use of battery operated single-station smoke alarms in Petitioner’s existing apartment structures meets the provisions of NFPA 101-31.3.4.5.1, 3.4.5.2, and 9.6.2.9. The answer is no; single-station smoke alarms in the subject structures must be hard wired into the structures’ electrical systems.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340 or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: FS-274C

Project and Location: Aeropropulsion Mechatronics and Energy Building

for Florida State University

at Innovation Park, Tallahassee, Florida

The project involves construction of a new 60,000 gsf building and will include research labs and offices to support advanced research in aeropropulsion, mechatronics (robotics), and sustainable energy engineering. The project will be built in Innovation Park, Tallahassee, Florida, by the FSU Department of Sponsored Research. Once completed, it will house the equipment, machinery, computers, apparatuses and infrastructure necessary to carry out the research mission. Included will be subsonic and supersonic wind tunnels, solar simulation equipment, industrial and computer lab space. Pursuant to the University’s sustainability commitment, this project will seek LEED Silver Certification. Construction is anticipated to begin October 2009 and be complete by January 2011.

The estimated construction cost is \$18,600,000.00.

The contract for construction management services will include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted the construction phase, will be implemented and the construction manager will

become the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for management of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Design and Construction,

109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 facsimile.

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

(6) Six bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m. (Local Time), Tuesday, August 18, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

NOTICE TO INVESTORS/DEVELOPERS

University of South Florida Polytechnic announces that Investment/Developer interest is solicited to identify and propose creative funding, development and management resources and solutions for the facilities outlined in the project listed below.

PROJECT NUMBER: 552

PROJECT AND LOCATION: USF Polytechnic - Residence Facility and Interdisciplinary Center for Excellence and Wellness Research, University of South Florida Polytechnic, Lakeland, Florida.

PROJECT DESCRIPTION:

Residence Facility

The USF Polytechnic Residence Facility will provide contemporary suite-style and apartment-style living quarters for up to 500 – 1,000+ students in a village-style development. It is expected that this facility would be developed in a phased manner, initially consisting of up to 250 beds with additional phases opening as need dictates. USF Polytechnic anticipates the need for full build out of this 500-1000+ bed facility to occur over a period of 5-10 years following the opening the new I-4 campus site. The vision for this facility is that it will be developed in a village setting rather than a high-rise style residence hall. It will also house a community center that would include services such as residence hall office, mailroom, and laundry area as well as programming (living/learning) spaces, and would accommodate apartment(s) for up to two Area Resident Directors, Visiting Faculty and Guests of the University.

Interdisciplinary Center for Excellence and Wellness Research
In close proximity to the USF Polytechnic Residence Facility, the USF Polytechnic Interdisciplinary Center for Excellence and Wellness Research will provide a multi-use facility that will house fitness and recreation activities and programs, personal enhancement programs, physical rehabilitation facilities, wellness research, amateur/professional training facilities, competitive sports complex, community service and gathering spaces, academic programs, office space, and commercial storefronts. These facilities will serve an overall

student population expected to reach 16,000, faculty and staff of approximately 500-1000, open community memberships, hosted events and rehabilitation participants.

The fitness and recreation area will include spaces for physical fitness equipment centers, intramural multi-sports courts, indoor track, leisure pools (i.e., lap pool, "lazy river" and "wave pool"), locker rooms with showers and toilet facilities, rock climbing wall, etc. The areas will offer state-of-the-art technological facilities. Personal enhancement facilities will provide for highly specialized evaluation and analysis of wellness needs in order to maximize personal conditioning and track the progress of its clients by way of technology.

Training facilities for amateur and professional sports conditioning as well as physical rehabilitation facilities will be a part of this complex. The services provided in these facilities will attract constituents from both inside and outside of the university; therefore, these premises must be designed and constructed with the student/client in mind.

The complex will also be home to a competitive aquatic center that will include a competition-sized (Olympic) pool and diving well. Areas for judging and observation must also be a part of this facility as well as spaces for team gathering and readying. This facility would also be made available for competition training.

Academic and Research Programs related to Allied Health/Wellness areas will be housed in this facility. Therefore, teaching and research laboratories for allied health/wellness related disciplines, such as Nutrition will be housed in this complex. The space in this facility is designated to promote interdisciplinary research and teaching. Polytechnic ideals are strongly oriented toward interdisciplinary, collaborative relationships – between faculty members, students, support staff, student support, and others. The close physical proximity of faculty, staff and students creates a collection of "critical masses," providing constant opportunities for productive interaction.

The final aspect of the Interdisciplinary Center for Excellence and Wellness Research is an area designed as commercial storefronts. This area will include specialty shops and convenience store services, as well as provide the campus' primary dining facility and should therefore include a dining area as well as kitchen cooking and prep areas. The vendors that will occupy these facilities will draw support not only from University students, faculty and staff, but also from community members attending or obtaining other services in the facility. It is intended that gathering spaces be planned so as to create an inviting and engaging atmosphere.

HISTORY:

In 1978, the District Board of Trustees of Polk Community College (PCC) purchased the land on the current Winter Lake Road site for a Lakeland campus for PCC. The University of South Florida pursued a joint venture with PCC in the planning and development of a joint-use campus. On January 23, 1988, USF Lakeland (USFL), now known as USF Polytechnic (USFP), officially opened its doors as an academic center of USF in partnership with PCC.

The Board of Regents of the State University System of Florida revised the definition of this USF center to a Type III Branch Campus (Rule 6C-8.009, F.A.C.) on December 3, 1993.

By the early 2000's the Polk County Legislative delegation was poised to expand the programs and services offered by USFL and during the 2002 Legislative Session allocated \$1 million for planning a new USFL stand alone campus. In November 2002, the USF Board of Trustees approved the issuing of a request for proposal for a new campus site, and in December 2002, a Land Acquisition Committee was appointed.

Five proposals for campus sites were received in January, 2003 and were reviewed and evaluated over the next several months. In August, 2003, the USFL Campus Board accepted the Williams Company proposal which included a donation of a 530+ acre site at the intersection of Interstate 4 and the eastern terminus of the Polk Parkway.

The development of the original Campus Master Plan was guided by projections of enrollment increases and program development over the 10 year period 2005-2015. The academic programs consider the institution's response to community and economic development needs, and establish or enhance programs in a direction of applied research in a polytechnic approach. In 2008, the State Legislature and the Governor designated this campus as USF Polytechnic, creating the state's first and only polytechnic institution. Programs are being aligned to the new polytechnic mission and the Campus Master Plan will be updated to reflect a new vision for the footprint of the buildings on the new I-4 campus site.

STATUS OF PLANNING FOR THE PHASE I FACILITY – SCIENCE AND TECHNOLOGY CENTER:

The A/E and CM selection processes have been completed for the Phase I Facility. That project is the first building of a multi-phased Campus Master Plan which creates an integrated, fully-engaged university campus environment at a highly visible location on Interstate 4 midway along the 80 miles between the Tampa Bay and Orlando megalopolis areas. In addition to serving the needs of its tri-county service area, this university is intended to be a destination campus with a vibrant residential and campus life component. Given this location, the USF Polytechnic sought an iconic design for this facility and

has selected a world-renowned architect to provide that vision. The Phase I Facility will primarily provide large multi-user interdisciplinary shared core facilities. The plan includes two 100-seat classrooms and multiple smaller learning laboratories to support student enrollment needs in upcoming years. These facilities will be scheduled by USF Polytechnic to meet growth in the development of technological and interdisciplinary approaches to various fields of study. Multiple commons spaces for faculty and support staff are also included in the project.

The design of the Residence Facility and the Interdisciplinary Center for Excellence and Wellness Research must conform to the architectural standards established in the updated USF Polytechnic Campus Master Plan.

CREATIVE SOLUTIONS:

USF Polytechnic seeks proposals that outline creative solutions for financing, developing and operating the Interdisciplinary Center for Excellence and Wellness Research and the USF Polytechnic Residence Facility. Solutions/options may include Public/Private Partnerships, Lease/Lease-back Arrangements, Creative Financing/Development Packages, Private Investor/Donor Arrangements, and/or a combination of any of these or other unique opportunities. Proposals must also include the proposer's qualifications to engage in this process.

Design of these facilities is not a part of this submission. The University reserves the right to select the design team.

There is no obligation on the part of USF Polytechnic to accept any proposal. USF Polytechnic is free to utilize any and all ideas provided by any proposer in the final funding, development and management of the facilities without obligation to proposer. Upon submission, any and all proposals shall become for all intents and purposes the property of USF Polytechnic. By submitting a proposal, all proposers are deemed to agree to all of the foregoing.

The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. The plans and specifications for the University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant should warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

INSTRUCTIONS:

Firms desiring to apply to provide investment/development services for creative funding, development and/or management resources and solutions for this project shall submit one (1) original submittal and eight (8) bound copies consisting of the information as required in the "Submittal Requirements" of the Project Fact Sheet including a letter of interest and a complete proposal in a format that includes but is not limited to an Executive Summary, a Finance/Development Profile, Specific Finance/Development Plans, Description of Creative Solution Options, Potential Partnerships, Requirements for USF Polytechnic Participation, Outline of a Development Agreement, Identification of Timeline for a 2012 Occupancy of both the Interdisciplinary Center for Excellence and Wellness Research and the first Phase of the Residence Facility, and Identification of Respondent (person of contact; postal, e-mail and physical address; office, cellular and facsimile phone numbers).

Submittals are part of the public record. All applicants should be properly registered at the time of contract engagement to practice its profession in the State of Florida. If the applicant is a corporation, it should be chartered by the Florida Department of State to operate in Florida. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The "Project Fact Sheet", which includes project information and selection criteria, may be obtained by contacting: Claire Johnson, Executive Administrative Specialist, Office of the VP/CEO, University of South Florida Polytechnic, via email: johnsonc@poly.usf.edu, by mail: 3433 Winter Lake Road, Lakeland, Florida 33803, or by phone: 1(863)667-7056. Interested firms are invited and encouraged to attend a Pre-Submittal Meeting at 2:00 p.m. (EDT), Tuesday, August 11, 2009, University of South Florida Polytechnic, Room LTB 1104/1105 to review the scope and requirements of this project. The LTB 1104/1105 is located on the USFP campus at 3433 Winter Lake Road, Lakeland, Florida 33803.

Site visits to the new I-4 campus can be arranged by contacting: Claire Johnson via email: johnsonc@poly.usf.edu. The site (property) is restricted and no trespassing is allowed. Therefore, all interested individuals wishing a site visit will require an appointment and will be transported to/from the site. Requests for meetings by individual firms will not be granted once the Florida Administrative Weekly advertisement is published. No communication shall take place between the applicants and the members of the Selection Committee or employees of the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting, the request for the Project Fact Sheet and the request for a site visit. Requests for any project information should be submitted in writing to Claire Johnson at the above email address. The Selection Committee may reject all proposals and stop the selection process at any time. One (1) original and

eight (8) bound copies of the requested submittal data, bound in the order listed in the "Submittal Requirements" of the Project Fact Sheet shall be addressed to:

Alice M. Murray, Ed.D
 Associate Vice President
 Campus Planning and Facilities Operations
 University of South Florida Polytechnic
 3433 Winter Lake Road
 LTB 2116
 Lakeland, FL 33803

Applications that do not comply with the above instructions may be disqualified. Submittals are to be received by: USF Polytechnic, 3433 Winter Lake Road, LTB 2116, Lakeland, Florida 33803 by 2:00 p.m. (EDT), Friday, August 21, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

NOTICE TO CONTRACTORS
 Invitation to Bid
 ITB 10-01
 Parking Lot 53 Improvements

The University of North Florida – Board of Trustees, a public body corporate, announces that Parking Lot 53 improvements will be required for the – University of North Florida, Jacksonville, FL.

The University of North Florida is seeking bids from qualified contractors to provide seal coating and restriping of existing UNF Parking Lot 53. The project will also include, but is not limited to, reconfiguring automobile spaces, curb painting and concrete work per the specifications provided. In addition, Lot 53 shall comply with ADA accessible routes to and from the parking lot.

Contractors desiring to be considered must have current demonstrable experience and certifications at the time of bid opening in accordance with the specifications in the ITB 10-01 bid documents.

The preliminary schedule for this ITB:

Advertisement	July 17, 2009
Mandatory Pre-Bid	July 28, 2009, 10:00 a.m.
Deadline for questions	August 4, 2009
Response to questions	August 10, 2009
Bids Due	August 14, 2009, 2:00 p.m.

Minority Business participation is strongly recommended and supported by the University of North Florida.

The University requires a Bid Bond of five percent (5%) of the bid amount and a Performance Bond for 100% of the amount of the bid. The bid bond is required with the submitted bid.

As required by Section 287.133, Florida Statutes, a contractor 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 contractor 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.

Contractor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither contractor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information, may be obtained electronically online at the UNF Purchasing department website: <http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Dianna White	AND	Angela Dyal
Dianna.white@unf.edu	University of	angela.dyal@
(904) 620-1731	North Florida	unf.edu
	**Purchasing Dept.	(904)620-1733
	Bldg. 53, Ste. 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

****NEW LOCATION AS OF MARCH 13, 2009** – Located at the corner of Kernan Blvd. and First Coast Technology Parkway. ADDRESS: University of North Florida, 1 UNF Drive, Purchasing Dept., Bldg. 53, Suite 2950 (2nd Floor) Jacksonville, FL 32224.

PRINTED DOCUMENTS: Full sets of bid documents may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, (904)388-7686. Copies may be purchased for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

Submit **THREE (3)** complete copies of bids in full and in accordance with the requirements of the drawings/specifications to the above referenced UNF address. Bids must be received no later than 2:00 p.m. (Local Time), August 14, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS**NOTICE FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF: LAKE CORRECTIONAL INSTITUTION'S ELEVATED WATER STORAGE TANK REFURBISHMENT

PROJECT NO: EK-20 (WTI)

PROJECT NAME AND LOCATION: Lake Correctional Institution – Elevated Water Storage Tank Refurbishment, 19225 U.S. Highway 27, Clermont, Florida 34715-9025.

FOR: State of Florida, Department Of Corrections

PERFORMANCE BOND AND LABOR AND MATERIAL

PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489, and 633, Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contract Ms. Sandra Rogers at (850)922-8855 for prequalification instructions. You must be prequalified five (5) days prior to bid opening to be eligible to bid. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: Tuesday, August 18, 2009, 2:00 p.m. (EDT)

PLACE: Offices of Tetra Tech, 10600 Chevrolet Way, Suite 300, Estero, Florida 33928

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Tetra Tech, 1006 Chevrolet Way
Suite 300, Estero, Florida 33928
Attn.: Justin Frederiksen
(239) 390-1467

Drawings and specifications may be purchased for a Non-refundable price of \$55.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

PRE-BID CONFERENCE: There will be no pre-bid conference for this project, however, contractors are **STRONGLY** encouraged to visit the site on Tuesday, July 28, 2009, 10:00 a.m. (EDT), to inspect the site and familiarize themselves with the project conditions. Contractors shall contact: Mr. Sam Lewis, Maintenance Supervisor at (352)394-6146, ext. 520 no later than Thursday, July 23, 2009, to obtain clearance to visit the site, which is located at the Lake Correctional Institution, 19225 U.S. Highway 27, Clermont, Florida 34715-9025.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. **RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF MILITARY AFFAIRS**INVITATION TO BID NEW CONSTRUCTION
OF AMMUNITION SUPPLY POINT (ASP)**

The State of Florida, Department of Military Affairs (DMA), Construction and Facility Management Office (CFMO) requests bids from State of Florida qualified and licensed General Contractors for:

PROJECT NUMBER: 120164

PROJECT NAME AND LOCATION: New Construction of Ammunition Supply Point (ASP), 5626 State Road 16, West, Camp Blanding Joint Training Center, Starke, Florida 32091

STATEMENT OF WORK: Demolition of twenty four (24) Earth Covered Magazines (ECMs) and a Field Office at the existing Ammunition Supply Point. Construction of a new 3,590 SF Administration Office, 12,140 SF Inert Device Warehouse, 5,100 SF Operations Building, three 25' x 90' ECMs, eleven 25' x 60' ECMs, and twelve 10' x 10' ECMs. Associated site improvements will include new asphalt roadways/parking, extension of primary/secondary electrical service, water/sewer utilities, communication lines, site lighting, fencing, and storm water retention.

FUNDING: MILITARY CONSTRUCTION (MILCON)

FOR COMPLETE INFORMATION, SUBMISSION REQUIREMENTS, YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM AT: http://vbs.dms.state.fl.us/vbs/main_menu.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA. The State of Florida's performance and obligation to pay under any contract is contingent upon availability of funding and an annual appropriation by the Legislature.

POINT OF CONTACT: Department of Military Affairs, Construction and Facility Management Office, Contracting Branch (904)823-0255 or 0252 or e-mail: cfmocontracting@fl.ngb.army.mil. Submittals received after the due date will not be considered. However, submittals may be sent to the CFMO-Contracting Branch any time prior to the final due date. Bid Packages are to be sent to Department of Military Affairs, Attention: Construction and Facility Management Office, Contracting Branch, Robert F. Ensslin, Jr., National Guard Armory, 2305 State Road 207, St. Augustine, Florida 32086.

A MANDATORY SITE VISIT WILL BE SET FOR THIS PROJECT. ATTENDANCE AT THE SITE VISIT BY THE CONTRACTOR WILL BE REQUIRED TO BID ON THIS PROJECT. SEE ADVERTISEMENT ON MYFLORIDA.COM FOR DATES AND REQUIREMENTS.

Bid Due Date: As stated in the advertisement you must obtain from the MyFlorida.com, Vendor Bid System.

Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners, or Owner's

representatives. Requests for any additional information, clarifications, or technical questions must be requested in writing.

FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

Request for Proposal for Accounting Services

The Florida Birth-Related Neurological Injury Compensation Association (the Association) is accepting proposals from qualified CPA firms to provide audit and tax services beginning with the fiscal year ending June 30, 2010.

The Association was created by the Florida Legislature pursuant to Section 766.315, Florida Statutes. The Association is an instrumentality of the State that administers the Florida Birth-Related Neurological Injury Compensation Plan ("Plan"). The Plan was created by the Florida Legislature in 1988 to provide compensation to a limited class of children who suffered catastrophic neurological injuries at birth.

The Plan's financial statements are reported as a component unit of the State of Florida. The deadline for submission of the statements to the State is August 31st of each year.

The selected firm would be responsible for conducting the following minimum activities:

1. Audit the basic financial statements of the Association and the basic financial statements of the Plan which have a fiscal year end of June 30.
2. Perform limited procedures consisting primarily of inquiries of management on the following supplementary information:
Management's Discussion and Analysis (Association and Plan)
Subject the Schedule of General and Administrative Expenses – Budget and Actual (Association) to the auditing procedures applied in the audit of the basic financial statements of the Association.
3. Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards. (Association and Plan)
4. Preparation of the Association's Form 1120.
5. Present the audit reports of both the Association and the Plan to the Finance Committee and Board of Directors.

Interested parties should submit a proposal that includes the following elements:

1. General background information on the firm, relevant experience and references for five current clients.
2. Identification of personnel that would be involved and the qualifications and/or curriculum vitae of each person.

3. Confirmation that the firm is not de-barred from doing business with the State of Florida or the federal government and a copy of the firm's most recent peer review report.
4. Identification of any current clients which may present a conflict of interest with conducting work on behalf of the Association or Plan.
5. A brief outline of how the firm would conduct its scope of services, including a timeline for completion of the audit.
6. Estimated costs for the annual financial audit and tax services as well as any pricing schedules by level of personnel for additional services that may be required.
7. A detailed description and plan for an orderly transition should be provided as a part of any response.
8. Any other information deemed relevant or important for NICA to consider.

Additional information may be requested for any or all of the responding entities.

The Association reserves the right to reject any or all proposals. Selection of any firm is solely at the discretion of the Association. The Association is not subject to the bid requirements of the State of Florida.

Proposals will be reviewed as received and interested parties are encouraged to submit such no later than August 21, 2009.

Five copies of the proposal should be sent to:

Tim Daughtry
Deputy Director
NICA
P. O. Box 14567
Tallahassee, Florida 32317-4567
Or via email to:
tdaughtry@nica.com

If you have any questions or would like additional information, please feel free to contact: NICA's Executive Director, Kenney Shipley at kshipley@nica.com or (850)488-8191.

CLARK CONSTRUCTION GROUP, LLC

Lowell Reception Center – Potable Water Wells

Clark Construction Group, LLC, the Construction Manager for the Lowell Reception Center to be constructed in Marion County, Florida, will be receiving bids in the Field Office of Clark Construction Group, LLC, 11496 N. W. Gainesville Road, Ocala, Florida 34482, 2:00 p.m. (EDT), Tuesday, August 4, 2009, for the following Bid Package:

- Bid Package 2F – Potable Water Wells

Potential Bidders must be pre-qualified with Clark Construction. Interested bidders may inquire about this project or get a pre-qualification form by contacting: Stacy Chuang via email at stacy.chuang@clarkconstruction.com or by phone at (813)636-4422.

The total dollar value of the above referenced Bid Package is approximately \$450,000. The total dollar value of the entire project is approximately \$99,000,000.

Bidders will be required to furnish a Bid Bond in the amount of 5% of the bid value for all bids in the amount of \$100,000 or greater.

Section XII Miscellaneous

DEPARTMENT OF STATE

Special Category Grants Program Solicitation of Applications
On July 1, 2009, the Florida Historical Commission voted in favor of a second rollover of applications submitted in 2008 for the 2009 Special Category grants. This vote in favor of the rollover will cancel the previously scheduled 2011 Special Category cycle (July 1 – August 31, 2009), and new applications will not be accepted this year. Only updated 2008 rollover applications will be eligible for submission.

Small Matching Grant applications will be available online on October 1, 2009 with a deadline of December 15, 2009 for submission of applications.

The next Special Category grant cycle will begin July 1, 2010 with applications due by August 31, 2010.

For additional information, please call the Bureau of Historic Preservation at 1(800)847-7278.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Division of Emergency Management is providing you with notification of its intent to open the Fiscal Year 2009-2010 application cycle for competitive awards from the State Homeland Security Grant Fund Citizen Corps and Community Emergency Response Teams Programs. The applications will be available on-line July 17, 2009 at: www.floridadisaster.org/CitizenCorps. The submission deadline is August 27, 2009, and the intent to award will be posted on the Citizen Corps webpage no later than September 17, 2009.

The Department encourages all eligible regional or local governments, Fire Tax Districts, other taxing or special districts, school districts, and Native American Tribes or nations within the State of Florida with projects that will enhance community response capabilities to apply for funds during this open period.

RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – COMPETITIVE GRANT PROGRAM

Notice of Fund Availability (NOFA)

and Request for Proposals (RFP) – SFY 2009-2010

The Division of Emergency Management is providing you with notification of its intent to open the State Fiscal Year 2009-2010 application cycle for competitive grant awards from the Residential Construction Mitigation Program (RCMP). Funding is dependent upon an allocation by the Legislature. Approximately \$2,368,893 is available for competitive grants and contracts in SFY 2009- 2010.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP statutory program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications; however, no single application shall seek or receive an award in excess of \$100,000 per state fiscal year/application, unless otherwise noted in the priorities or program areas. All eligible applicants shall be limited to no more than three (3) application submissions in a state fiscal year and additionally one (1) application submission per category.

The Division encourages all interested and eligible parties with projects that will enhance residential wind mitigation in Florida to apply for awards during this open period in the following four (4) categories. Applicants may submit applications that address more than one priority; however, they must indicate the PRIMARY Priority Category that is addressed by the proposal.

APPLICATION CATEGORIES:

Applications are accepted in the following four categories:

1. Residential Mitigation Retrofit Program (Retrofit Program): Assistance to primarily low and moderate-income residents, which promotes wind mitigation (including retrofits, education, inspections and related activities). All retrofit or other installation of mitigation devices on residential structures MUST comply with the Blueprint for Safety Standard (BFS). The link to BFS: <http://www.blueprintforsafety.org>.

All contractors or installation personnel must be BFS certified.

Retrofits/Installations should be ‘systemic’, i.e. not just shutters, or just roof improvements, but a system that ties together all aspects of wind mitigation/BFS, to the maximum degree possible on the structure to be retrofitted. Where a systemic approach cannot be implemented, this must be clearly justified (i.e., structure has already been partially mitigated or structure does not otherwise require or cannot accept all aspects of BFS). Funding is on the basis of 75%/25%, match may be in-kind or direct. Recipients MUST include pre and post

inspections to determine the scope of work and to certify completion. Recipients may contract for installation of BFS compliant retrofits or make allocations to homeowners for retrofit work, to be inspected and certified under the auspices of the subgrantee and the RCMP.

2. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans and compliance with the State Hazard Mitigation Plan.
3. Projects, which enhance program effectiveness, measurement and attainment of, project goals and recommendations for improvement.
4. Other projects that will further wind mitigation/RCMP objectives, which have been designated by the Program as priorities in the applicable Notice of Fund Availability/RFP.

Priority Areas:

- A) Projects which implement wind mitigation/projects as identified in the State Hazard Mitigation Plan (SHMP)/ (applicable) Local Mitigation Strategy (LMS) and are clearly identified as projects/programs which can be initiated and completed within the grant contract period. The applicant must make clear reference with citations to the applicable sections of the SHMP and provide a copy of the Local Mitigation Strategy priority initiative list reflecting inclusion of their project(s). An endorsement letter from the chair of the county Local Mitigation Strategy Committee or county Director of Emergency Management must be provided. Low/Moderate Income Retrofits are included in this priority area; ‘leveraging’ of CDBG, SHIP, HMGP, FMA funds or similar funding streams with RCMP funding is encouraged.
- B) Projects, which will provide for product testing, measurement or enhancements, which will improve, wind mitigation in residential structures.
- C) Projects, which will address the effectiveness of early warning systems.
- D) Projects, which promote residential wind mitigation through the code, trade or construction industries, including related or affiliated programs and organizations.

Applications must identify which priority is being addressed; multiple priorities may be addressed, but a PRIMARY priority must be identified.

TO DOWNLOAD SECTION 215.559, FLORIDA STATUTES, APPLICATION PACKET AND related information please visit our website at: <http://www.florida-disaster.org/Mitigation/RCMP/index.htm>.

Applications must be prepared in conformance with the application packet instructions. Applications must be received on or before August 17, 2009, 4:00 p.m. (Local Time), at the address below:

Shemeeka Hopkins, Planning Manager
 Florida Division of Emergency Management
 Attention: RCMP
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA09-OR-251
 In Re: LAND DEVELOPMENT REGULATIONS
 ADOPTED BY CITY OF KEY WEST
 ORDINANCE NO. 09-07

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6) and (11), Florida Statutes, (2008), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On May 6, 2009 the Department received for review City of Key West Ordinance No. 09-07, which was adopted by the City of Key West City Commission on May 5, 2009, ("Ord. 09-07"). The purpose of Ord. 09-07 is to amend Part B, Land Development Regulations, Chapter 108, Article X, Building Permit Allocation and Vested Rights, Division 1, Sections 108-986, 108-987, 108-988, 108-989, 108-991, 108-992, 108-993, and 108-994; Division 2, Sections 108-1026, 108-1027, 108-1028; Division 3, Sections 108-1056, 108-1057, 108-1058, 108-1059, 108-1060, 108-1061, and 108-1062; Division 4, Sections 108-1091, 108-1092, 108-1093, 108-1094, 108-1095, 108-1096, 108-1097, 108-1098, 108-1099 and 108-1100 of the Code of Ordinances to amend the Building Permit Allocation System (BPAS).
3. Ord. 09-07, with the exception of the following Sections, is consistent with the City's Comprehensive Plan: Sections 108-987(5), units generating from hurricane evacuation modeling and determined to be consistent with the Comprehensive Plan and Principles for Guiding Development; 108-994, 4. Units generating from hurricane evacuation modeling and determined to be consistent with the Comprehensive Plan and Principles for Guiding Development; and 108-996, allocations for beneficial use pursuant to Section 108-998 shall be for a period of five years during which time a building permit must be obtained. A single two year extension of a beneficial use allocation may be granted by the Administrative Official prior to the expiration of the allocation. Unused units will be returned to the system for reallocation.

4. The above identified portions of Ord. 09-07, Sections 108-987(5), 108-994, 4., and 108-996 are not derived from and inconsistent with the City of Key West Comprehensive Plan Policy 1-3.12.1. The proposed revisions to the BPAS do not relate only to the existing allocation that originated with the 1990 City of Key West Comprehensive Plan and can not be approved until a new Comprehensive Plan BPAS allocation is adopted by Ordinance. Data and analysis accompanying the above referenced Sections 108-987(5), 108-994, 4., and 108-996 was found insufficient.
5. The above identified portions of Ord. 09-07, Sections 108-987(5), 108-994, 4., and 108-996 are inconsistent with the City's Comprehensive Plan Objective 1-3.12: Managing Building Permit Allocation; Policy 1-3.12.1: Establishing a Building Permit Allocation Ordinance; Objective 2.1.7: Traffic Circulation and Hurricane Evacuation; Policy 5-1.6.4: Rate of Growth and Hurricane Evacuation; and Policy 8-1.1.3 Coordination of Development and Growth Management Issues.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. Sections 380.05(6) and 380.05(11), Florida Statutes, (2008).
7. The City of Key West is an Area of Critical State Concern. Section 380.05, Florida Statutes (2008) and Rule 28-36.001, Florida Administrative Code.
8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 09-07 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Florida Administrative Code.
10. The above identified portions of Ord. 09-07, Sections 108-987(5), 108-994, 4., and 108-996, are inconsistent the following Principles:
 - (a) Strengthen local government capabilities for managing land use and development.
 - (c) Minimize the adverse impacts of development on the quality of water in and around the City of Key West and throughout the Florida Keys.

(h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida Resource.

11. Ord. 09-07, with the exception of the above identified Sections 108-987(5), 108-994, 4., and 108-996, promotes and furthers the following Principles in subsection 28-36.003(1), Florida Administrative Code:

(a) Strengthen local government capabilities for managing land use and development.

(e) Protection of historical heritage of Key West and the Key West Historical Preservation District.

(h) To protect the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

12. Ord. 09-07, with the exception of the above identified Sections 108-987(5), 108-994, 4., and 108-996, is not inconsistent with the remaining Principles and is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 09-07, with the exception of the above identified Sections 108-987(5), 108-994, 4., and 108-996, is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

WHEREFORE, IT IS ORDERED that the above identified Sections 108-987(5), 108-994, 4., and 108-996, are found to be inconsistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and are hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A

FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 30th day of June, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Morgan McPherson
Mayor, City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Amy Kimball-Murley, AICP
Planning Director
City of Key West
P. O. Box 1409
Key West, Florida 33041

Larry Erskine
City Attorney
P. O. Box 1409
Key West, FL 33041

DCA Final Order No.: DCA09-OR-246

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-07

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-07 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-07"). The purpose of Ord. 2009-07 is to amend Section 107.09 (B)(1) of the Land Development Regulations to reflect the revised evaluation criteria of the Residential Building Permit Allocation System established in Comprehensive Plan Policy 1-3.5.3.
3. Ord. 2009-07 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.3 Residential Building Permit Allocation System; Policy 1-2.2.3 Reduce Potential Loss of Life and Property Damage; and Objective 1-3.5 Manage Growth Rate within the City.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-07 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-07 is consistent with the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

- 9. Ord. 2009-07 is neutral with respect to the remaining Principles. Ord. 2009-07 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-07 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION

SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-08 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-08"). The purpose of Ord. 2009-08 is to amend Section 107.09 (B)(2) of the Land Development Regulations to reflect the revised scoring criteria of the Commercial Building Permit Allocation System established in Comprehensive Plan Policy 1-3.5.7.
3. Ord. 2009-08 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.7 Commercial Building Permit Allocation System; Policy 1-2.2.3 Reduce Potential Loss of Life and Property Damage; and Objective 1-3.5 Manage Growth Rate within the City.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-08 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-08 is consistent with the following Principle:

DCA Final Order No.: DCA09-OR-247

In Re: CITY OF MARATHON LAND

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

9. Ord. 2009-08 is neutral with respect to the remaining Principles. Ord. 2009-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-08 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES,

AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-248

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-10

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-10 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-10"). The purpose of Ord. 2009-10 is to amend Section 107.08 of the Land Development Regulations to allow for the recapture of a BPAS allocation or building permit issued pursuant to a BPAS allocation in the event the allocation or permit expires or is voided.
3. Ord. 2009-10 is consistent with the City's 2010 Comprehensive Plan: Objective 1-3.5 Manage Growth Rate within the City; and Policy 1-3.5.2 Residential Allocation Rollover.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-10 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-10 is consistent with the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

9. Ord. 2009-10 is neutral with respect to the remaining Principles. Ord. 2009-10 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-10 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT;

OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.
Suite 2200, Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-249

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-11

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-11 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-11"). The purpose of Ord. 2009-11 is to amend Section 103.12 A, and Section 103.15.1 of the Land Development Regulations to re-establish Recreational Vehicle Park as an allowed use in the Residential-Mobile Home Zoning District.
3. Ord. 2009-11 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.2.6 Restrict Development of New Transient Units; Policy 1-3.1.4 Future Land Use Categories; Objective 1-3.4 Protect Established Uses, Densities, and Intensities; and Policy 1-3.4.1 Protect Established Residential Densities.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-11 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-11 is consistent with the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

9. Ord. 2009-11 is neutral with respect to the remaining Principles. Ord. 2009-11 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-11 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA09-OR-244

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-12

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-12 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-12"). The purpose of Ord. 2009-12 is to amend Section 107.18 C of the Land Development Regulations to reduce the Affordable

Housing Program Fund in-lieu payment option from thirty percent to ten percent that is associated with the transfer of building rights.

3. Ord. 2009-12 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.5.16, Institute a program for Transfer of Density and Building Rights; and Chapter Two Housing Element, Purpose.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
 5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-12 are land development regulations.
 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
 8. Ord. 2009-12 is consistent with the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
 9. Ord. 2009-12 is neutral with respect to the remaining Principles. Ord. 2009-12 is consistent with the Principles for Guiding Development as a whole.
- WHEREFORE, IT IS ORDERED that Ord. 2009-12 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND

ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
 City of Marathon
 10045-55 Overseas Highway
 Marathon, Florida 33050

Mike Puto
 City Manager
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050

Jimmy Morales, Esq.
 Stearns Weaver Miller Weissler
 Alhadef & Sitterson, P.A.
 Suite 2200 Museum Tower
 150 West Flagler Street
 Miami, Florida 33130

Final Order No.: DCA09-OR-245

In Re: CITY OF MARATHON LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 2009-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statute (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-13 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-13"). The purpose of Ord. 2009-13 is to amend Section 104.25 of the Land Development Regulations to provide the City the option to allow an exception to the affordable housing requirement for hotel and motel renovation or redevelopment that is a replacement of existing facilities to include the same number of units and within ten-percent of the existing floor area.
3. Ord. 2009-13 is consistent with the City's 2010 Comprehensive Plan: Objective 1-3.3 Encourage Redevelopment; Policy 1-3.3.1 General Redevelopment

Criteria; Policy 1-3.3.5 Encourage Redevelopment of Tourist/Resort/Campground Facilities; and Chapter Two-Housing Element.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
 5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-13 are land development regulations.
 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
 8. Ord. 2009-13 is consistent with the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
 9. Ord. 2009-13 is neutral with respect to the remaining Principles. Ord. 2009-13 is consistent with the Principles for Guiding Development as a whole.
- WHEREFORE, IT IS ORDERED that Ord. 2009-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
 City Manager
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050

Jimmy Morales, Esq.
 Stearns Weaver Miller Weissler
 Alhadeff & Sitterson, P.A.
 Suite 2200 Museum Tower
 150 West Flagler Street
 Miami, Florida 33130

DCA Final Order No.: DCA09-OR-250

In Re: CITY OF MARATHON LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 2009-15

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.
2. On May 15, 2009, the Department received for review City of Marathon Ordinance No. 2009-15 that was adopted by the City of Marathon Board of City Commissioners on April 14, 2009 ("Ord. 2009-15"). The purpose of Ord. 2009-15 is to amend Table 103.00.1, Table 103.15.1, and Table 103.15.2 of the Land Development Regulations, amend the Name of the Public Facility Future Land Use Designation to Public Uses and providing for Affordable Density in certain zoning districts, and to correct errors in Density Calculations.
3. Ord. 2009-15 is consistent with the City's 2010 Comprehensive Plan: Policy 1-3.2.1 Allocated Density Defined; Policy 1-3.1.4 Future Land Use Categories; and Policy 1-3.2.7 Restrict Density and Intensity of Development.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-15 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2009-15 is consistent with the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 2009-15 is neutral with respect to the remaining Principles. Ord. 2009-15 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-15 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S

ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

Final DCA Order No.: DCA09-OR-252
In Re: LAKE COUNTY LAND DEVELOPMENT
REGULATIONS APPROVED BY
LAKE COUNTY ORDINANCE NO. 2009-21

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. Section 380.0551(1), Florida Statutes (2008).
2. On May 8, 2009, the Department received for review Lake County Ordinance 2009-21 ("Ord. No. 2009-21") adopted by the Lake County Board of County Commissioners on April 21, 2009.
3. Ord. No. 2009-21 amends Section 3.11.04, Termination of Nonconforming Uses and Development, Lake County Land Development Regulations; amends Section 3.13.09A, Communication Antenna Co-Location; amend Section 3.13.12, Modification or Rebuilding; and making all changes for the purpose of exemption Amateur Radio Towers and Receive Only Antennae from the provisions allowing co-location of additional communications antennae on existing communications towers.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Section 380.05(6) and (11), Florida Statutes (2008).
5. Lake County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2009-21 is furthers the Green Swamp Principles in Rule 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved, and is not inconsistent with the Principles as a whole.
9. Ord. No. 2009-21 is generally consistent with Lake County Comprehensive Plan Goals and Policies; however, there is no specific policy that addresses this matter. The amendment is internally consistent with the code of regulations.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2009-21 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE

REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Sanford A. Minkoff
County Attorney
Lake County
P.O. Box 7800
Tavares, FL 32778-7800

Neil Kelly
Clerk of the Board of County
Commissioners of Lake County
P. O. Box 7800
Tavares, FL 32778-7800

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc. d/b/a Motobravo, Inc., intends to allow the establishment of Eco Green Machine, LLC, as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 7000 Park Boulevard, Suite A, Pinellas Park (Pinellas County), Florida 33781, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC are dealer operator(s): Patcharee Clark, 7000 Park Boulevard, Suite A, Pinellas Park, Florida 33781; principal investor(s): Patcharee Clark, 7000 Park Boulevard, Suite A, Pinellas Park, Florida 33781.

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: Gloria Ma, President, El Sol Trading, Inc. d/b/a Motobravo, Inc., 19877 Quiroz Court, City of Industry, California 91789.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that LC3, Inc., intends to allow the establishment of Fairway Golf Carts, LLC, as a dealership for the sale of LC3, Inc. low speed vehicles (LCCC) at 993 Florida Drive, Palm Harbor (Pinellas County), Florida 34683, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fairway Golf Carts, LLC are dealer operator(s): Justin Gleichowski, 993 Florida Drive, Palm Harbor, Florida 34683; principal investor(s): Dan Gleichowski, 993 Florida Drive, Palm Harbor, Florida 34683.

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: Matt Faley, LC3, Inc., 4007 Engleton Drive, Fort Wayne, Indiana 46808.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Valley Scooters, LLC, intends to allow the establishment of Road Power USA, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 927 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Road Power USA, LLC are dealer operator(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250.

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: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Valley Scooters, LLC, intends to allow the establishment of Road Power USA, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 927 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Road Power USA, LLC are dealer operator(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Jim Lee, 927 North 3rd Street, Jacksonville Beach, Florida 32250.

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: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

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

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 Italica Motors, Inc., intends to allow the establishment of Veruccino Motors, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2801 North State Road 7, Hollywood (Broward County), Florida 33021, on or after July 2, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Veruccino Motors, Inc. are dealer operator(s): Acosta Isidro, 2801 North State Road 7, Hollywood, Florida 33021; principal investor(s): Acosta Isidro, 2801 North State Road 7, Hollywood, Florida 33021 and Lianis Martinez, 2801 North State Road 7, Hollywood, Florida 33021.

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: Adriana De Lima, Italica, Motors, Inc., 5001 Southwest 135 Avenue, Miramar, Florida 33027.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION

RECEIPT OF PETITION TO MERGE THE SEVEN OAKS
COMMUNITY DEVELOPMENT DISTRICT I AND THE SEVEN
OAKS COMMUNITY DEVELOPMENT DISTRICT II

On June 16, 2008, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to merge the Seven Oaks Community Development District I and the Seven Oaks Community Development District II. The petition was supplemented with additional information. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition, as supplemented, filed by the Seven Oaks Community Development District I (“Seven Oaks CDD I”) and the Seven Oaks Community Development District II (“Seven Oaks CDD II”) (together, “Petitioners”), requests the merger of the Seven Oaks CDD I and the Seven Oaks CDD II. On January 14, 2009, the Seven Oaks CDD I and the Seven Oaks CDD II adopted resolutions approving a amended merger agreements. The amended merger agreements, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The amended merger agreements are contained as Second Supplemental Exhibit K-1 to the petition, as supplemented. The proposed merged District is located entirely within the unincorporated area of Pasco County, Florida and contains approximately 1,759 acres. Petitioners represent the resolutions approving the merger agreements, as amended, and the approved merger agreements for merger of the Districts by the Petitioners’ board of supervisors elected by the electors of the district constitutes consent to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II. Both Seven Oaks CDD I and Seven Oaks CDD II are completely built out and there is no additional construction planned for either of the districts.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge the Seven Oaks CDD I and the Seven Oaks CDD II. The complete text of the SERC is contained as Exhibit H to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the proposed merged District, the State of Florida and its residents, Pasco County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under Section (b), FLWAC and the State of Florida will incur administrative

costs. Pasco County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the proposed merged District. There is a filing fee paid to Pasco County to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II will not have any negative impact on State and local revenues. Addressing Section (c), to fund the cost of maintaining improvements owned by the District, operation and maintenance assessments may be imposed on the proposed merged District owners. As with special assessments for improvements acquisition and construction, the property owner will be responsible for payment of assessments on the basis of the amount of benefited property owned. Under section (d), approval of the petition to merge the Seven Oaks CDD I and the Seven Oaks CDD II will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties a Pasco County is not a small county as defined by Section 120.52, F.S. Under section (e), the data utilized in the SERC was provided by the developer/petitioner and represents the best information available at this time.

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

DATE AND TIME: Thursday, July 16, 2009, 9:30 a.m.

PLACE: Office of Rizzetta & Company, Inc.
5844 Old Pasco Road
Suite 100
Wesley Chapel, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Mark Straley, Straley & Robin, 101 East Madison Street, Suite 300, Tampa, Florida 33602, (813)223-9400 at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Mark Straley, Straley & Robin, 101 East Madison Street, Suite 300, Tampa, Florida 33602, (813)223-9400, or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

RECEIPT OF PETITION TO MERGE THE SPLIT PINE COMMUNITY DEVELOPMENT DISTRICT AND THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT

On March 23, 2009, the Florida Land and Water Adjudicatory Commission (“FLWAC” or “Commission”) received a petition to merge the Split Pine Community Development District and the Tolomato Community Development District. The petition was supplemented with additional information. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition, as supplemented, filed by the Split Pine Community Development District (“Split Pine CDD”) and the Tolomato Community Development District (“Tolomato CDD”) (together, “Petitioners”), requests the merger of the Split Pine CDD and the Tolomato CDD. Pursuant to Resolutions 2009-01 and 2009-04 adopted by the Board of Supervisors of the Tolomato CDD, and on October 2, 2008 and April 16, 2009, respectively, the Tolomato CDD authorized the merger of the Tolomato CDD and the Split Pine CDD, and approved a merger agreement (“Merger Agreement”). Pursuant to Resolutions 2009-01 and 2009-05 adopted by the Board of Supervisors of the Split Pine CDD, and on October 2, 2008 and April 16, 2009, respectively, the Split Pine CDD authorized the merger of the Tolomato CDD and the Split Pine CDD, and approved the Merger Agreement. Among other things, the Merger Agreement makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The Merger Agreements, as approved by Tolomato CDD and Split Pine CDD, are contained at Exhibits 1A and 1B to the petition, as supplemented. Split Pine CDD currently covers approximately 2,014.98 acres of land located entirely within Duval County, Florida, and the City of Jacksonville limits. Split Pine CDD is generally located in the southeastern corner of Duval County, east of US Highway 1. Tolomato CDD currently covers approximately 11,355.06 acres of land located entirely within St. Johns County, Florida. Tolomato CDD is generally located in northeastern St. John’s County between Jacksonville and St. Augustine, east of US Highway 1. General location maps, and metes and bounds descriptions, are contained as Exhibits 3 and 4 to the petition, as supplemented. Petitioners have written consent to merge the boundaries of the Split Pine CDD and the Tolomato CDD from the owners of one hundred percent of the land within the existing districts.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge the Split Pine CDD and the Tolomato CDD. The complete text of the SERC is contained as Exhibit 12 to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by

Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the merged District, the State of Florida and its residents, Duval County/City of Jacksonville, and St. Johns County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Duval County/City of Jacksonville and St. Johns County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a filing fee paid to St. Johns County and the City of Jacksonville to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Split Pine CDD and the Tolomato CDD will not have any negative impact on State and local revenues. Addressing section (c), the operation and maintenance responsibilities assumed by the City of Jacksonville and St. Johns County will not vary from the original arrangements between the respective jurisdiction and the existing Districts. The same public infrastructure previously planned for the existing Districts will also support the development of the land within the proposed merged District. All properties within the proposed merged district will be encumbered with obligations to pay for public infrastructure and operations and maintenance expenses incurred by the proposed merged District. However, no new costs are expected to arise as a result of the merger that would not have arisen under the existing Districts. The capital improvement program (CIP) for the proposed merged district will likely be very similar to the combined CIPs adopted by each of the Split Pine and Tolomato CDDs. Assessments securing repayment of previously issued bond issuances will not be affected by the merger of the Districts. The proposed merged District will assume assessment collection and enforcement responsibilities from the existing Districts. The proposed merged District may issue future special assessments or other revenue bonds in order to raise funds for completion of infrastructure improvements. Under section (d), approval of the petition to merge the Split Pine CDD and the Tolomato CDD will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties as neither Duval or St. Johns Clay County are small counties as defined by Section 120.52, F.S. Under Section (e), the merger is expected to lead to the reduction or elimination of redundant meetings, paperwork, and expenses and is expected to produce direct cost savings to the proposed merged District. The proposed merged District will likely be able to reduce its non-ad valorem assessment collections and still achieve its goal of providing appropriate public infrastructure facilities and services.

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

DATE AND TIME: Tuesday, July 7, 2009, 10:00 a.m.
 PLACE: Ponte Vedra Beach Library
 Community Room
 101 Library Boulevard
 Ponte Vedra Beach, Florida

AND ON

DATE AND TIME: Tuesday, July 7, 2009, 3:00 p.m.
 PLACE: Baymeadows Residence Inn Marriott
 8365 Dix Ellis Trail
 Jacksonville, Florida

The above referenced hearings will be continued on the record to further allow all persons to have an opportunity to present evidence and argument on all issues involved.

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

DATE AND TIME: Monday, July 27, 2009, 11:00 a.m.
 PLACE: Ponte Vedra Beach Library
 Community Room
 101 Library Boulevard
 Ponte Vedra Beach, Florida

AND ON

DATE AND TIME: Monday, July 27, 2009, 2:00 p.m.
 PLACE: Baymeadows Residence Inn Marriott
 8365 Dix Ellis Trail
 Jacksonville, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Cheryl Stuart or Jere Earlywine, Hopping Green & Sams, 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, (850)222-7500, two days prior to the hearings in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition, or information about the date, time, and location of the continued hearings (if applicable), may be obtained by contacting: Cheryl Stuart or Jere Earlywine, Hopping Green & Sams, 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, (850)222-7500, or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for an emergency service exemption from North Okaloosa Medical Center located at 151 Redstone Avenue Se, Crestview, FL 32539 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Orthopedics, Neurology, Podiatry and Urology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail: youngj@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF FILING OF APPLICATION
 FOR POWER PLANT CERTIFICATION**

On June 30, 2009, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501 and 403.52 et seq., Florida Statutes, concerning Florida Power and Light Company's, Turkey Point Nuclear Units 6 and 7, Power Plant Siting Application No. PA03-45A3, OGC Case No. 09-3107. The Department is reviewing the application to allow construction and operation of two 1100 megawatt nuclear electrical generating units located in Miami-Dade County and to allow construction and operation of 230 and 500 kilovolt transmission lines connecting the proposed Clear Sky substation to various other existing FPL substations in Miami-Dade County. The total length of the proposed transmission line corridors to be certified is approximately 89 miles. A copy of the application for certification is available for review in the office: Mike P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 48,

Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.507, F.S., and Rule 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S. as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by: Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those

whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: West County Energy Center, Power Plant Siting Application No. PA05-47B, OGC Case No. 09-2865. On June 1, 2008 the Department received a petition to modify the Conditions of Certification for West County Energy Center from Florida Power and Light pursuant to Section 403.516(1)(c), Florida Statutes, to determine that the use of reclaimed water is feasible, to use reclaimed water as the primary source of water for all three units and to provide a backup supply of water to the plant from the Floridan Aquifer. The Department proposes to modify the Conditions of Certification for the use of reclaim water and provision of a backup supply of water to the plant from the Floridan Aquifer. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the

modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Chapter 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FLORIDA STATE CLEARINGHOUSE

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

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON AN INITIAL PLAN OF EXPLORATION FOR FEDERAL WATERS OF THE CENTRAL GULF OF MEXICO PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Murphy, for Desoto Canyon Blocks 578 and 622, was received by the State of Florida. Proposed activities include drilling up to four exploration wells in approximately 8,200 feet of water located approximately 130 miles south of Alabama.

The plan is available for inspection at: Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS #47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by July 31, 2009. Contact: Shana Kinsey or Debby Tucker at (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On July 6, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Christopher William Conavay, M.D., License #ME 42102. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 1, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Antron R. Foster, C.N.A. License #CNA 168936. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of David Lee Main, R.N. License #RN 9178876. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 29, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jason Leon Noyes, L.P.N. License #PN 5164850. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and

welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Lashawnda D. Wiggins, C.N.A. License #CNA 112340. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 1, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Leon J. Martinez, Optician. License #4107. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this

summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation ("Florida Housing") announces the availability of funds for the Homeownership Pool (HOP) Program.

It is anticipated that approximately \$10,000,000 in funding will be made available in three separate releases to eligible homebuyers under this program. Funding will be awarded in accordance with Rule Chapter 67-57, F.A.C.

The following set-aside will apply:

100% Self-Help Housing

Funding will be made available in the form of reservations for eligible homebuyers on a first-come, first-served basis. Any unreserved funds may be reallocated as necessary.

For more information on the HOP Program, including Rule Chapter 67-57, F.A.C., please access Florida Housing's website at <http://www.floridahousing.org> or contact: Bridget Warring at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN June 29, 2009
 and July 2, 2009**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF STATE				
Division of Historical Resources				
1A-31.0012	6/30/09	7/20/09	34/39	35/21
1A-31.0015	6/30/09	7/20/09	34/39	35/12
1A-31.0022	6/30/09	7/20/09	34/39	
1A-31.0032	6/30/09	7/20/09	34/39	
1A-31.0035	6/30/09	7/20/09	34/39	
1A-31.0042	6/30/09	7/20/09	34/39	35/12
1A-31.0045	6/30/09	7/20/09	34/39	35/12
1A-31.0052	6/30/09	7/20/09	34/39	35/12
1A-31.0055	6/30/09	7/20/09	34/39	
1A-31.0062	6/30/09	7/20/09	34/39	35/12
1A-31.0065	6/30/09	7/20/09	34/39	
1A-31.0072	6/30/09	7/20/09	34/39	
1A-31.0082	6/30/09	7/20/09	34/39	35/12
1A-31.0092	6/30/09	7/20/09	34/39	35/12
1A-31.010	6/30/09	7/20/09	34/39	
1A-31.011	6/30/09	7/20/09	34/39	35/12
1A-31.020	6/30/09	7/20/09	34/39	35/12
1A-31.025	6/30/09	7/20/09	34/39	
1A-31.030	6/30/09	7/20/09	34/39	35/12
1A-31.036	6/30/09	7/20/09	34/39	35/12
1A-31.040	6/30/09	7/20/09	34/39	35/12
1A-31.046	6/30/09	7/20/09	34/39	35/12
1A-31.050	6/30/09	7/20/09	34/39	35/12
1A-31.055	6/30/09	7/20/09	34/39	35/12
1A-31.060	6/30/09	7/20/09	34/39	35/12
1A-31.065	6/30/09	7/20/09	34/39	35/12
1A-31.070	6/30/09	7/20/09	34/39	
1A-31.075	6/30/09	7/20/09	34/39	35/21
1A-31.080	6/30/09	7/20/09	34/39	35/21
1A-31.085	6/30/09	7/20/09	34/39	35/12
1A-31.090	6/30/09	7/20/09	34/39	35/12

DEPARTMENT OF LEGAL AFFAIRS
Division of Victim Services and Criminal Justice Programs

2A-8.005	6/30/09	7/20/09	35/21	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

59C-1.0355	7/1/09	7/21/09	35/4	35/11
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

61J2-24.002	6/30/09	7/20/09	35/8	35/20
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DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

64B-9.001	6/29/09	7/19/09	35/20	
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Board of Dentistry

64B5-16.006	6/30/09	7/20/09	35/10	35/21
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64B5-16.007	6/30/09	7/20/09	35/10	35/21
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Board of Pharmacy

64B16-26.302	7/1/09	7/21/09	35/21	
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64B16-26.6012	7/1/09	7/21/09	35/21	
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64B16-28.301	7/1/09	7/21/09	35/21	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-9.004	6/30/09	7/20/09	35/19	
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68A-15.062	6/30/09	7/20/09	35/19	
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68A-15.063	6/30/09	7/20/09	35/19	
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68A-15.064	6/30/09	7/20/09	35/19	
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68A-25.002	6/30/09	7/20/09	35/19	
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68A-25.032	6/30/09	7/20/09	35/19	
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68A-25.042	6/30/09	7/20/09	35/19	
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68A-27.003	6/30/09	7/20/09	35/19	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-6.025	6/30/09	7/20/09	35/18	
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