

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:
9B-72.130 Forms

PURPOSE AND EFFECT: To restrict applications for approval of products to 150 products per application and to remove specific reference to fee amounts on the screens.

SUBJECT AREA TO BE ADDRESSED: Product approval applications.

RULEMAKING AUTHORITY: 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1) FS.

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

DATE AND TIME: October 13, 2009, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites, 3705 Spectrum Boulevard, Tampa, 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 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

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

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:
12-3.007 Delegation of Authority

PURPOSE AND EFFECT: Section 120.54(1)(k), F.S., as amended by section 5, Chapter 2008-104, L.O.F., requires the Governor and Cabinet, as head of the Department of Revenue, to approve the publication of a notice of intended rulemaking. Prior to this law change, the Governor and Cabinet, under specific conditions, delegated this function to the Executive Director of the Department under Rule 12-3.007, F.A.C. (Delegation of Authority).

The purpose of the proposed amendments to Rule 12-3.007, F.A.C., is to: (1) remove obsolete language that does not reflect the requirement provided in Section 120.54(1)(k), F.S.; (2) provide that the Department will publish a notice of rulemaking to conduct public hearings after obtaining approval by the Governor and Cabinet; and (3) provide that the Department will file and certify proposed rule changes only after they have been approved by the Governor and Cabinet, as provided in Section 120.54(3)(e)1., F.S.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the provisions of section 5, Chapter 2008-104, L.O.F., which require the Governor and Cabinet to approve a notice of intended rulemaking to conduct rule hearings prior to publication of the public notice by the Department.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 20.05, 20.21, 120.54 FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

RULE NOS.: RULE TITLES:
12-13.004 Delegation of Authority to Determine Settlements or Compromises
12-13.009 Closing Agreements

PURPOSE AND EFFECT: Section 213.21(2), F.S., authorizes the Executive Director of the Department to designate positions within the Department that may enter into agreements with a taxpayer to settle or compromise the taxpayer’s liability for any tax, interest, or penalty assessed. The agreement must be in writing when the amount of tax, interest, or penalty compromised exceeds \$30,000.

The purpose of the amendments to Rule 12-13.004, F.A.C. (Delegation of Authority to Determine Settlements or Compromises), is to: (1) update the delegations of authority authorized by the Executive Director of the Department to settle or compromise a taxpayer's assessment to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the rule by providing these delegations of authority in a chart form for ease of reading.

The purpose of the proposed amendments to Rule 12-13.009, F.A.C. (Closing Agreements), is to revise the rule to reflect the statutory requirement in Section 213.21(1), F.S., that written agreements are required when the amount of a taxpayer's assessment of tax, interest, or penalty compromised by the Department exceeds \$30,000.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the authority granted in Section 213.21(2), F.S., which authorizes the Executive Director of the Department to designate positions within the Department that may enter into agreements with a taxpayer to settle or compromise the taxpayer's liability for any tax, interest, or penalty assessed.

RULEMAKING AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 213.05, 213.21 FS.

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PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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DEPARTMENT OF REVENUE

RULE NO.: 12-16.004
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: Section 213.23, F.S., authorizes the Executive Director of the Department to designate positions within the Department that may enter into consent agreements

with a taxpayer to extend the period during which an assessment may be issued or a claim for refund may be filed. These positions are currently delegated in Rule 12-16.004, F.A.C.

The purpose of the proposed amendments to Rule 12-16.004, F.A.C. (Delegation of Authority) is to: (1) update the delegations of authority to positions authorized by the Executive Director of the Department of Revenue to enter into consent agreements with taxpayers to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the language used in the rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the delegation of authority granted by the Executive Director of the Department to certain positions to enter into agreements with taxpayers to extend the period during which an assessment may be issued or a claim for refund may be filed.

RULEMAKING AUTHORITY: 213.06(1) F.S.

LAW IMPLEMENTED: 213.23 F.S.

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

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DEPARTMENT OF REVENUE

RULE NO.: 12-17.004
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: Section 213.21(4), F.S., authorizes the Department to enter into agreements for scheduling payments of taxes, interest, and penalties. The Executive Director of the Department has delegated positions within the Department that are authorized to enter into such agreements in Rule 12-17.004, F.A.C.

The purpose of the proposed amendments to Rule 12-17.004, F.A.C. (Delegation of Authority) is to: (1) update the delegations of authority to positions authorized by the Executive Director of the Department to enter into agreements for scheduling payments of liabilities to reflect the current organizational structure of the General Tax Administration Program and Technical Assistance and Dispute Resolution; and (2) simplify the language used in the rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the delegation of authority granted by the Executive Director of the Department to certain positions to enter into agreements with taxpayers to schedule payments of assessments of taxes, interest, or penalties.

RULEMAKING AUTHORITY: 20.05(1)(e), 213.06(1), 213.21(5), F.S.

LAW IMPLEMENTED: 213.21(4) F.S.

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DATE AND TIME: October 13, 2009, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.085	Exemption for Qualified Production Companies
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2009, the exemption from the tax on admission charges to certain events sponsored by a governmental entity, sports authority, or sports commission provided in Section 212.04(2)(a)2.b., F.S., expires.

The purpose of the proposed amendments to Rule 12A-1.005, F.A.C., is to remove provisions regarding this exemption from the rule.

In cooperation with the Department, the Office of Film and Entertainment has expedited the application process for a production company qualified under Section 288.1258, F.S., to receive the sales tax exemption provided in Sections 212.031(1)(a)9., 212.06(1)(b), and 212.08(5)(f) and (12), F.S. An electronic application process has replaced the hard-copy application process. Currently, qualified production companies are required to extend to the exemption certificate issued by the Department to vendors to purchase qualified items tax-exempt. To assist those vendors in verifying the exemption, the Department has provided additional information on the exemption certificate on how vendors are able to verify the exemption. The purpose of the proposed amendments to Rule 12A-1.085, F.A.C. (Exemption for Qualified Production Companies), is to: (1) provide that any production company desiring to obtain an exemption certificate under Section 288.1258, F.S., must complete the Entertainment Industry Tax Exemption Application at www.filminflorida.com; (2) remove provisions regarding the application and the renewal application previously used by the Department for this purpose; and (3) adopt revisions to the Certificate of Exemption for Entertainment Industry Qualified Production Company (Form DR-231) that provide information on how a dealer is able to verify the exemption granted to a qualified production company.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) remove the adoption, by reference, of the applications previously used in the administration of the exemption for qualified production companies provided in Section 288.1258, F.S.; and (2) to adopt, by reference, revisions to the Certificate of Exemption for Entertainment Industry Qualified Production Company (Form DR-231).

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) repeal of the exemption from the tax on admission charges to certain events sponsored by a governmental entity, sports authority, or sports commission provided in Section 212.04(2)(a)2.b., F.S.; (2) the electronic application process for a production company to qualify under Section 288.1258, F.S., for certain sales tax exemptions; and (3) the proposed revisions to provide information on how the exemption granted to qualified production companies may be verified with the Department of Revenue.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 616.260 FS.

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DATE AND TIME: October 13, 2009, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.0615
 RULE TITLE: Hotel Rewards Points Program
 PURPOSE AND EFFECT: Rule 12A-1.0615, F.A.C. (Hotel Rewards Points Programs), is being created to provide guidelines regarding the application of Florida tax in situations involving hotel rewards points programs within the transient rentals industry that reflect the findings of Report Number 2005-131, "Application of the Tourist Development Tax to the Sale of Discounted Hotel Rooms Over the Internet and the Hotel Rewards Points Program" issued by the Senate Committee on Government Efficiency Appropriations. This rule sets forth when transient lodging accommodations provided to reward points programs members will be subjected to Florida's taxes on those accommodations. This rule also sets

forth when transactions between the administrator of a hotel reward points program and the hotel participating in the program are subject to tax.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the application of state sales tax, local surtax, and any locally-imposed convention development tax, tourist development tax, tourist impact tax, or municipal resort tax on transient accommodations provided to members of a hotel reward points program.

RULEMAKING AUTHORITY: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F.

LAW IMPLEMENTED: 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F.

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

DATE AND TIME: October 13, 2009, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.001
 RULE TITLE: Premium Tax; Rate and Computation
 PURPOSE AND EFFECT: Section 3, Chapter 2009-108, L.O.F., expands the tax credit for contributions to nonprofit scholarship funding organizations to the insurance premium tax. The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to: (1) include provisions for the credit for contributions to a nonprofit scholarship funding organizations in the list of credits against the insurance premium tax; (2) provide that contributions to nonprofit scholarship funding organizations are not payments of estimated tax or installment payments; and

(3) provide that the provisions of Section 220.187, F.S., and Rule 12C-1.0187, F.A.C., apply to the credit for contributions to a nonprofit scholarship funding organizations.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop is the expansion of the nonprofit scholarship funding organization credit program to include a credit against the insurance premium tax, as authorized by Section 3, Chapter 2009-108, L.O.F.

RULEMAKING AUTHORITY: 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.1015, 175.121, 175.141, 185.08(3), 185.085, 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 220.187, 288.99(11), 624.4621, 624.46226, 624.4625, 624.475, 624.509, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.0186	Credit for Florida Alternative Minimum Tax
12C-1.0187	Credits for Contributions to Nonprofit Scholarship Funding Organizations
12C-1.051	Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.086, F.A.C. (Credit for Florida Alternative Minimum Tax), is to include law changes that eliminate the Florida renewable energy production credit from the alternative minimum tax credit calculation, as provided in Chapter 2008-227, L.O.F., and the credit for contributions to nonprofit scholarship funding organizations, as provided in Chapter 2009-108, L.O.F.

Chapter 2009-108, L.O.F., expands the Florida Tax Credit Scholarship Program to allow insurers, who make contributions to nonprofit funding organizations, to take a tax credit against the insurance premium tax imposed under Section 624.509, F.S.

The purpose of the proposed amendments to Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations), is to: (1) update the rule to reflect the changes made by Chapter 2009-108, L.O.F.; (2) clarify that contributions to nonprofit scholarship funding organizations are not payments of estimated tax or installment payments required under Section 220.241, F.S.; and (3) remove unnecessary provisions regarding the annual list of eligible nonprofit scholarship funding organizations provided by the Department of Education.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to Form F-1160 (Application for Corporate Income Tax and Insurance Premium Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations), and Form F-1161 (Application for Rescindment of Corporate Income Tax and Insurance Premium Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations), used by the Department in the administration of the tax credit authorized under Sections 220.187 and 624.51055, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the changes to the calculation of the alternative minimum tax credit imposed by Chapters 2008-227 and 2009-108, L.O.F., and the expansion of the Florida Nonprofit Scholarship Program provided in Chapter 2009-108, L.O.F.

RULEMAKING AUTHORITY: 213.06(1), 220.187, 220.192(7), 220.193(4), 220.51 FS.

LAW IMPLEMENTED: 213.05, 213.35, 213.755, 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.51055 FS.

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DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.0191	Capital Investment Tax Credit Program
12C-1.0192	Renewable Energy Technologies Investment Tax Credit
12C-1.0193	Florida Renewable Energy Production Credit
12C-1.051	Forms

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program), is to include provisions for a taxpayer to transfer a capital investment tax credit to another taxpayer, as authorized by section 10, Chapter 2008-227, L.O.F.

The purpose of the creation of Rule 12C-1.0192, F.A.C., (Renewable Energy Technologies Investment Tax Credit), is to provide for the administration of Section 220.192, F.S. (Renewable Energy Technologies Investment Tax Credit), including provisions for a taxpayer to transfer the tax credit to another taxpayer, as authorized by section 11, Chapter 2008-227, L.O.F. When adopted, this rule will incorporate the procedures for applying for an allocation of the Florida renewable energy technologies investment tax credit, for claiming the credit on a Florida corporate income tax return, and for transferring the tax credit.

The purpose of the creation of Rule 12C-1.0193, F.A.C. (Florida Renewable Energy Production Credit), is to provide for the administration of Section 220.193, F.S. (Florida Renewable Energy Production Credit), created by section 13,

Chapter 2006-230, L.O.F., and amended by section 12, Chapter 2008-227, L.O.F. When adopted, this rule will incorporate the procedures for applying for an allocation of the Florida renewable energy production credit, for claiming the credit on a Florida corporate income tax return, and for transferring the credit to another taxpayer.

The purpose of the proposed changes to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, the Application for Florida Renewable Energy Production Credit Allocation (Form F-1193) and the Notice of Intent to Transfer A Florida Energy Tax Credit (Form F-1193T). Form F-1193T is used by taxpayers to notify the Department of intent to transfer a Florida renewable energy production credit (authorized by section 13, Chapter 2006-230, L.O.F.), a Florida renewable energy technologies investment tax credit (authorized by section 11, Chapter 2008-227, L.O.F.), or a capital investment tax credit (authorized by section 10, Chapter 2008-227, L.O.F.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the procedures for applying for, and for transferring, the Florida capital investment tax credit, the Florida renewable energy technologies investment tax credit, and the Florida renewable energy production tax credit.

RULEMAKING AUTHORITY: 213.06(1), 220.191(8), 220.192(5), (7), 220.193, 220.51 FS.

LAW IMPLEMENTED: 213.35, 213.755, 220.02(8), 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical

Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.0221
 RULE TITLE: Returns, Notices, and Elections; Signing and Verification

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), is to provide procedures for how and when the Department will accept electronic signature of the preparer of a corporate income tax return or notice when the tax return preparer is other than the taxpayer.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed provision for the acceptance of electronic signatures of tax return preparers on corporate income tax returns or notices.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.755, 220.221, 220.23(2)(a) FS.

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

DATE AND TIME: October 13, 2009, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF TRANSPORTATION

RULE NOS:	RULE TITLES:
14-10.0011	General Provisions
14-10.0022	Outdoor Advertising Sign Inventory
14-10.003	Licenses
14-10.004	Permits
14-10.0041	Annual Renewal Billing – Licenses and Permits
14-10.0042	Denial or Revocation of Licenses or Permits
14-10.0052	Zoning
14-10.006	Permitting Criteria

PURPOSE AND EFFECT: Rule Chapter 14-10, F.A.C., is being amended to repeal Rule 14-10.0042, F.A.C., update existing language, and clarify the requirements for obtaining and maintaining outdoor advertising sign permits.

SUBJECT AREA TO BE ADDRESSED: Amendments to Rule Chapter 14-10, F.A.C., pertain to outdoor advertising sign permit regulations.

RULEMAKING AUTHORITY: 334.044(2), 479.02 FS.

LAW IMPLEMENTED: 215.34, 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07, 479.08, 479.106, 479.111, 479.24 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

14-10.0011 General Provisions.

(1) Definitions. All terms in this rule chapter shall have the same meanings as ~~those defined~~ in Section 479.01, F.S. Additionally, the following terms are defined:

(a) “Applicant” means the person or entity seeking permission for an outdoor advertising sign under this rule chapter. ~~“Address of Record” means the mailing address submitted by the licensee or permittee with the initial application for license, the first permit applied for, the transfer affidavit when a permit is transferred to a new permit holder, or the amended address if amended pursuant to paragraph (2)(c), below.~~

(b) ~~“Charitable Organizations” means those institutions defined by Section 212.08(7)(c)2.b., F.S.~~

(b)(e) “Completed Sign,” for purposes of Section 479.07(5)(a), F.S., means an erected sign structure with attached facing and a posted message.

(c)(d) “Crown” means the highest point of elevation on the road pavement of the main traveled way immediately adjacent to the outdoor advertising sign.

(d)(e) “Embellishment” means a temporary extension of a the sign face which contains a portion of the message or informative contents, and which is added, modified, or removed when the message is changed.

(e)(f) “Height Above Ground Level (HAGL)” means the distance between the ground and the bottom of the sign face, excluding any border and trim, as measured from the point on the sign facing closest to the main-traveled way.

(f)(g) “Location or site” means the specific place or position of a proposed or existing sign. Location is generally identified by specifying a milepost on which is fixed reference to the Roadway Characteristics Inventory (RCI) system together with an offset distance from the edge of the pavement or the right of way line; by specifying reference to the State Plane Coordinates system; or by specifying the reference to latitude and longitude.

(g)(h) “Permitted Sign” means a sign, whether erected or not, for which an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, incorporated herein by reference, has been issued, which permit has not been revoked, canceled, or declared void. ~~Form 575-070-030 may be obtained from the State Outdoor Advertising and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.~~

(h)(i) “Public or Court Officer Official” ~~means as defined in Section 112.3173, F.S. for purposes of Section 479.16(4), Florida Statutes, shall mean a person holding a position created by the Constitution or Legislature, or authorized by the Governor.~~

(i)(j) “Rest Area” means a publicly owned, controlled, and designated place for emergency stops, relaxation, and recreation, including with sanitary and other facilities within or adjacent to the highway right of way, reasonably necessary to accommodate the traveling public.

(j)(k) “Sign Structure Height” means the total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding but not including embellishments.

(k) “Working Day” ~~means each regular period when Department offices are open for official business.~~

(2) Names and Addresses.

(a) For consideration of a license or permit under this rule chapter, completed forms must be sent to:

Outdoor Advertising License and Permit Office
Florida Department of Transportation
605 Suwannee Street, MS 22
Tallahassee, Florida 32399-0450

Forms referenced in this rule may be obtained at the above address or at the website: dot.state.fl.us/right-of-way.

(b)(a) Licenses and permits may only be issued in the current legal name or registered fictitious name of the applicant licensee or permittee, whether an individual, business, or corporation. Any notice issued by the Department to a fictitious name filed with the Department shall have the same effect as if issued in the legal name of the permittee or licensee.

(c)(b) ~~All The Address of Record shall be considered the official address for correspondence from the Department to the licensee or permittee including. Such correspondence may include billing, notices of violation, or other information provided or issued by the Department will be sent to the address provided on the application, unless the licensee or permittee has updated the information in accordance with paragraph (d) below.~~

(d)(c) A licensee or permittee shall notify the Department, in writing, within 30 calendar days of any change in address. This notification shall include:

1. The date the change of name or address becomes effective;
2. The account name as listed on the Department billing;
3. The ~~(typed or printed)~~ name of the individual authorized to sign the notice; and
4. The authorized signature.

(e)(d) Notices or any other correspondence issued by the Department to the address ~~addresses~~ on file prior to receipt of such written notification of an address change are valid and shall be considered received by the licensee or permittee.

(f)(e) License Applications, Permit Applications, Replacement Requests, Transfer Requests, and Cancellation Certifications must contain a statement by the signatory that he/she is the authorized representative and has the authority to sign for the applicant.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 479.02 FS. History–New 6-28-98, Amended 8-19-01,_____.

14-10.0022 Outdoor Advertising Sign Inventory.

Pursuant to Section 479.02(8), F.S. Florida Statutes, the Department shall update its outdoor advertising database inventory information for all permitted signs no less than every two years. This inventory shall provide, as a minimum, the following current information derived from field review and historical information contained in the Department’s files:

- (1) Location of the sign;
- (2) Original permit issue date;
- (3) Date the sign was erected;
- (4) Height, width and square footage of each sign facing;
- (5) Number and type of support structures used;
- (6) Height above ground level of the sign facing;
- (7) Sign structure height;
- (8) Whether the sign is lighted or not lighted;

- (9) Whether the sign is in conformance with local land use requirements;
- (10) Whether the sign is in an urban area;
- (11) Whether the sign is in an incorporated area;
- (12) Status of the sign, whether conforming, nonconforming, or illegal;
- (13) Permittee's name and address;
- (14) Permit number(s), current and previous, assigned to the sign facing;
- (15) Status of the permit, whether active or canceled, revoked, expired, or void; and
- (16) Date the sign was removed, when applicable.

Changes made to the Department's previous inventory records to reflect physical characteristics of a sign or sign facing existing at the time of an inventory update shall not create a waiver or constitute forgiveness of any violation of the provisions of Chapter 479, F.S.

Rulemaking Specific Authority 334.044(2), 479.02(7), (8) FS. Law Implemented 339.05, 479.01, 479.02, 479.03, 479.07(9) FS. History--New 6-28-98, Amended _____.

14-10.003 Licenses.

(1) Outdoor Advertising License Required. A person or entity is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person or entity receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements. Persons or entities solely advertising their own businesses and general contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 10/06, incorporated herein by reference. ~~Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.~~

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History--New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, 1-25-04, 12-31-06, _____.

14-10.004 Permits.

(1) Applications. An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 08/09 02/09, incorporated herein by reference, to the address listed in

subsection ~~14-10.0011(2)(a) 14-10.003(2)~~, F.A.C. ~~Applications may be obtained from the State Outdoor Advertising License and Permit Office.~~

(a) A separate application is required for each permit requested (i.e. a back to back sign will require two applications). The applicant shall submit Separate payment instruments of for each application is recommended for a new permit, in order to avoid denial of multiple applications should for one application being denied.

(b) Prior to issuing a any permit, the Department will inspect the proposed sign site for to assure compliance with Chapter 479, F.S., and this rule chapter. To ensure that the site being inspected is the same site specified in the application, the applicant shall mark the proposed sign site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed upon from the time of submission of the application and shall be maintained by the applicant until the Department has approved or denied the application.

(c) The Department will act on permit applications in order of the date completed of receipt of complete applications are received.

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fees have fee has been submitted. All information provided on the application by the applicant must be certified as being true and correct. Information required on the application from the local zoning official on allowable land use, and from the local government official providing local government approval, must have been issued within six months of the Department's receipt of the application.

2. Applications containing incorrect information will be denied.

3. Incomplete permit applications will be returned to the applicant along with any permit fees which were submitted with the application.

4. Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

5. The written statement from the landowner required by Section 479.07(3)(b), F.S., must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee, or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

- a. Identify the property on which the sign is to be located;
- b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

~~(2)(d)~~ Application status. Complete applications will be either approved or denied within 30 calendar days of receipt by the Department, unless an earlier application for that site or a competing site is under review, ~~or the applicant is seeking a vegetation management permit, or a conflicting sign removal is pending application falls within paragraph (g) or (h), below.~~

~~(a) A~~ If denied, the application will remain in a pending status until the time to request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. below Rule 14-10.002, F.A.C., has elapsed. If a hearing is requested, the application shall remain in a pending status until a final order has been issued and the time to request an appeal of the of a final order has elapsed. If an appeal is taken, the application will remain in a pending status until the mandate is issued by the appellate court. Subsequent applications for conflicting competing sites shall be held without action until the pending status of the earlier application is resolved.

~~(b)(e)~~ If an application is approved, all subsequently received applications for conflicting competing sites shall be denied.

~~(f) For purposes of paragraph (e), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.~~

~~(c)(g)~~ When a permit application is received for a new sign site where requiring vegetation management is required pursuant to Section 479.106, F.S., the permit application will not be considered complete until the applicant has been issued a vegetation management permit by the Department in accordance with Rule 14-40.030, F.A.C., and has removed two nonconforming signs, which the Department has approved as meeting the requirements of Section 479.106(5), F.S. A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation as required by Rule 14-40.030, F.A.C. and Section 479.106(7), F.S., respectively, have been accomplished and the applicant has surrendered two nonconforming signs for surrender in accordance with Section 479.106(5), F.S. If a permit is granted where the applicant has stated that no cutting, removal, or trimming of vegetation is

required to create a view zone for the sign, the permittee may only maintain the view existing at the time the sign permit is issued.

~~(d)(h)~~ Applications for permits at for locations which conflict with spacing requirements relating to the location of an expired or canceled permit will not be processed until the sign for which the expired or canceled permit was issued is removed, except for unless a permit is being canceled as a condition for issuance of a new permit.

~~(i) A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation required by Rule 14-40.030, F.A.C., and Section 479.106(7), F.S., have been accomplished and the applicant has identified two noneonforming signs for surrender in accordance with Section 479.106(5), F.S.~~

~~(3)(2)~~ Changeable messages – A permit shall be granted for an automatic changeable facing provided:

(a) The static display time for each message is at least a minimum of six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds;

(c) The change of message occurs simultaneously for the entire sign face; and

(d) The application meets all other permitting requirements.

~~(e) All signs with changeable messages Any such sign shall contain a default design that will ensure no flashing or intermittent message is displayed should hold the face of the sign in one position if a malfunction occurs.~~

~~(4)(3)~~ Changes to Roadway Designations.

~~(a) A Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has subsequently become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:~~

~~1.(a)~~ The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

~~2.(b)~~ Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

3.(e) When the Department is unable to provide the advance notice referenced in paragraph (a), above, the Department shall attempt to ~~will~~ advise the affected sign owners that they have 90 calendar days, from receipt of the notice, that the change in jurisdiction has become effective and to submit an application for a sign permit.

4.(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, together with all items required by Section 479.07(3)(b), F.S. For existing signs, the written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except ~~in cases~~ where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(b)(4) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all permittees owners of outdoor advertising permits on the affected roadway informing them their sign is no longer subject to the Department's jurisdiction and their permit will not be renewed is cancelled. The notice will advise permit holders of the Department's intent to revoke the permits, and will include a statement of the recipient's right to appeal the Department's action.

(c)(5) When a controlled road or any portion of a controlled road is designated as a scenic highway or scenic byway pursuant to Section 335.093, F.S., new permits will not be issued for ~~outdoor advertising~~ signs visible from the portion of the highway designated as a scenic highway or byway.

(5)(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted ~~by the permittee~~ at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected, or a previously erected sign has been removed. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. ~~06/09~~ 10/06, incorporated herein by reference, and shall include a replacement fee of ~~\$12.00~~ 3.00 per tag. Alternatively, the permittee may provide its own replacement tags pursuant to Section 479.07(5)(b), F.S.,

provided all of the fabrication specifications listed below are met. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.:

(a) 6 inch x 12 inch constructed of durable material;

(b) Coated with 5-year white reflective sheeting;

(c) Embossed black text as follows:

1. The left vertical edge of the tag shall read FLA SIGN PERMIT in 5/8 inch characters;

2. The top horizontal alpha characters shall be embossed toward the FLA text and will be in 2 and 15/16 inch characters;

3. The vertical legend of three numbers located under the alpha characters shall be 2 and 15/16 inch characters.

(d) The letters and numbers of the replacement tag must be identical to the tag being replaced.

(e) When a permittee elects to provide its own tag, the permittee shall notify the Department that they will replace the tag within 30 days of notification that the tag is not properly displayed. The new tag shall be posted at the permitted location within 60 days of the department's notification.

(6)(7) Transfer of Permits. Requests Authorization to transfer a permit in accordance with Section 479.07(6), F.S., shall be submitted on an Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 10/06, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), F.S. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) The recipient of the transferred permit transferee shall certify that written permission of the landowner, or other person in lawful control of the sign site, to maintain the sign on the site in accordance with Section 479.07(2), F.S., has been secured.

(b) If the transferee and transferor are on different billing cycles, Transfer requests will not be processed without payment of permit fees in the amount necessary to prevent permit expiration, if the transferee and transferor are on different billing cycles.

(b)(e) If a transfer of permit is made when the permit has been determined to be is in violation of Chapter 479, F.S., or in violation of this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute waiver of rights on the part of the Department, nor shall a permit transfer in any way prohibit the issuance of notices of violation or preclude the Department from revoking the transferee's permit in accordance with Section 479.08, F.S., or this Rule Chapter.

(c)(d) The 270 days from permit issuance to erect a completed sign shall not be extended when the permit is transferred. If a transfer of permit is made during the initial 270

~~days from the date of permit issuance, the permit transferee receives the permit subject to all conditions which were applicable to the original applicant.~~

~~(7)(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), F.S., if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.~~

~~(8)(9) Conditional Permit Cancellation. In instances where an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, shall must be submitted simultaneously to the Department. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.~~

~~(9)(10) Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), F.S., a petition for reinstatement of permits canceled, or not renewed, in error by the permittee shall be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C. The petition must be in writing, must list the affected permit(s), and shall must certify that:~~

- ~~(a) The permit was canceled, or not renewed, in error by the permittee;~~
- ~~(b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;~~
- ~~(c) The sign has not been disassembled; and~~
- ~~(d) The local government has not declared the sign illegal or taken any other action to have it removed.~~

~~If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is \$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet.~~

~~(11) Pursuant to the criteria set forth in Section 479.105(1)(e), F.S., the Department may issue a permit for an unpermitted sign, which has been structurally unchanged and continuously maintained for a period of seven or more years.~~

~~(10)(12) Reestablishment. Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the permittee permit holder desires to reestablish~~

~~relocate the sign at to a conforming location perpendicular to the roadway from the site of the existing sign, the Department shall allow the reestablishment relocation of the permitted sign in conformance with the following:~~

~~(a) The permittee permit holder must submit a completed application for the reestablished relocated sign site in accordance with Section 479.07(3), F.S.~~

~~(b) The reestablished sign site shall meet must determine that the relocated sign site is in conformance with all current requirements for permitting.~~

~~(11) Relocation. Where a Department project causes a nonconforming sign to be located in the right of way, the Department shall allow the relocation of the sign provided all the requirements of Section 479.15(3), (4), (5), (6), F.S., are met. The relocated sign must be of the same materials, size, and configuration as the original.~~

~~Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 1210-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06, 4-2-09.~~

~~14-10.0041 Annual Renewal Billing – Licenses and Permits.~~

~~(1) All licenses and permits expire annually and shall be renewed in accordance with Section 479.07(8), F.S. Florida Statutes.~~

~~(2) Annual renewal of a license shall must include the annual license fee, and the fees for all permits being renewed by the that licensee. Acceptance by the Department of renewal fees for a permit against which a violation notice has been issued, or which may be issued, shall not constitute waiver by the Department of any right to pursue remedies for the violation.~~

~~(a) Any of the following shall result in the return of submitted fees to the applicant, and shall constitute nonpayment:~~

~~1. Payment of renewal fees for any amount less than the amount shown as due on the Department’s billing statement (or its adjusted billing statement prepared in response to a timely notice from the permittee of corrections, additions, or deletions). When an overpayment of renewal fees is submitted, the Department shall accept the fees due amount as shown on the billing statement (or the adjusted billing statement), and provide for the issuance of a refund to the payor in the amount of the overpayment. Acceptance of payment in an amount greater than the amount due shall not constitute acceptance of renewal fees for permits which have been declared invalid.~~

~~2. Failure to return or provide an accounting for the nonrenewed permit tags on the Cancellation Certification.~~

~~3. Failure to submit affidavits and transfer fees for any permits being transferred.~~

(b) Payment for permits being transferred at the time of permit renewal shall be submitted with the permit renewal payment, but must be in a separate payment instrument.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02, 479.07 FS. History–New 6-28-98, Amended 8-19-01,_____.

14-10.0042 Denial or Revocation of Licenses or Permits.

(1) If the Department intends to deny an application for a license or permit, deny reinstatement of a permit cancelled or not renewed in error, or intends to revoke a license or permit, the Department shall provide, by certified mail, return receipt requested, or by personal delivery with receipt, notice of the facts which warrant the such action. The written notice shall contain:

- (a) The particular facts or bases for the Department’s action;
- (b) The statute or rule relied upon;
- (c) A statement that the applicant, licensee, or permittee has the right to an administrative hearing pursuant to Section 120.57, F.S. Florida Statutes;
- (d) A statement that the Department’s action shall become conclusive and the final agency action and that the permit or license shall will be denied or revoked if no request for a hearing is filed within 30 calendar days of receipt of the notice of the Department’s intended action.

(2) If a licensee fails to renew its license, or its license is revoked, any permits owned by the licensee shall become subject to revocation, pursuant to Section 479.08, F.S. Florida Statutes;

~~(3) Requests for Administrative Hearings.~~

~~(a) All requests for administrative hearings shall be made in writing and shall be filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399 0458. Requests for hearing filed in response to notices issued pursuant to Sections 479.08 479.07(8)(a), 479.105(1), or 479.107(1), Florida Statutes, must be filed within 30 calendar days of receipt of the notice of the Department’s action. Any request for hearing filed in response to a notice issued pursuant to Sections 479.07(8)(a), 479.105(1), or 479.107(1), F.S., must be filed within 30 calendar days of the date of the notice of the Department’s action. A request for hearing is filed when it is received by the Clerk of Agency Proceedings. A request for hearing is not timely filed unless it is received by the Clerk of Agency Proceedings within the specified time.~~

~~(b) A request for hearing shall conform to the requirements of Rule 28-106.201 or 28-106.301, F.A.C. If the sign owner, applicant, licensee, or permittee fails to file a timely request for a hearing, the Department’s action shall become conclusive and final agency action.~~

Rulemaking Specific Authority 334.044(2), 479.02 FS. Law Implemented 120.60, 479.05, 479.08 FS. History–New 6-28-98, Amended _____.

(Substantial rewording of Rule 14-10.0052 follows. See Florida Administrative Code for present text.)

~~14-10.0052 Zoning Enacted Primarily to Permit outdoor Advertising Signs.~~

(1) A permit for a sign will only be issued if the property on which the sign is located or planned to be located, allows for commercial or industrial use under both the Future Land Use Map (FLUM) and the Land Development Regulations (LDRs). For purposes of this rule, the following terms apply:

- (a) “Commercial use” means activities associated with the sale, rental or distribution of products or the performance of services for compensation, excluding the uses listed in Section 479.01(23)(b), F.S. and paragraph (3)(c), herein.
- (b) “Industrial use” means activities associated with the manufacturing, assembly, processing, or storage of products, excluding the uses listed in Section 479.01(23)(b) and subsection (3)(c).
- (c) “Primary uses” means those activities that are allowed within a zoning category without a variance, waiver, or other special exception.
- (d) “Zoning category” means the designation under the LDR or other similarly enacted ordinance that provides the allowable uses, restrictions, and limitations on use, applicable to the properties within the category.

(2) No outdoor advertising permits shall be granted for signs on properties where the FLUM excludes all commercial uses and industrial uses as primary uses.

(3) If the FLUM allows for commercial or industrial uses as primary uses, either exclusively or in addition to other uses, the Department will examine the current zoning category to determine whether the sign’s proposed location is commercial or industrial in nature.

- (a) If the primary uses allowed under the zoning category are exclusively commercial or industrial uses, the property will be considered commercially or industrially zoned.
- (b) If the primary uses allowed under the zoning category exclude commercial or industrial uses, the property will not be considered commercially or industrially zoned.
- (c) If no zoning is in effect, or if the primary uses allowed under the zoning category allow for some commercial or industrial uses in addition to other uses, the property shall be evaluated in accordance with the criteria set forth in Section 479.01(23), F.S., to determine if the property can be considered an unzoned commercial or industrial area. In addition to the activities listed in Section 479.01(23), F.S., the following uses shall not be considered commercial or industrial for purposes of this rule chapter:-

1. Infrastructure, to mean the man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

2. Activities that are proposed but not in operation.

3. Other activities that do not include the sale, rental, distribution, manufacturing, assembly, processing, or storage of products, or the performance of services for profit.

(4) Where properties are subject to zoning which is time-limited or the zoning is granted subject to the completion of a specified condition, the Department shall consider only the underlying permanent zoning category in determining whether the property is zoned for commercial or industrial uses.

(5) Zoning enacted primarily to permit signs, or spot zoning, is not recognized as commercial or industrial zoning for the purpose of permitting outdoor advertising signs. The Department will examine the following factors to determine if the property was zoned primarily to permit signs:

(a) Whether the uses allowed under the zoning category provide only limited commercial or industrial uses incident to other primary land uses.

(b) Whether the size of the property would be sufficient, given set back requirements and parking needs, to conduct the primary commercial or industrial use, other than signs allowed under the zoning category.

(c) Whether there is public access to the property sufficient for commercial vehicles.

(d) Whether the property is located contiguous to other properties zoned for commercial or industrial activities.

(e) Whether the public statements and materials received or created in connection with the zoning decision affecting the property, indicate the decision was taken primarily to permit the erection or maintenance of signs.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.01(3), 479.01(23), 479.02(1)(3)(7), 479.07(10), 479.111 FS. History--New 3-16-04, Amended 5-5-05.

14-10.006 Additional Permitting Criteria.

Each application for ~~a an outdoor advertising~~ sign permit shall meet the requirements of Sections 479.07(9) and 479.11, F.S. In addition, ~~each an~~ application must comply with the requirements of the agreement between the State of Florida state and the United States Department of Transportation referenced in Section 479.02(1), F.S., ~~which have not been duplicated in Sections 479.07(9) and 479.11, F.S., or superseded by stricter provisions in those statutes.~~ The requirements are:

(1) Size.

(a) The area of a sign facing shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign facing including all embellishments.

(b) The maximum allowable height of ~~for~~ a sign facing is 30 feet.

(c) The maximum allowable length of a sign facing is 60 feet.

(d) The maximum area size limitations shall apply to each sign facing.

(e) Embellishments shall may not extend more than five feet beyond the permanent sign face, and are included in any measurement of the height, width, or area of the sign facing.

(f) Signs containing both on-premise and off-premise advertising shall may not exceed 950 square feet, including all sign faces.

(2) Number of Sign Faces. There shall be no more than two faces showing at one time for to each sign facing showing at one time.

(3) Location. Signs shall may not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004, F.A.C., to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) For V-type or back-to-back signs to be counted as one sign for spacing purposes, the sign facings on such signs shall must be connected by the same sign structure or cross-bracing, or the sign structures shall not be must be located not more than 15 feet apart at their nearest point.

(b) Official signs, signs exempt under Section 479.16, F.S., and structures that are not permitted signs shall not be considered for purposes of determining compliance with spacing requirements.

(c) When an intersection is encountered in determining measurements for spacing compliance, the width of such intersection is included in the measured distance. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled ways.

(d) No permit shall be issued for a sign located on, or visible from, any portion of the interstate highway system, which is outside the boundaries of an incorporated municipality, and which is within 500 feet of an interchange, intersection at grade, or rest area. Said 500 feet shall be measured along the interstate in the direction leading away

from the interchange, intersection at grade, or rest area, ~~from the beginning at the pavement of payment widening of at the exit from the main-traveled way,~~ or the end of pavement widening ~~of at the entrance to the main-traveled way on an interstate highway.~~ For the purposes of this subsection, all portions of the entrance and exit ramps ~~ramp~~ shall be considered part of an interchange.

(e) When a sign or a proposed sign is, or would be located within the controlled area and visible from any portion of the main-traveled way of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), F.S., the sign shall must meet the permitting requirements of and be permitted to, the roadway with the stricter controls both highways. If the sign is visible to more than one roadway with the same level of control, the location must meet the permitting requirements of each roadway.

(5) Sign Structure Height. The height of a sign structure shall be measured from a point on the sign structure which is at the same elevation as the crown of the main-traveled way to the top of the highest sign face, excluding embellishments.

(6) Lighting. Signs may be illuminated except those which ~~contain, include, or are illuminated in any way~~ by any flashing, intermittent, or moving light. Flashing, intermittent, or moving light or lights embodied in a sign may be used to provide public service information. ~~Further, No sign shall be so illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.~~

(7) For ~~purposes of~~ compliance with Section 479.11(4), F.S., the 100 feet shall be measured from the property line. ~~When, except in cases where a school or church is the applicant for a permit, or has given written permission for the placement of a sign, in such cases the 100 foot required distance shall be measured from the outer edges of the primary building, or primary building complex when the individual units of the complex are connected by covered walkways.~~

(8) For applications to be considered under the pilot program defined in Section 479.07(9)(c), F.S., the applicant must submit the following information in addition to the requirements of above Rule 14-10.004, F.A.C.:

(a) A copy of the local government adopted policy, ordinance, or other official document authorizing the placement of a new outdoor advertising sign on an interstate highway in exchange for the removal of an existing sign from areas specifically designated by the local government; and

(b) A copy of the agreement between the local government and the affected sign owner allowing such removal and replacement.

(9)~~(8)~~ Copies of the agreement between the State of Florida state and the United States Department of Transportation, referenced in Section 479.02(1), F.S., may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01, 12-31-06, _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing changes in the Toll Facilities Description and Toll Rate Schedule. Video toll rates on the Florida Turnpike System will be established the rates for and cash toll will be discontinued and cash payments will no longer be accepted at the tolling facilities on the Homestead Extension of Florida’s Turnpike (H.E.F.T.), including Miramar Toll Plaza, N.W. 27th Avenue, and County Line Road.

SUBJECT AREA TO BE ADDRESSED: Pursuant to Section 338.2216, F.S., Florida’s Turnpike Enterprise is implementing video tolling as an additional payment method in its toll collection operations. Video tolling customers, as defined in Rule 14-100.005, F.A.C., will be subject to the video toll rate. Video tolling will be known as “Toll-by-Plate” on the Turnpike System and the video toll rate will be known as the “Toll-by-Plate” toll rate. The Toll-by-Plate program will allow infrequent users of the Turnpike to benefit from uninterrupted travel however, SunPass toll rates will remain the lowest toll rate option for Turnpike customers because of the lower cost of collection. The facilities affected by the Toll-by-Plate toll rate will be Florida’s Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida’s Turnpike (H.E.F.T.), Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, and the Florida’s Turnpike Enterprise segment of the Western Beltway, Part C. The effective date of the Toll-by-Plate toll rate will be the first day the facility is open to video toll traffic.

Approximately six months after the implementation of video tolling on the H.E.F.T., cash toll collection on the roadway will be discontinued. As a result, the cash toll rates on the H.E.F.T. including Miramar Toll Plaza, N.W. 27th Avenue and County Line Road will no longer be effective as of the date the cash collection toll booths are closed for removal, currently scheduled to be in February of 2011. Cash payment for tolls will still be accepted off the roadway through various payment methods, including a new cash payment option available at participating retail stores across the State of Florida.

RULEMAKING AUTHORITY: 334.044(2), 338.155(1) FS.
 LAW IMPLEMENTED: 338.155, 338.222, 338.2216, 338.231 FS.

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

DATE AND TIME: October 15, 2009, 6:00 p.m.

PLACE: This rule development workshop is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/all-electronic tolling/publicmeeting. For those persons wishing to participate who do not have access to the World Wide Web can attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:

PLACE: Florida's Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761

PLACES: Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309; Florida Department of Transportation, District 7, Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612; Snapper Creek Service Plaza, Materials Lab Training Room

Mile Post 19, Florida's Turnpike, Miami, FL 33186; Florida Department of Transportation, District 1, Mike Rippe Auditorium, 801 N. Broadway, Bartow, Florida 33831

Pursuant to the provisions of 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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings. If you are 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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

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

October 26, 2006, January 15, 2007, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-100.005
 RULE TITLE: Video Tolling

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing a new rule under Rule Chapter 14-100, F.A.C., Part I: Tolls Enforcement, in order to implement a new method of electronic toll collection to be known as video tolling. This rule will establish set a process and administrative charge for video toll collection method implemented on the Florida's Turnpike System.

SUBJECT AREA TO BE ADDRESSED: A new rule on video tolling and the associated administrative charges is being added.

RULEMAKING AUTHORITY: 334.044(2), 338.2216(1)(d) FS.

LAW IMPLEMENTED: 316.1001, 334.044(16), 338.155(1), 338.231, 338.231(3)(b) FS.

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

DATE AND TIME: October 15, 2009, 6:00 p.m.

PLACE: The rule development workshop is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/all-electronic tolling/publicmeeting. Those persons not having access to the World Wide Web may attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:

PLACES: Florida's Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761; Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309; Florida Department of Transportation, District 7, Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612; Snapper Creek Service Plaza, Materials Lab Training Room, Mile Post 19, Florida's Turnpike, Miami, Florida 33186; Florida Department of Transportation, District 1, Mike Rippe Auditorium, 801 N. Broadway, Bartow, Florida 33831

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-100.005 Video Tolling.

(1) Purpose. The purpose of this rule is to establish the process of video tolling on the Florida Turnpike System toll roads. Video tolling provides a video based method for the collection of tolls without the need for a transponder, while improving efficiency, reducing customer delay, and enhancing safety.

(2) Definition. "Video Tolling" or "Toll-by-Plate" means is an image based toll collection system using photographic images of a vehicle's license plate to identify the customer responsible for toll payment.

(3) Process. If a vehicle passes through a toll collection facility and the toll payment was not made by either using cash or a transponder, a photographic image of the vehicle's license plate will be captured at the toll lane, and the first-listed registered owner of that vehicle will be considered the video toll customer. The license plate numbers (LPN) are extracted from the image of the vehicle's license plate and matched to the LPN for the video accounts registered with the Department. If no registered video account is found, the registered owner of the vehicle will be identified through a vehicle registration lookup process. The unregistered video toll customer will have 72 hours after the usage of the toll facility to contact the Department and establish a pre-paid toll account. If the video toll customer does not contact the Department within that 72 hour period and establish a pre-paid toll account, an invoice of the accrued toll amount and an administrative charge, applicable to the first fourteen days of transactions, will be mailed to the vehicle's registered owner for payment. Any subsequent invoices will be sent on at least a monthly.

(4) Establishment of accounts. Video accounts will be established by either the customer or the Department for the use of video tolling.

(a) Customers may establish a video account by registering the vehicle LPN and specifying a pre-paid or post-paid account.

(b) If a video account has not been established by a customer, the Department will establish an unregistered post-paid account following the customer's first use of video tolling. The customer will be the vehicle's registered owner as identified by review of the LPN image taken at the tolling facility, supplemented as necessary by identifying the vehicle's characteristics and subsequent LPN look up.

(5) Method of video toll payment. Video accounts can either be set up as pre-paid or post-paid accounts for payment of the video toll and administrative charges. Customers have the option of establishing and maintaining a registered pre-paid toll account via credit or debit card, cash, or check or money order deposits, from which applicable toll amounts are debited, or a post-paid toll account.

(a) Pre-Paid Video Accounts. Pre-paid video account customers, whose balance is insufficient to cover the accrued toll amounts for at least 15 days, are subject to an invoice for the full toll amount and applicable administrative charges.

(b) Post-Paid Video Accounts. Customers will receive an invoice on a scheduled billing cycle for post payment of toll amounts and applicable administrative charges.

(6) Video Toll Rate. Video toll customers shall pay a video toll rate, as established in Rule 14-15.0081, F.A.C., for each facility that offers video toll collection.

(7) Administrative Charges. The Department will establish and collect toll amounts to recover the costs of administering video tolling. In addition to paying the established video toll rates, an administrative charge will be added to each invoice.

(a) Video Accounts and Toll Collection. Video toll customers with post-paid accounts, as described under paragraph (5)(b) above, will be sent an invoice following the end of the billing cycle with the administrative charge added to the invoice, in addition to the unpaid toll amount.

(b) Assessment of administrative charges. Each invoice will include an administrative charge as set by the Department in the range of \$2-\$3 addition to the toll amount accrued in order to cover the additional costs of the Department, including reviewing photographic images of license plates captured at the toll collection facilities, generating and sending invoices, processing payments received, managing video accounts, and other related costs.

(8) Unpaid Invoice. A video toll customer has 30 days from the date on the invoice to pay the total toll amount and administrative charge. If the invoice has not been paid in full within those 30 days.

(9) A late payment notice with an additional administrative charge will be sent. If the total amount of unpaid tolls and administrative charges is not paid within 30 days after the date on the late payment notice, a Uniform Traffic Citation (UTC) will be created and sent to the customer for each individual unpaid toll transaction associated with the original invoice. A \$25.00 UTC fee will be applied to each citation in addition to the toll amount.

Rulemaking Authority 334.044(2), 338.2216(1)(d) FS. Law Implemented 316.1001, 334.044(16), 338.155(1), 338.231, 338.231(3)(b) FS. History--New _____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-116.002 **RULE TITLE:** Letters of Credit
PURPOSE AND EFFECT: The amendment is to allow letters of credit to be drawn on financial institutions outside the State of Florida.
SUBJECT AREA TO BE ADDRESSED: The rule addresses the location of financial institutions on which letters of credit may be drawn.
RULEMAKING AUTHORITY: 334.044(2) FS.
LAW IMPLEMENTED: 334.044(30), 334.187, 337.106, 337.175 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: 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:

- 14-116.002 Letters of Credit.
- (1) through (2) No change.
- (3) Requirements of Letter of Credit. Letters of credit shall be issued solely for the benefit of the Department. Letter of credit language must be approved by the Department’s Comptroller and include the following:
 - (a) The expiration date of the letter of credit shall be automatically extended without amendment, for one year from the expiration date unless otherwise authorized in writing by the Department. Letters of credit furnished under the requirements of Section 337.106, F.S., shall not be required to be extended beyond the duration required by that section. If the letter of credit is not automatically extended for such additional one year period then at least 30 days prior to the expiration date then in effect, the bank or savings association shall notify the Department by registered or certified U.S. Mail or courier, postage prepaid, return receipt requested. This notification shall be sent to the Florida Department of Transportation, Office of Comptroller, 605 Suwannee Street, Mail Station 42B, Tallahassee, Florida 32399-0450, or to any other address specified in writing by the Department’s Comptroller.
 - (b) If notice is given that the letter of credit will not be automatically extended and if the purpose for which the letter of credit was issued still exists, the Department shall draw

down any remaining balance on the letter of credit unless a substitute letter of credit meeting the requirements of this rule is provided at least 14 days prior to the expiration date of the letter of credit for which the substitute letter of credit is being provided.

(c) Once it is determined by the Department that the average financial condition ranking of a bank or savings association is less than 35, the Department will notify the bank or savings association and the applicant/professional service provider/contractor by registered mail that if a substitute letter of credit is not received within 30 days of notification, the Department will draw down any remaining balance on the letter of credit if the purpose for which the letter of credit was issued still exists.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the United States State of Florida and additionally must provide for draws by electronic presentation of a draft via facsimile transmission or electronic mail, or both.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(30), 334.187, 337.106, 337.175 FS. History–New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97, 1-18-04, 2-18-09,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-11.006 **RULE TITLE:** Enrollment Procedures for New Hires

PURPOSE AND EFFECT: To amend the rules to adopt revised forms and provide updated procedures.

SUBJECT AREA TO BE ADDRESSED: Revised forms and procedures for new hires and for roll-overs.

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) 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: Monday, October 12, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room) 1801 Hermitage Blvd., Tallahassee, FL 32308

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

agency at least 5 days before the workshop/meeting by contacting: Cindy Morea, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32303, (850)413-1491; cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182; ruth.smith@sbafla.com

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-12.007
 RULE TITLE: Acceptance of Rollovers

PURPOSE AND EFFECT: To amend the rules to adopt revised forms and provide updated procedures.

SUBJECT AREA TO BE ADDRESSED: Revised forms and procedures for new hires and for roll-overs.

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) 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: Monday, October 12, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room) 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cindy Morea, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32303, (850)413-1491; cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182; ruth.smith@sbafla.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.: 59E-5.102
 RULE TITLES: Florida Hospital Uniform Reporting System

59E-5.201 Prior Year Report Requirements

PURPOSE AND EFFECT: The Agency proposes to revise the rule related to Florida Hospital Uniform Reporting System and the rule requiring the submission of a Medicare cost report.

SUBJECT AREA TO BE ADDRESSED: The proposed change to the Florida Hospital Uniform Reporting System would eliminate Schedules; B-3, B-4a, C-7, D-1, D-2, E1a, E-1b, X-2, X-3, X-7, and X-7a. The proposed change to the prior year reporting requirements would eliminate the submission of a copy of the Medicare cost report.

RULEMAKING AUTHORITY: 408.061(2), 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.08, 408.061(2), 408.07(18), 408.15(8) 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: October 14, 2009, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ryan Fitch, 2727 Mahan Drive, MS 28, Tallahassee, FL 32308 or at (850)922-7754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 2009-1, September 2009 ~~2005-1, July 2005~~. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration’s rules.

(2) A copy of the current FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28, Tallahassee, Florida 32308-5403, or by downloading it free of charge from the Agency’s website at http://ahca.myflorida.com/MCHQ/CON_FA/fa_data/index.shtml.

Rulemaking Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061(2), 408.07(18), 408.15(8) FS. History–New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, 3-16-03, 6-8-03, 9-12-05,_____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending on or after April 30, 2005 and with corresponding due dates beginning on or after August 29, 2005, the prior year actual report shall be submitted to the Agency using the computer software known as COMPASS. COMPASS has been developed by the Agency for the purpose of electronically filing the prior year actual report. COMPASS is a modified Microsoft Excel workbook that reproduces the FHURS worksheets pursuant to Rules 59E-5.102 and 59E-5.103, F.A.C., of this chapter. COMPASS also exports the worksheet data into a specifically defined comma separated text file for transmission to the Agency. Hospitals shall use COMPASS to keypunch the required data into the FHURS worksheet formats in accordance with Rule 59E-5.206, F.A.C. COMPASS will be provided to hospitals prior to the due date of the 2005 report in a timely manner free of charge. Hospitals shall not use an alternative version of COMPASS until such software is approved for use by the Agency. Hospitals shall not request approval for use of alternative software within 120 days prior to the report being due. The COMPASS comma separated text file shall be returned to the Agency by electronic mail (E-mail) using normal electronic protocols for E-mail services. The COMPASS comma separated text file shall be attached to the E-mail message.

(b) The E-mail message shall be sent to the Agency on or before the due date of the report and shall contain the following information:

1. "Hospital FHURS Report".
2. Hospital Name.
3. Hospital Number (8 digit format).
4. Reporting period.
5. "Submission Number" which is the COMPASS generated submission number listed on each worksheet at the time the report is exported.

6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" ~~on paper~~ that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) A signed copy ~~two paper copies~~ of the audited financial statements; ~~and~~

~~(e) One paper copy of the Medicare cost report.~~

(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Rulemaking Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061, 408.08 FS. History--New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, 9-12-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-13.088

RULE TITLE:
Developmental Disabilities Medicaid
Waivers Consumer Directed Care
Plus Program

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus (CDC+) Program in response to Legislative mandates per the Appropriations Act, adding 2,500 Developmental Disabilities Waivers consumers to the program by July 1, 2010. This will include guidelines specific to the Developmental Disabilities Medicaid Waivers CDC + Program such as definitions, rules, responsibilities, coverage, limitations and reimbursement.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program.

RULEMAKING AUTHORITY: 409.221 FS.

LAW IMPLEMENTED: 409.221 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, October 13, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Vennie Smith, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)414-8599, e-mail: smithv@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.088 Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program.

Individuals enrolled in the Developmental Disabilities Medicaid Waivers Program for Consumer Directed Care Plus, along with all program representatives, consultants, employees, vendors, and Agency for Persons with Disabilities staff must be in compliance with the Developmental

Disabilities Medicaid Waivers Consumer Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook, July, 2010, which is incorporated by reference.

Rulemaking Authority 409.221 FS. Law Implemented 409.221 FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS..	RULE TITLES:
60L-39.001	Scope and Purpose
60L-39.0015	Definitions
60L-39.002	General Requirements
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.005	Application Procedures
60L-39.006	Duties and Responsibilities of the Fiscal Agent
60L-39.007	Appeals

PURPOSE AND EFFECT: The Department proposes substantial revisions to the rule in order to clarify and align provisions with statutory authority; facilitate automation of application procedures; and adopt revised forms.

SUBJECT AREA TO BE ADDRESSED: All administrative areas of the Florida State Employees' Charitable Campaign (FSECC), including definition of terms; the respective role of the State Steering Committee, the Department; the Fiscal Agent, and the local steering committees; eligibility criteria; application procedures; appeal process; and campaign activities.

RULEMAKING AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Matt Gregory, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950; (850)921-4618; matthew.gregory@dms.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-4.023	Food Protection Manager Certification and Public Food Service Employee Training

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the adopted Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs. The effect of the proposed rule development is to ensure food manager certification programs meet the current standards and maintain current accreditation and to comply with the statutory requirement to adopt standards consistent with the standards adopted by the Conference for Food Protection.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the standards adopted by the division for food manager certification.

RULEMAKING AUTHORITY: 509.032, 509.039, 509.049 FS.

LAW IMPLEMENTED: 509.039, 509.049 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 Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-16.0010	Examination for Barber Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Examiners in Practical Examinations; Criteria for Selection.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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 days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.002 RULE TITLE: Reexamination

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Reexamination.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.005 RULE TITLE: Endorsement

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Endorsement.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007 RULE TITLE: Examination for Restricted Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Examination for Restricted Licensure.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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 days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.008 RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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 days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.010 RULE TITLE: Supervised Practice Exception

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Supervised Practice Exception.

RULEMAKING AUTHORITY: 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-20.002	Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

RULEMAKING AUTHORITY: 455.213, 455.217, 476.144 FS.

LAW IMPLEMENTED: 455.2171, 476.192 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 days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-20.0075	Examination Review Fee

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Examination Review Fee.

RULEMAKING AUTHORITY: 455.217, 476.2171FS.

LAW IMPLEMENTED: 455.217, 476.2171FS.

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 days before the workshop/meeting by contacting: Robyn Barineau, Executive Director. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-16.001
 RULE TITLE: Vessel Movements Requiring a State Pilot

PURPOSE AND EFFECT: To update and clarify language regarding vessel movements requiring a state pilot.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to review the rule for updates and clarification of language.

RULEMAKING AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.001, 310.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0036
 RULE TITLE: Application For Certification Review Procedure

PURPOSE AND EFFECT: The purpose of this rule is to set forth the procedure by which applications for certification are reviewed for approval or denial.

SUBJECT AREA TO BE ADDRESSED: Certification For Licensure.

RULEMAKING AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.606, 468.609 FS.

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

DATE AND TIME: October 15, 2009, 1:00 p.m. ET.

PLACE: The Homewood Suites, 8745 International Drive, Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.0036 Application For Certification Review Procedure.

(1) Applications which are determined to be complete will first be reviewed by the Department. If the application clearly demonstrates qualification for the certification sought, the Department shall preliminarily approve the application. A list of all applications preliminarily approved by the Department will be distributed to the Board on a monthly basis. Within ten (10) days of distribution of the list of preliminarily approved applications, a Board member may request that any application on the list be submitted to the Board for review in accordance with this Rule. All applications on the preliminarily approved list not selected for review by the Board within ten (10) days shall be approved by the Department.

(2) Applications will be referred to the Board if the Department determines that the applicant has not clearly demonstrated qualification for the certification sought. Applications referred to the Board will first be reviewed by the Application Review Committee. The Application Review Committee shall consist of a minimum of three (3) Board members who are licensed building code administrators, inspectors, or plans examiners, appointed by the Chair. The Chair may be a member of the Application Review Committee.

(3) The Application Review Committee shall review all applications for certification not otherwise approved and shall determine by majority vote whether to recommend approval or denial of each such application to the Board.

(4) The Application Review Committee's recommendations shall be provided to the Board, who shall then act on the Application Review Committee's recommendations at the next Board meeting. Any Board

member may request that any application for certification be pulled for discussion and/or individual determination by the Board.

Rulemaking Authority 468.606 FS. Law Implemented 455.203, 468.606, 468.609 FS. History—New _____.

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

RULE NO.: RULE TITLE:
62-113.100 Purpose

PURPOSE AND EFFECT: To incorporate by reference an Agreement between the Department of Environmental Protection (DEP) and Miami-Dade County (MDC) for delegation of a portion of the Environmental Resource Permit (ERP) program under Part IV of Chapter 373, F.S., to MDC. The delegation will include the authority for MDC to review and take agency action on applications for permits and petitions for variances of certain water quality provisions, compliance, enforcement, and formal determinations of wetlands and other surface waters within the designated boundaries of delegation. Activities located within the Comprehensive Everglades Restoration Project boundaries, activities in, on or over state-owned submerged lands, and certain other activities will not be delegated and will remain the responsibility of the DEP.

A Notice of Development of Rulemaking was originally published on August 17, 2007, in the Florida Administrative Weekly. A public rule development workshop on this delegation was held on October 9, 2007. Because it has been over one year ago, DEP is re-publishing this Notice of Development of Rulemaking.

SUBJECT AREA TO BE ADDRESSED: To incorporate by reference an Agreement in Rule 62-113.100, F.A.C., between the DEP and MDC that will delegate a portion of the ERP program under Part IV of Chapter 373, F.S., to MDC within a specified geographical area.

RULEMAKING AUTHORITY: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 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: Mary VanTassel, Florida

Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC Tracking No. 05-2688)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-113.100 Purpose.

(1) No change.

(2) Delegations to political subdivisions.

(a) through (p) No change.

(q) #07-X: Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County [Effective Date].

(3) No change.

Rulemaking Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History—New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07, _____.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:
64B2-11.001 Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.012 RULE TITLE: Application for Acupuncture Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Acupuncture Certification.

RULEMAKING AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.008 RULE TITLE: Retired Status License

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the examination and delete the reference to Rule 64B2-11.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

RULEMAKING AUTHORITY: 456.036(10), 460.405 FS.

LAW IMPLEMENTED: 456.036(10) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.008 Retired Status License.

(1) No change.

(2) A retired status licensee may change to active status provided:

(a) The licensee must meet the continuing education requirements of Rules 64B2-13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 5 years, the licensee must take and pass the SPEC examination as set forth in Rule ~~64B2-11.001, F.A.C.~~, and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Rulemaking Specific Authority 456.036(10), 460.405 FS. Law Implemented 456.036(10) FS. History–New 2-6-06, Amended _____.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-17.0055 RULE TITLE: Release of Medical Records; Reasonable Costs of Reproduction

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the fee charged for copying records.

SUBJECT AREA TO BE ADDRESSED: Release of Medical Records; Reasonable Costs of Reproduction.

RULEMAKING AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.057(4), (16) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

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

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

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.

RULEMAKING AUTHORITY: 483.805(4) FS.

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

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.008
 RULE TITLE: Public Health Laboratory Personnel
 PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.
 SUBJECT AREA TO BE ADDRESSED: Public Health Laboratory Personnel.
 RULEMAKING AUTHORITY: 483.805(4) FS.
 LAW IMPLEMENTED: 483.812 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-6.001
 RULE TITLE: Manner of Application
 PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated version of the application form.
 SUBJECT AREA TO BE ADDRESSED: Manner of Application.
 RULEMAKING AUTHORITY: 483.805(4) FS.
 LAW IMPLEMENTED: 456.013, 483.815, 483.823 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.002
 RULE TITLE: Advertising and Soliciting by Dentists
 PURPOSE AND EFFECT: To add language regarding how dentists may advertise specialty recognition.
 SUBJECT AREA TO BE ADDRESSED: How dentists may advertise specialty recognition.
 RULEMAKING AUTHORITY: 466.004(4), 466.019 FS.
 LAW IMPLEMENTED: 466.019, 466.028(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 IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-4.002 Advertising and Soliciting by Dentists.
- (1) through (2) No change.
- (3) No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which:
 - (a) through (g) No change.
 - (h) States or implies that the dentist has received formal recognition as a specialist in any aspect of the practice of dentistry, unless the dentist has in fact received such recognition and such recognizing agency is approved by the Board. However, a dentist may use on letterhead or advertising a reference to the dentist's specialty recognition received from

a recognizing agency that has not been approved by the Board only if the letterhead or advertising also contains in the same print size or volume the statement that “The specialty recognition identified herein has been received from a private organization not affiliated with or recognized by the Florida Board of Dentistry.” For purposes of this rule, the Board approves the dental specialty certifying agencies recognized by the American Dental Association and the Commission on Dental Accreditation as recognizing agencies, and such other recognizing agencies as may request and receive future approval by the Board.

(4) through (7) No change.

Rulemaking Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History--New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, 1-29-03, 2-26-06.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-3.001	Fees
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0031	Radiation Therapy Assistance by General Radiographers
64E-3.0032	Radiologist Assistant Duties and Supervision
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.004	Practice of Radiologic Technology by Applicants for Certification by Examination
64E-3.005	Written Examinations
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses
64E-3.010	Reactivation of Inactive Certificates
64E-3.011	Disciplinary Guidelines

PURPOSE AND EFFECT: Review this Chapter and amend and/or adopt new rule language as necessary to ensure that all rules conform with statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees, definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; scope of practice and prohibited practices; ethics; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation,

and relinquishment; investigations; discipline guidelines; national organizations; speciality boards; advisory council's recommendations.

RULEMAKING AUTHORITY: 381.0034(4), 468.302(3)(a), (3)(d), (3)(h), 468.303, 468.304(1), (2) (3)(e), 468.305, 468.306, 468.3065, 468.307(1), 468.309(1)(a), (2), (3), (5), (6), (7), 468.3095(1), (2)(a), 468.3101(4), (6) FS.

LAW IMPLEMENTED: 119.07, 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.314 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: James Futch, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-35.001	Definitions
65C-35.002	Behavioral Health Services
65C-35.003	Authority to Provide Psychotropic Medications to Children and Youth in Out-of-Home Care Placements
65C-35.004	Parental and Caregiver Involvement
65C-35.005	Medication Monitoring
65C-35.006	Special Requirements for Children Ages Birth through 5 years
65C-35.007	Requests for Second Opinions
65C-35.008	Preconsent Review for Provision of Psychotropic Medications for Children Ages Birth through 5 Years

PURPOSE AND EFFECT: To promulgate rule as required by statute for the provision of psychotropic medications for children in out of home care.

SUBJECT AREA TO BE ADDRESSED: Psychotropic Medications.

RULEMAKING AUTHORITY: 39407(3)(g) FS.

LAW IMPLEMENTED: 39.407(3) 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: Becky Lyons, 1317 Winewood, Bldg. 1, Suite 303D, Tallahassee, FL 32399-0700, phone: (850)488-4110; email: becky_lyons@dcf.state.fl.us

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

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.002
RULE TITLE: Investment Policy Guidelines
PURPOSE AND EFFECT: To adopt the revised Investment Policy Guidelines approved by the Trustees on July 28, 2009 and made effective July 1, 2009, reflecting the addition of information as to investment strategies, risks and other changes.

SUMMARY: Investment Policy Guidelines.
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: 218.412 FS.
LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17) FS.

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

DATE AND TIME: Monday, October 19, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1197; tina.joanos@sbafl.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.002 Investment Policy Guidelines.

The Local Government Investment Pool (Non-Qualified) Investment Policy Guidelines, as approved by the Trustees of the State Board of Administration on July 28, 2009, and made effective July 1, 2009, are hereby adopted and incorporated by reference. The Investment Policy Guidelines may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308; Attn.: Local Government Investment Pool Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading under the Related Websites section.

Rulemaking Authority 218.412 FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), 218.409(9), 218.415(17) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: James Francis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the SBA

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2009

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.005
RULE TITLE: Informal Grievance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency with changes to Form DC6-236, Inmate Request. Form DC6-236, incorporated by reference in Rule 33-103.019, F.A.C., is being amended to include a box that can be checked to indicate its use as an Informal Grievance; as a result, the proposed rule is amended to remove language specifically requiring an inmate to write this information on the form.

SUMMARY: The proposed rule provides consistency with changes to Form DC6-236, incorporated by reference in Rule 33-103.019, F.A.C., which is being amended to include a box that can be checked to indicate its use as an Informal Grievance. Consequently, language specifically requiring that an inmate write this information on the form is eliminated. The proposed rule also adds language regarding the time limit for filing a formal grievance.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.005 Informal Grievance.

(1) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) ~~On top of the page, or on the same line reading as the word "Request", or on the first line of the request section the inmate shall check the box to indicate that Form DC6-236 is being used as an~~ print the words "Informal Grievance". Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236. The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance,

it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(3) No change.

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

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after receipt of this response. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day.

(5) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp, Chief of Inmate Grievance Appeals

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-208.003

Range of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to explicitly include unauthorized use of Department weapons as a ground for disciplinary action.

SUMMARY: The proposed rule will explicitly include unauthorized use of Department weapons as a basis for disciplinary action.

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: 944.09 FS.

LAW IMPLEMENTED: 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving, suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Public Employees Relations Commission.

Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand	Written Reprimand or up to 10 day Suspension	Up to 30 days Suspension or dismissal	Dismissal
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(7) Absence Without Authorized Leave	Same	Same	Same	Same
(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(13) Negligence	Same	Same		
(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		

(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this state to recognize alcoholism as a disease. The Career Service

Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.

(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment, or Property, or Weapons	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same

(36) Failure to report for duty when instructed to do so in time of emergency or potential emergency	Same	Same
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Rulemaking Specific Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History--New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Glory Parton, Director of Human Resources
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
 RULE TITLE: Use of Force
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the scope of the rule; specify the type of information that should be stated on camera after a spontaneous use of force; specify the circumstances under which electronic immobilization devices may or may not be used; clarify the circumstances under which chemical agents may be used; outline the procedures that should be followed after the use of chemical agents; and add storage, issuance, and safety provisions.
 SUMMARY: The proposed rule specifies the procedures to be used in the event of a spontaneous use of force, clarifies the circumstances under which chemical agents may be used, lays forth the procedures that must be followed after the use of chemical agents, specifies additional storage, issuance, and safety provisions, and generally clarifies the scope of the rule.
 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: 944.09 FS.
 LAW IMPLEMENTED: 776.07, 944.09, 944.35 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) Except as otherwise provided by law or Department rules, employees are prohibited from using force on anyone other than an inmate, or in any manner not expressly authorized herein.

~~(2)~~(4) Non-deadly Force. This subsection applies only to non-deadly levels of force; use of deadly force is addressed in subsections ~~(3) and (4)~~ ~~(2) and (3)~~. In accordance with Section 944.35, F.S., employees are authorized to apply physical force only when and to the degree that it reasonably appears necessary in order to:

- (a) ~~To~~ Defend himself or another against an inmate using unlawful force;
- (b) ~~To~~ Prevent the escape from a state correctional institution or facility of an inmate or aid in the recapture of an escaped inmate;
- (c) ~~To~~ Prevent the escape of an inmate during transporting or while outside a correctional institution or facility;
- (d) ~~To~~ Prevent damage to property;
- (e) ~~To~~ Quell a disturbance;
- (f) ~~To~~ Overcome an inmate's physical resistance to a lawful command;
- (g) ~~To~~ Prevent an inmate from inflicting further injury to himself (suicide attempt); or
- (h) ~~To~~ Restraint the inmate when ordered to allow medical treatment in accordance with the provisions of subsection ~~(13)~~(42) of this rule.

~~(3)~~(2) Use of Deadly Force – For the purposes of this rule, deadly force refers to force that is likely to cause death or great bodily harm. A correctional officer is authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to himself or another.

~~(4)~~(3) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. In institutions that have a double fence, where time permits, a verbal warning to halt shall be given before the inmate touches the inner fence. Time permitting, a warning shot shall then be fired before the inmate begins to pass over, through or under the inner fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the inner fence.

2. In institutions that have a single fence, and time permitting, a verbal warning will be given to halt and a warning shot will be fired before the inmate reaches the perimeter fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the fence.

3. Warning shots are only authorized as provided in subparagraphs ~~(4)(a)1.~~ ~~(3)(a)1.~~ and 2. above. In all other instances where deadly force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. Correctional officers are considered to be in active pursuit of an inmate who has escaped from an institution or supervised work squad so long as the escape commander determines that the escape recovery efforts are active. When the inmate has refused a verbal order to stop, the correctional officer is authorized to use deadly force to stop the inmate, once the officer has clearly identified the individual as the escaped inmate and is sure of the target and what lies beyond.

2. Once the escape commander determines that immediate recapture efforts are over, recapture becomes a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

3. When an inmate fails to return from a furlough or non-supervised outside assignment or escapes from a department work release center or a contract work release center, recapture is a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. Deadly force is only authorized in accordance with paragraph ~~(2)(c)~~ ~~(1)(e)~~, when the officers are in immediate active pursuit of the escapee. The escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and deadly force is only authorized for self defense or to defend others against deadly use of force.

~~(5)(4)~~ Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to

accomplish the authorized objective shall be used. Utilization of the custodial touch, with the hand firmly grasped around the inmate's tricep or elbow, during internal transport of restrained inmates shall not be considered a use of force when the transport hold is for the safety of the inmate and resistance is not met.

(a) All authorized use of force incidents will be video recorded.

(b)1. The administration of chemical agents on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell will also be video recorded. The video recording will include: a specific introductory statement, including the date and time, the names and ranks of the supervisor present and the camera operator, and the name and DC number of the inmate; the attempts to resolve the situation without the use of chemical agents; the final order by the supervisor; an advisement to the inmate that chemical agents will be administered if he or she continues the disruptive behavior; an additional advisement to the inmate that this warning will not be repeated prior to the application of chemical agents should he or she become disruptive again after the supervisor, camera and camera operator have left the area; and any response made by the inmate. The video recording will also include the actual application of chemical agents, the offer of a decontaminating shower and medical examination, and the inmate's return to a secure, decontaminated cell. Should the inmate refuse the shower for decontamination purposes or refuse the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded.

2. If, during the same shift, the inmate should cease the conduct creating the disturbance while the supervisor, camera and camera operator are present, but resume such conduct after the supervisor, camera and camera operator have left the area, videotaping of the actual application of the chemical agents is not required. The department will defer to the judgment of the supervisor as to whether the reintroduction of the camera and operator at the scene of the disruptive conduct to videotape the actual application of the chemical agents will be counterproductive to his or her efforts to regain control of the situation. If the determination is made to return the camera and operator to the scene, the warning that chemical agents will be administered if he or she continues the disruptive behavior and application of the chemical agents will be recorded. If the determination is made not to videotape the actual application of the chemical agents, the original video recording will resume following the final exposure to chemical agents, include a statement referring to the originating incident, and continue from this point until the decontaminating shower and medical examination are offered and the inmate is returned to secure, decontaminated housing.

3. If a different supervisor takes command of the incident due to shift change or other circumstances in which there is a staff change, a new video recording will be initiated and the requirements in 1. and 2. above will be repeated.

(c) All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. At the conclusion of the recording of such incidents, the shift supervisor or designee shall provide an on-camera statement including as much of the following information as is available at the time:

1. Date and time;

2. His or her name and rank;

3. The name and rank of the camera operator;

4. The inmate's name and DC number;

5. A brief summary of the events leading up to the use of force;

6. The names and ranks of all involved staff members.

(d) Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

~~(6)(5)~~ There shall be no corporal punishment of any kind. Handcuffs, leg irons and other such devices shall be used only for restraint, and not for punishment.

~~(7)(6)~~ The provisions of this rule shall be incorporated into the Department of Corrections' use of force training curriculum.

~~(8)(7)~~ The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection ~~(2)(4)~~ shall prepare, date and sign Form DC6-232, Authorization for Use of Force Report, either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection ~~(25)(22)~~ of this rule.

~~(9)(8)~~ Whenever force is used the employee initially using force shall complete Form DC6-230, Institutions Report of Force Used, and the completed form shall include a detailed written report of force used. If more than one employee was involved in the initial use of force, the highest ranking official

involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare Form DC6-231, Institutions Report of Force Used Staff Supplement. The report shall describe in detail the type and amount of force used by him or her. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection ~~(25)(22)~~ of this rule.

~~(10)(9)~~ The Authorization for Use of Force Report and the Institutions Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return on the next calendar day. Barring such an emergency, all reports must be typed and submitted to the warden or acting warden within 1 working day (Monday through Friday) following the incident.

~~(11)(10)~~ The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Form DC1-813, Use of Force File Checklist. Form DC1-813 is incorporated by reference in subsection (25) of this rule. All inmate statements (subject and witnesses) shall be made in writing using Form DC6-112C, Witness Statement. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete, Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in subsection ~~(25)(22)~~ of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review Form DC1-813, Use of Force File Checklist, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5

working days. The Use of Force Unit within the OIG, following its review, will either approve the use of force action or disapprove it. If the Use of Force Unit finds that the use of force was appropriate, the OIG's written determination of the appropriateness of the force used and the reasons therefor, shall be forwarded to the circuit administrator or warden upon completion of the review. If the Use of Force Unit finds that the use of force was inappropriate, the OIG shall conduct a complete investigation into the incident and forward the findings of fact to the appropriate regional director. The OIG shall also advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall prepare Form DC6-296, Disapproved Use of Force/Disposition Report, and forward the materials to the service center employee relations supervisor. Form DC6-296 is incorporated by reference in subsection ~~(25)(22)~~ of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. Form DC2-802, Use of Force Log, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his designee shall be responsible for submitting accurate information to the personnel office in order to maintain Form DC2-802. Any use of force reports completed prior to April 15, 1998 shall remain in the file. Form DC2-802 is incorporated by reference in subsection ~~(25)(22)~~ of this rule.

~~(12)(11)~~ Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign Form DC6-210, Incident Report, pursuant to Section 944.35(3)(d), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located.

~~(13)(12)~~ Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare Form DC6-232, Authorization for Use of Force Report, documenting the reasons that force or restraint was authorized. The physician's or clinical associate's report shall be attached to Form DC6-230, Institutions Report of Force Used, when actual force is used, or Form DC6-210, Incident Report, when

restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign Form DC4-711A, Refusal of Health Care Services, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection ~~(25)(22)~~ of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of Form DC6-230, Institutions Report of Force Used, or Form DC6-231, Institutions Report of Force Used Staff Supplement, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and Form DC6-210, Incident Report, will be completed. The videotape, the completed Incident Report, and the completed Form DC6-232, Authorization for Use of Force Report, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection ~~(11)(10)~~ above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection ~~(9)(8)~~ above will be followed.

~~(14)(13)~~ The use of electronic immobilization devices (EIDs), batons, chemical agents, or specialty impact munitions within institutions shall be authorized only by the warden, or duty warden if the warden is not available. Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents, specialty impact munitions, or authorized EIDs ~~electronic immobilization devices~~ shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents, specialty impact munitions, or EIDs ~~electronic immobilization devices~~.

~~(15)~~(14) Batons, chemical agents, ~~EIDs~~ ~~electronic immobilization devices~~, and specialty impact munitions shall not be used on inmates who are assigned to inpatient mental health care in an infirmary, transitional care unit, crisis stabilization unit, corrections mental health institution, or other mental health treatment facility, except when it appears reasonably necessary to:

(a) Prevent an inmate or inmates from taking control of the health unit, or to subdue a take-over of the health unit.

(b) Prevent an inmate or inmates from taking a hostage or to help free a hostage.

(c) Prevent an inmate or inmates from escaping.

(d) Stop an assault on staff or other inmates when other means of intervention are likely to be ineffective or pose a risk of injury to the intervening staff.

~~(16)~~(15) Use of ~~EIDs~~ ~~electronic immobilization devices~~. EIDs shall not be used on anyone other than an inmate during an authorized use of force.

(a) ~~EIDs~~ ~~Electronic immobilization devices~~ authorized by the department include:

1. Handheld EIDs Ultron II or Nova Sprit handheld, which shall be the intermediate level of force alternative, issued primarily for the purpose of transportation and supervision of inmates outside the institution;

2. Electronic Ultron electronic shields, which shall be primarily used by force cell extraction teams; and

3. Electronic restraint belts, which are is authorized for use for inmate court appearances and other transports of high profile or high-risk inmates.

(b) ~~EIDs~~ ~~Electronic immobilization devices~~ shall only be used by officers who have successfully completed the Department of Corrections' authorized training for these devices.

(c) EIDs shall be used only in the following circumstances:

1. After all reasonable efforts and lesser levels of force, especially verbalization, have been exhausted;

2. To prevent any unauthorized individual from taking possession of an officer's firearm;

3. To prevent an inmate from physically harming himself or others;

4. To prevent an inmate from escaping;

5. To prevent an inmate from taking a hostage or to help free a hostage;

6. In cell extractions, when it is determined that less injury will result than if other force alternatives are utilized; and

7. To gain control of an inmate so that the appropriate restraint devices can be applied.

(d)(e) ~~EIDs~~ ~~Electronic immobilization devices~~ shall be used in accordance with the manufacturer's specifications and limitations, and will not be:

1. Used to punish any inmate;

2. Employed into any large metal object;

3. Used in the presence of combustible materials;

4. Used if the officer's hand, the unit, or the inmate is wet;

5. Used on a female inmate who is known to be pregnant;

6. Applied to the head, genitals, female breasts (handheld unit), open wounds or stitches;

7. Used on people with known neuromuscular diseases;

8. Used on an inmate who is less than 80 pounds in weight (electronic shield);

9. Used against an inmate brandishing a handgun, firearm, or knife, except in life-threatening situations;

10. Used to threaten or gain information from an inmate;

11. Used on an inmate unless physical resistance has to be overcome;

12. Used to wake up a suspected intoxicated individual; or

13. Used as a prod.

(e)(d) If possible, the shift supervisor shall counsel with the inmate, issue the final order, and be present when EIDs ~~electronic immobilization devices~~ are used at the institution or facility.

(f)(e) When in a close management or confinement setting, prior to utilizing ~~EIDs~~ ~~electronic immobilization devices~~, the officer shall review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine whether the inmate has a medical condition which may be exacerbated by use of ~~EIDs~~ ~~electronic immobilization devices~~. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an ~~EID~~ ~~electronic immobilization device~~ dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection ~~(25)~~(22) of this rule.

(g)(f) ~~Handheld EIDs~~ ~~electronic immobilization devices~~ shall be issued to the unarmed officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The chief of security, or in his absence, the shift supervisor, shall determine the number of officers who will be issued firearms and ~~EIDs~~ ~~electronic immobilization devices~~ during such trips.

(h)(g) As soon as possible following each use of an ~~EID~~, ~~electronic immobilization device~~ the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(25)~~(22) of this rule. Mental health staff shall evaluate the inmate not later than the next working day to determine whether a higher level of mental health care

(isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. S-2 is the mental health classification denoting mild impairment in the ability to meet the ordinary demands of living within general inmate housing (which includes segregation), which impairment is associated with an Axis I disorder (excluding substance use disorders) or symptoms thereof, schizotypal personality disorder, borderline personality disorder, or mental retardation. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing, with provision of mental health services.

2. S-3 is the mental health classification denoting moderate impairment in the ability to meet the ordinary demands of living within general inmate housing, due to the presence of an Axis I disorder (excluding substance abuse disorders), borderline personality disorder, or schizotypal personality disorder. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing with provision of mental health services. Clinical management of the disorder may require at least periodic administration of psychotropic medication, of which the inmate may exercise his or her right to refuse.

~~(i)(4)~~ In any case where EIDs ~~electronic immobilization devices~~ are used, Form DC6-230, Institutions Report of Force Used, shall be prepared and shall include:

1. What precipitated the use of the device; and
2. To what extent it was used and what results were derived from its use.

~~(j)(4)~~ EIDs ~~Electronic immobilization devices~~ shall be stored and maintained in either the main arsenal or the control room mini-arsenal. The warden may authorize, in writing, the storage of one handheld unit and one shield in the confinement unit or close management unit. These devices shall be kept secured in a locked cabinet when not in use. The arsenal sergeant will be responsible for the proper documentation of the maintenance, storage, and issue of EIDs.

~~(k)(4)~~ All EIDs ~~electronic immobilization devices~~ shall be accounted for in the same manner as firearms.

~~(l)(4)~~ There shall be no attempt to alter, tamper with, or repair any EID ~~electronic immobilization device~~. If a unit malfunctions or needs repair, it shall be sent to an authorized repair station. If a unit requires attention, it shall not be issued until repaired. If a unit any electronic immobilization device is dropped or knocked out of the hand, it shall be immediately tested to determine if it is damaged or is operating properly. Repair will be conducted by authorized repair sources only.

~~(m)(4)~~ EIDs ~~Electronic immobilization devices~~ shall not be utilized after the application of any chemical agents.

~~(17)(16)~~ Use of Chemical Agents. Chemical agents shall not be used on anyone other than an inmate during an authorized use of force.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use, unless circumstances exist as outlined in subparagraph 2. below.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. OC shall not be used in conjunction with any EID ~~electronic immobilization device~~.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. When documentation is available, e.g., Form DC6-230, Institutions Report of Force Used, to substantiate that the use of OC has in the past proven ineffective in controlling a specific inmate, the warden or duty warden has the option to authorize the use of CS as the initial/primary chemical agent.

c. CS is additionally authorized as the initial/primary chemical agent during in-cell applications in which the inmate has covered his person or fabricated a barrier in an effort to prevent direct contact with the chemical agent.

d. When CS is used as the initial/primary chemical agent the justification shall be listed in Section I of Form DC6-230, Institutions Report of Force Used.

e. CS shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

f. CS shall not be used in conjunction with any EID ~~electronic immobilization device~~.

3. CN – Chloroacetophene – An lacrimator agent that causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

a. CN projectiles, grenades and thermal foggers shall only be used for institutional disturbances and crowd control.

b. CN shall be authorized for use as set forth in sub-subparagraph a. above only until the expiration date of current stores, at which time CN is no longer authorized for use.

c. CN shall not be used in conjunction with any EID ~~electronic immobilization device~~.

(b) Chemical agents, OC, CN or CS, shall be used only after all other reasonable efforts to control a disorderly inmate or group of inmates have been exhausted. All chemical agents shall be used with caution.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden or, in his or her absence, the duty warden. Additionally, in accordance with paragraph (k) below, certified correctional staff will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) Except in cases of emergency, as determined by the warden or duty warden, chemical agents shall be employed only by persons trained in their use.

(e) Chemical agents shall never be used to punish an inmate.

(f) No inmate shall be removed from his assigned cell and placed into another cell for the purpose of administering chemical agents.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of Form DC6-230, Institutions Report of Force Used.

(h) No inmate shall be stripped of his clothing or comfort items for the explicit purpose of administering chemical agents.

(i) Chemical agents shall only be used when a use of force is necessary and when this level of force is the least likely to cause injuries to staff or inmates.

(j) All chemical agents shall be used with caution and in accordance with the manufacturer's instructions. The Material Safety Data Sheet (MSDS) for chemical agents shall be kept where chemical agents are located.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. Form DC6-216, Chemical Agent Accountability Log, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are

consistent with that expected by reviewing and initialing Form DC6-216. Form DC6-216 is incorporated by reference in subsection ~~(25)(22)~~ of this rule.

(l) Issuance of chemical agents.

1. Certified officers assigned to major institutions and work camps are designated by the Secretary of the Department as required to carry chemical agents and shall be issued one three or four ounce dispenser of OC pepper spray after being properly trained in chemical agent utilization. These officers are authorized to administer chemical agents in spontaneous circumstances without additional authorization for intervention in self-defense, i.e., when the officer believes that he is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers, or inmates. Certified security officers assigned to armed perimeter posts may be exempted from this requirement by the warden.

2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as "A" team response members are authorized by the Secretary to be issued one MK-9, or equivalent, dispenser of OC in addition to the dispenser issued in accordance with subparagraph ~~(17)(l)1. (46)(l)1.~~ These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors.

3. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each chemical agent dispenser will be secured within a pouch or to a holstering device by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Form DC6-213 is incorporated by reference into subsection ~~(25)(22)~~ of this rule. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and Form DC6-210, Incident Report, will be written. The arsenal sergeant shall maintain a master inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on Form DC6-216, Chemical Agent Accountability Log, and attach a new seal. Any discrepancies in the weight of the dispenser will be reported to the chief of security, and Form DC6-210, Incident Report, shall be completed.

(m) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in Section I of Form DC6-230, Institutions Report of Force Used.

(n) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, or unruly to the point he is creating a disturbance impacting the housing unit, other inmates, or the officer's ability to provide unit security, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the confinement or close management lieutenant or shift supervisor or person of higher rank shall be contacted for further instructions

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine if the inmate has a medical condition that would be exacerbated by the use of chemical agents; as with the use of EIDS, if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. Contact the warden or, in his or her absence, the duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be counseled with by the shift supervisor concerning his behavior.

a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by the shift supervisor to cease his actions. The inmate will also be informed at this time that chemical agents will be administered if he continues his disruptive behavior.

b. If the inmate continues his disruptive behavior, approximately three minutes after the order is given, staff are authorized to administer chemical agents in the form of no more than three one-second bursts. Staff are authorized to immediately utilize chemical agents if physical injury to staff or other inmates appears imminent.

c. If after approximately five minutes from the initial exposure the inmate still continues his disruptive behavior, staff are authorized to again administer chemical agents for no more than three one-second bursts.

d. If the second administration of chemical agents fails to control the inmate's disruptive behavior, the duty warden shall again be consulted to determine the next course of action. Additional actions include:

I. Additional administration of the same type or other type of chemical agent; and

II. Other uses of force as authorized by this rule.

e. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the confinement or close management lieutenant or the shift supervisor is unavailable, he shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

(o) Medical Requirements.

1. Following the administration of chemical agents, the inmate will be monitored for any signs of respiratory distress: i.e., labored breathing, excessive or persistent coughing, or other signs of distress. The inmate will be questioned about any past history of respiratory problems such as asthma, bronchitis, emphysema, or shortness of breath. If the inmate displays or reports any of these symptoms or conditions, the inmate requires immediate attention by medical staff who have reviewed the inmate's medical record for any history of such respiratory problems.

2. In the event chemical agents are utilized on an inmate who is out of control to the degree where four (4)-point restraints are required for safety purposes, he will be constantly monitored by health services staff for signs of distress and, if distress occurs, treated to alleviate the distress. Approval from the warden or the duty warden is to be obtained prior to placing an inmate in four (4)-point restraints. Approval must also be subsequently obtained from the designated health authority.

3. Following the use of chemical agents, except as noted above, staff will avoid placing the inmate in a lying-down position, either face down or face up.

a. The inmate will be maintained in a sitting or standing position for at least forty-five (45) to sixty (60) minutes after the use of chemical agents.

b. Constant observation for the possibility of respiratory distress is required and any indication of distress will prompt immediate assessment by medical staff.

c. If symptoms of the spray persist after sixty (60) minutes, the inmate will be brought for immediate medical attention.

4. The inmate will not be held or mechanically restrained in any way that would obstruct movement of the inmate's chest or abdomen. If the inmate has been subjected to chemical

agents and then personally restrained to allow security to place mechanical restraining devices on the inmate (such as handcuffs), the inmate will be moved to a sitting or standing position immediately after s/he is secured.

5. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(p) Any part of the body exposed to chemical agents, especially eyes, shall be flushed with water as soon as possible after exposure for at least five to ten minutes or until the affected inmate experiences relief. The affected area shall not be rubbed with a cloth or towel, and no oils, creams, or topical medications shall be applied unless medical staff so directs.

(q) Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal shall result in a disciplinary report and be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor; or

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement or close management. Form DC6-229 is incorporated by reference in Rule 33-602.220, F.A.C.

2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal and medical staff shall immediately report to the area to

conduct a cell-front examination and to explain the importance of showering after exposure to chemical agents, except in case of emergency which shall be documented.

3. The shift supervisor shall again order the inmate to shower. If the inmate refuses again, this refusal shall also be documented in writing and witnessed by the shift supervisor and medical staff.

4. If medical staff determine that there is no immediate medical need for the inmate to shower, then for the next 2 hours the inmate shall be checked every 30 minutes and given the opportunity to shower. These checks shall be documented on Form DC6-229, Daily Record of Segregation.

5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection (13) ~~33-602.210(12)~~, F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.

(r) Upon request, appropriate health services staff shall provide the following completed forms to Department inspectors or legal staff: Form DC4-701C, Use of Force Exam; Form DC4-708, Diagram of Injury; and Form DC4-701, Chronological Record of Health Care.

~~(18)(17)~~ Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects and shall not be used on anyone other than an inmate during an authorized use of force.

(a) Definitions:

1. Specialty Impact Munitions – Munitions designed to incapacitate, distract, and control a subject with less likelihood of life-threatening injury.

2. Rubber Ball Rounds – Multiple pellets fired from cartridges at the lower extremities of rioters, designed to inflict pain compliance.

3. Wooden Baton Rounds – Multiple wooden baton rounds fired from a 37-mm weapon, designed to be skip fired into the lower extremities of rioters to inflict pain compliance.

4. Skip Firing – The practice of firing specialty impact munitions 5-7 feet in front of rioters, thereby deflecting the munitions into the legs of the rioters.

5. Direct Firing – The practice of firing specialty munitions directly into a group of rioters, from a distance of greater than 20 feet with a target area of the waist or below.

(b) The following specialty impact munitions have been approved for use by the department:

1. 37-mm rubber ball pellet rounds,
2. 12 gauge rubber ball pellet rounds,
3. 37-mm wooden baton rounds.
4. 40-mm direct impact – OC marking rounds.

(c) Selection and deployment of specialty impact munitions during a riot or disturbance shall be authorized by the ultimate commander and supervised by the rapid response or correctional emergency response team leader. For the purposes of this rule, the ultimate commander is the secretary or his designee at the central office level, the regional director or his designee at the regional level, or the warden or his designee at the institution level.

(d) Specialty impact munitions shall only be used after all other reasonable alternatives to regain control have been exhausted. They are generally intended to be used as an interim force response between the use of chemical agents and lethal force.

(e) Specialty impact munitions shall not be deployed in the direction of any individual at a distance of less than 10 feet, unless the threat justifies the escalation to deadly force.

(f) Storage of Specialty Impact Munitions.

1. Specialty impact munitions shall be stored and maintained in the main arsenal.

2. Specialty impact munitions shall not be mixed with lethal munitions. Weapons designated to deploy specialty impact munitions shall be marked in a manner to alert staff of their intended use.

3. All specialty impact munitions will be accounted for in the same manner as firearms and ammunition.

(g) After each use of specialty impact munitions, exposed inmates shall be examined by medical personnel.

(h) In any case where specialty impact munitions are deployed Form DC6-230, Institutions Report of Force Used, shall be filed in accordance with use of force procedures set forth in this rule.

~~(19)(18)~~ Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) No employee shall, in conjunction with his job responsibilities, carry a firearm or weapon on or about his person, either concealed or unconcealed, unless it is state equipment which has been properly issued and the employee is acting within the scope of official duties with the Department of Corrections.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, duty warden, chief of security or shift supervisor by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. Escape or apprehension of an identified escapee;
2. Use of vehicle to gain unauthorized entry into or exit from a correctional institution in order to facilitate an escape;

3. To prevent injury to a person including self-defense; or
4. To quell a riot.

(c) The use of twelve gauge #6 steel turkeyshot is approved for use by the rapid response teams during riots and disturbances. It is intended to be fired from a distance in the direction of the rioters' lower extremities to inflict pain compliance to directions and orders. It is acknowledged that the #6 steel shot has the potential of inflicting a lethal injury; however, its use is considered a less lethal interim munition to be used prior to more lethal loads authorized by the department.

(d) Weapons to be used shall be designated by the person in charge.

(e) Firearms shall not be discharged:

1. In any case where there is reason to believe that the life of an innocent bystander will be endangered by discharge of the firearm;

2. From any moving vehicle unless such action is reasonably believed necessary to protect oneself or another from imminent death or great bodily harm;

3. As a warning except during escapes, unless exceptional circumstances exist which would justify the firing of a warning shot;

4. Until the employee is sure that an escape is occurring or has occurred and he is reasonably certain that the person to be fired upon is an escapee;

5. Until the employee is sure of the target and what lies beyond;

6. If an inmate is escaping and the officer is recapturing the inmate in a congested area;

7. Except after all reasonable non-lethal alternatives have been exhausted; or

8. On the mere suspicion that a crime, no matter how serious, has been committed.

(f) Any correctional employee who willfully or wantonly fires or otherwise discharges his weapon carelessly or at random may be prosecuted in accordance with Florida law.

(g) Because helicopters or other aircraft may be used during an escape or assault, the following policy shall apply:

1. When it can be done safely, actions other than firing of weapons, such as waving of arms in such a manner as to indicate disapproval to enter an area, shall be made in an attempt to cause the aircraft to leave.

2. If these attempts fail, the aircraft shall be allowed to land.

3. All inmates shall be kept away from the aircraft.

4. Secure the aircraft using armed security staff, or prevent it from being flown away by securing the flight equipment with locks and chains without causing damage to the aircraft.

5. If the landing was brought about due to an emergency, i.e., engine failure or other reason, maintain security of the aircraft and all occupants until their removal from the site.

6. Once the aircraft lands, efforts shall be directed to stop any inmate from boarding the aircraft in an attempt to escape. Staff are authorized to shoot any inmate attempting to escape in accordance with existing policy. When circumstances permit, a verbal warning to halt and a warning shot shall be fired prior to the inmate reaching the aircraft.

7. If weapons are fired from an aircraft, department personnel are authorized to return fire and use deadly force to protect the life and well being of inmates, staff and other individuals who may be on the compound.

8. If attempts to prevent inmates from boarding the aircraft fail and the aircraft leaves, the aircraft is not to be fired upon, unless the officer is returning fire as described in subparagraph 7. above. Immediate notification should be made to law enforcement personnel and the Federal Aviation Administration giving departing flight directions and any other information necessary to identify the aircraft. Additional information on the escaped inmates, possible damage to the aircraft, and weapons used by persons in the aircraft should also be reported.

9. All inmates shall receive orientation in regard to this policy. This orientation shall contain instructions indicating that should any helicopter or aircraft either attempt to land on or near the property of any Department of Corrections facility, inmates are required to move away from the aircraft. Movement toward the aircraft by an inmate shall be viewed as an escape attempt and shall subject the inmate to the use of deadly force to prevent him from escaping.

10. This policy shall be made a part of the department's orientation program at all reception centers.

(h) Use of vehicle to gain unauthorized entry into or exit from a correctional institution:

1. The institution or facility shall take steps to prevent vehicles from being used to gain unauthorized forced entry into or forced exit from its perimeter area.

2. If it becomes necessary, the following procedure should be followed:

a. Time permitting, a verbal order to halt shall be issued followed by a warning shot if the vehicle fails to stop.

b. If the vehicle continues and it is evident that it is going to ram the perimeter area and will thereby endanger lives of staff or inmates, and if there is a clear line of fire, firearms shall be used to disable the vehicle. If weapons are fired from a vehicle, staff are authorized to return fire and use deadly force to protect the lives of staff, inmates, or other individuals.

c. When possible and time permitting, any shot fired at a vehicle, shall be aimed at a tire or engine with the intent of disabling the vehicle.

(i) The employee discharging a weapon shall file a complete written report of the incident. If any correctional employee has fired a weapon during the performance of his duty, every effort shall be made to collect the empty cartridges

which shall be tagged, dated, and signed for, so that accurate information and evidence are maintained for future investigation of the incident.

~~(20)(19)~~ Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management, maximum management, and death row populations. The PLS is intended for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects

(a) The secretary shall designate those institutions authorized to utilize the PLS.

(b) In controlled situations when time constraints are not an issue, the PLS can only be used if authorized by the warden or duty warden. Additionally, certified correctional staff will be designated by the warden to utilize the PLS and will be pre-authorized to administer chemical agents in instances where chemical agents must be used immediately to quell assaults and fights among inmates assigned as outlined in paragraphs (c) and (d) below.

(c) PLS is authorized for use to quell assaults and fights among inmates assigned to restricted labor squads. Authorized activation of the PLS by staff assigned to restricted labor squads does not constitute deadly force.

(d) PLS is authorized for use in designated confinement, close management and death row recreation areas to quell assaults and fights among inmates.

(e) PLS is classified as less-than-lethal at all distances, but, unless the incident necessitates otherwise, it shall be primarily utilized at a distance of five (5) feet or greater to prevent the inmate from attempting to take control of the launcher.

(f) Written authorization from the warden or acting warden shall be received prior to utilization of the PLS for situations other than those described in paragraphs (c) and (d) above. This written authorization shall detail the reasons it was necessary to utilize the PLS in addition to or in place of aerosol type chemical agents.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection ~~(17)(46)~~ above shall be completed after the use of the PLS.

(h) Each assigned PLS system shall be numbered, maintained, and inventoried by the shift supervisor or designee on Form DC6-216, Chemical Agent Accountability Log.

~~(21)(20)~~ Medical Attention Following Use of Force. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible following resolution of the riot or disaster. Any treatment or follow-up action shall be documented in Section III of Form DC6-230, Institutions Report of Force

Used. A qualified health care provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report which shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 working day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record.

(22) No weapon shall be issued for any purpose other than the authorized use of force, or to a certified training officer for the purpose of approved training, without prior written authorization from the warden.

(23) Any officer who accidentally discharges a weapon shall complete Form DC6-210, Incident Report, by the end of his or her assigned shift.

(24)(21) Any violations of the provisions of this section shall be subject to the penalties prescribed in Section 944.35, F.S.

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

- (a) DC1-813, Use of Force File Checklist, effective September 18, 2006.
- (b) DC2-802, Use of Force Log, effective February 7, 2000.
- (c) DC4-529, Staff Request/Referral, effective January 6, 2009.
- (d) DC4-701C, Emergency Room Record, effective October 4, 2007.
- (e) DC4-708, Diagram of Injury, effective October 4, 2007.
- (f) DC4-711A, Refusal of Health Care Services, effective January 6, 2009.
- (g) DC6-210, Incident Report, effective March 3, 2008.
- (h) DC6-213, Individual Chemical Agent Dispenser Accountability Log, effective September 18, 2006.
- (i) DC6-216, Chemical Agent Accountability Log, effective July 25, 2002.
- (j) DC6-230, Institutions Report of Force Used, effective August 25, 2003.
- (k) DC6-231, Institutions Report of Force Used Staff Supplement, effective August 25, 2003.

(l) DC6-232, Authorization for Use of Force Report, effective July 25, 2002.

(m) DC6-296, Disapproved Use of Force/Disposition Report, effective July 25, 2002.

(n) DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, effective August 4, 2008.

Rulemaking Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09, 5-26-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Redd, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.704
RULE TITLE: Bond

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise this section of Chapter 40B-1, F.A.C., to require a bond or other form of surety for certification of completion of surface water management systems authorized by environmental resource permits. The effect of implementation will be an increase in the compliance rate of the certifications.

SUMMARY: This proposed rule will revise existing rule language to require a bond or other form of surety, including but not limited to, cash deposit, letter of credit, and performance bond, for certification of completion of surface water management systems authorized by environmental resource permits under Chapters 40B-4 and 40B-400, F.A.C. These certifications are required by paragraphs 40B-4.1140(2)(c) and 40B-400.115(1)(j), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Costs will be incurred at the inception of the permitting process; however, the amount paid will be returned to the permittee once the certification of completion has been received, inspected, and the project is approved. The costs associated with the proposed bond or other form of surety range from \$1,000 to \$10,000, depending on the project size.

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, 383.083, 373.113 FS.

LAW IMPLEMENTED: 373.085, 373.103, 373.219, 373.413, 373.416 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: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.704 Bond.

(1) No change.

(2) Applicants for environmental resource permits under Chapters 40B-4 and 40B-400, Florida Administrative Code (FAC), shall furnish a bond or other form of surety for certification of completion of construction as required by paragraphs 40B-4.1140(2)(c) and 40B-400.115(1)(j), F.A.C. The forms of surety acceptable to the District include but are not limited to, cash deposit, letter of credit, and performance bond. Bonds and other forms of surety shall be in the following amounts: project area less than one acre, \$1,000; project area less than 10 acres, \$2,000; project area less than 40 acres, \$3,000; project area less than 100 acres, \$4,000; project area less than 200 acres, \$5,000; project area greater than or equal to 200 acres, \$10,000. The District shall release the bond or other form of surety, without interest, upon final acceptance of certification of completion of construction and transfer of operation and maintenance to an entity approved by the District as required by Rule 40B-4.2035, F.A.C.

~~(3)~~ (2) The Board may require liability insurance in such amount as the Board shall determine endorsed in favor of the District or a hold harmless agreement satisfactory to the Board.

~~(4)~~ (3) The Board may require that the bond or liability insurance be maintained as a condition of the continued validity of the permit.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.219, 373.413, 373.416 FS. History--New 9-15-81, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C.m to establish Minimum Flows for the Lower Alafia River System as required pursuant to Section 373.042, Florida Statutes. For purposes of this rule the Lower Alafia River System includes the watercourse downstream of the USGS Gage No. 02301500 Alafia River at Lithia, FL including Lithia Springs, Buckhorn Spring, and their associated spring runs.

SUMMARY: The Minimum Flow is proposed as 81% of the daily flow to the Lower Alafia River System that is above 120 cfs. Flow to the lower river is calculated as flow at the United States Geological Survey gaging station Alafia River at Lithia (multiplied by a factor of 1.117 to account for flow between the gage and Bell Shoals Road), plus flows from Lithia and Buckhorn Springs. In addition, a Low Flow Threshold (LFT) of 120 cubic feet per second (cfs) is proposed which prohibits all withdrawals from the river and springs when flows in the lower river fall are below that rate of flow. Minimum five-year and ten-year moving average values are set forth in the rule as a tool to assess whether flows to the Lower Alafia River remain above flow rates that are expected to occur with implementation of the Minimum Flow.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Only two permittees currently withdraw water from the Alafia River. Only one is expected to be affected by the proposed minimum flow. No significant costs are anticipated to the agency or other state or local governments. There are no small businesses with water use permits withdrawing from the Lower Alafia River and therefore there are no impacts to existing small business permittees from the proposed establishment of the minimum flow. It is unknown whether in the future any small business will seek a water use permit for withdrawals from the Lower Alafia River System that would impact the proposed Minimum Flow. If withdrawals from surface water during the low flow periods impact the proposed minimum flow, individuals and entities have various mitigation options:

a) Groundwater may be used to augment the flow of the Lower Alafia if the applicant is able to provide a net benefit. The net benefit will be in the form of a retirement of historically used quantities. These quantities should equal the amount of the predicted impact plus 10%.

i. Cost: 0.24 per 1,000 gallons

b) The applicant may suspend or avoid surface water withdrawals during the low flow season and purchase reclaimed water.

i. Incremental Cost: \$2.56 per 1,000 gallons

c) The applicant may suspend or avoid surface water withdrawals during the low flow season and use storm water.

Incremental Cost: \$1.07 per 1,000 gallons

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, 2379 Broad Street, Brooksville, FL 34605

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (9) No change.

(10) Minimum Flows for Alafia River – Freshwater Segment.

(a) through (c) No change.

(11) Minimum Flow for Lower Alafia River System.

(a) For purposes of this rule, the Lower Alafia River System includes the watercourse downstream of the USGS Gage No. 02301500 Alafia River at Lithia, FL (the “Alafia River at Lithia Gage”) including Lithia Springs, Buckhorn Spring, and their associated spring runs.

(b) The Minimum Flow is to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the Lower Alafia River System are met. Daily flows to the Lower Alafia River System are calculated by multiplying mean daily flow values at the Alafia River at Lithia Gage by a factor of 1.117, then adding the mean daily flows from Lithia Spring Major and Buckhorn Spring. Flows are calculated in the absence of withdrawals and are based on mean flows at the Alafia River at Lithia Gage from the previous day and the most recently recorded periodic values from Lithia Spring Major and Buckhorn Spring. The Minimum Flow for the Lower Alafia River System is intended to preserve 81% of the natural flow to the Lower Alafia River System when flows exceed a low-flow threshold of 120 cfs.

(c) The Minimum Flow is 81% of the daily flow to the Lower Alafia River System that is above 120 cfs.

(d) Minimum five-year and ten-year moving average values are set forth in Table 8-19 as a tool to assess whether flows to the Lower Alafia River remain above flow rates that are expected to occur with implementation of the Minimum Flow. These values represent minimum values of the averages of yearly mean and median flows to the Lower Alafia River

System calculated over moving five-year and ten-year periods. These values were calculated by applying the potential maximum withdrawals that do not violate the Minimum Flow to historic flow records. It is, therefore, expected that flows to the Lower Alafia River System will not go below these values if compliance with the Minimum Flow is maintained. However, future climatic conditions or structural alterations in the watershed of the Lower Alafia River System could potentially affect surface water or ground contributions to the Lower Alafia River System’s flow regime. The District will, therefore, periodically evaluate whether these minimum moving average values expected with application of the Minimum Flow, or other factors, have possibly caused flows in the Lower Alafia River System to decline.

<u>Table 8-19 Minimum Values of Five-year and Ten-year Moving Averages of Yearly Mean and Median Flows to the Lower Alafia River System</u>	
<u>Value</u>	<u>Flow (cfs)</u>
<u>Minimum 10-Year Moving Average (Based On Yearly Mean Flows)</u>	<u>247</u>
<u>Minimum 10-Year Moving Average Median (Based On Yearly Median Flows)</u>	<u>150</u>
<u>Minimum 5-Yearly Mean Flows (Based on Yearly Mean Flows)</u>	<u>217</u>
<u>Minimum 5 Year Moving Average (Based On Yearly Median Flows)</u>	<u>120</u>

Flows to the Lower Alafia River System were estimated for the period of record at the Alafia River at Lithia Gage. The period from 1987 to 2003 was used to create a relationship between daily flows at the Gage and total flows to the Lower Alafia River System. Five-year and ten-year moving average statistics were then calculated for estimated long-term flows to the Lower Alafia River System that were derived from the Alafia River at Lithia Gage.

(12)(44) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marty Kelly, Minimum Flows and Levels Program Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-80.075
 RULE TITLE: Recovery Strategy for the Lower Alafia River System

PURPOSE AND EFFECT: To adopt rules describing the recovery strategy for minimum flows for the Lower Alafia River System which minimum flows are being adopted simultaneously with these rules. The actual flows are below the minimum flows being proposed for the Lower Alafia River System, so pursuant to Section 373.0421, F.S., the District must develop a recovery strategy to achieve the minimum flows. The proposed rules will establish a recovery strategy for the minimum flows for the Lower Alafia River System.

SUMMARY: Mosaic Fertilizer’s Riverview Facility (Water Use Permit No. 20001532) depends on withdrawals from Lithia Major Spring and Buckhorn Main Spring for plant operations. Because there is no LFT limitation in the permit, the permitted withdrawals will violate the proposed minimum flows. When this occurs, Florida law, Section 373.0421, Florida Statute, requires a recovery strategy so that the minimum flow is achieved. The District and Mosaic have developed a recovery strategy that will allow Mosaic to continue the operation of the Riverview facility during low flow periods and meet the minimum flows by January 1, 2017. The recovery strategy requires augmentation of the South Prong of the Alafia River to replace their spring withdrawals when the flow in the lower Alafia River for the previous day falls below the LFT of 120 cfs. The augmentation will be done using upper Floridan aquifer agriculture wells permitted to Mosaic. The wells are located within the MIA of the SWUCA and a Net Benefit is required to use the agricultural wells for this purpose. The necessary quantities will be retired by December 31, 2016, to meet the Net Benefit requirements and to replace the withdrawals from the springs. In July 2009 Mosaic was issued a water use permit to use the agricultural wells for this purpose, subject to adoption of the minimum flows and recovery strategy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Only Mosaic Fertilizer is affected by this proposed rule. There are various mitigation options for complying with the proposed minimum flow and 40D-2, F.A.C. in order to achieve recovery:

- a) Groundwater may be used to augment the flow of the Lower Alafia if the applicant is able to provide a net benefit. The net benefit will be in the form of a retirement of historically used quantities. These quantities should equal the amount of the predicted impact plus 10%.
 - i. Cost: 0.24 per 1,000 gallons
- b) Surface water withdrawals can be suspended or avoided during the low flow season and purchase reclaimed water.
 - i. Incremental Cost: \$2.56 per 1,000 gallons

c) Surface water withdrawals can be suspended or avoided during the low flow season and use storm water.

Incremental Cost: \$1.07 per 1,000 gallons

There are other anticipated transactional costs associated with mitigating withdrawals from the river. The costs are associated with augmenting the river with groundwater and include well construction, water quality and level recording and reporting and assessing the feasibility of using reclaimed water. These costs were to be incurred in order to comply with conditions of issuance regarding stream flow under existing Chapter 40D-2, F.A.C., rule provisions.

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: 373.0421, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 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 A. Lloyd, 2379 Broad Street, Brooksville, FL 34605

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-80.075 Recovery Strategy for the Lower Alafia River System.

(1) Background.

Pursuant to Section 373.042, F.S., the District has established Minimum Flows for the Lower Alafia River System and are set forth in subsection 40D-8.041(11), F.A.C. In establishing the Minimum Flows, the District determined that under certain conditions the existing flow rates are below the Minimum Flows due to withdrawals from Lithia and Buckhorn Springs by Mosaic Fertilizer, LLC (“Mosaic”) for the operation of its Riverview plant pursuant to Water Use Permit no. 2001532. In such circumstances, Section 373.0421, F.S., requires the District to implement a recovery strategy so that a violation of Minimum Flows is not caused by withdrawals. The District has developed a phased recovery strategy under which Mosaic will augment the South Prong of the Alafia River using ground water so that by January 1, 2017, withdrawals by Mosaic do not cause the Minimum Flows to be violated.

(2) Recovery Strategy – beginning 90 days after the effective date of this rule and after obtaining all necessary permits for the discharge of well water to the Alafia River, compliance by Mosaic with paragraphs (a) and (b) below shall be deemed compliance by Mosaic with the Minimum Flows for the Lower Alafia River System.

(a) Through December 31, 2016, Mosaic shall augment the South Prong of the Alafia River with up to 1,300,000 gallons per day of ground water when stream flow at United States Geologic Survey ("USGS") Gage No. 02301500 Alafia River at Lithia ("Alafia River at Lithia Gage") for the previous day falls below a flow rate of 67 cfs based on real-time readings posted on the USGS web site. Provided, however, the augmentation shall not exceed the quantity of water withdrawn by Mosaic from the Lower Alafia River System on the previous day.

(b) Beginning January 1, 2017, Mosaic shall, augment the South Prong of the Alafia River with up to 4,500,000 gallons per day of ground water when stream flow at United States Geologic Survey ("USGS") Gage No. 02301500 Alafia River at Lithia ("Alafia River at Lithia Gage") for the previous day falls below a flow rate of 67 cfs based on real-time readings posted on the USGS web site. Provided, however, the augmentation shall be equal to but shall not exceed the quantity of water withdrawn by Mosaic from the Lower Alafia River System on the previous day.

Rulemaking Authority 373.0421, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marty Kelly, Minimum Flows and Levels Program Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF VETERANS' AFFAIRS
Division of Veterans' Benefits and Assistance

RULE NO.: 55A-3.006
RULE TITLE: Continuing Certification
PURPOSE AND EFFECT: The proposed amendment will require Veteran Service Officers attending a training refresher course to pass an exam demonstrating mastery of the covered material.
SUMMARY: Currently, the rule cited provides discretion to FDVA regarding training requirements for Veteran Service Officers. At the request of the Joint Administrative Procedures Committee (JAPC), we are removing this discretion, making the rule requirements mandatory.
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: 292.05(3) FS.
LAW IMPLEMENTED: 292.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-3.006 Continuing Certification.

As a condition of remaining in employment, each county or city Veteran Service Officer shall attend the Department's periodic training refresher courses. The refresher courses are designed to acquaint the Veteran Service Officer with new regulations and amendments to existing regulations as well as to answer any questions which the Officer may have concerning the responsibilities of the office. Each Veteran Service Officer attending a training refresher course shall ~~may~~ be required to pass a test demonstrating mastery of the subject covered during the refresher training session.

Rulemaking ~~Specific~~ Authority 292.05(3) FS. Law Implemented 292.11 FS. History—New 8-14-79, Formerly 9H-3.06, 22S-3.06, 22S-3.006, Amended 10-4-89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: FDVA
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009, Vol. 35/33

DEPARTMENT OF VETERANS' AFFAIRS
Division of Veterans' Benefits and Assistance

RULE NO.: 55A-3.007
RULE TITLE: Failure to Attend Training Refresher Course
PURPOSE AND EFFECT: The proposed amendment requires county or city Veteran Service Officers who fail to attend a required refresher training course to demonstrate proficiency in the course material as a condition of continued certification.
SUMMARY: Currently, the rule cited provides discretion to FDVA regarding training requirements for Veteran Service Officers. At the request of the Joint Administrative Procedures Committee (JAPC), we are removing this discretion, making the rule requirements mandatory

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: 292.05(3) FS.

LAW IMPLEMENTED: 292.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-3.007 Failure to Attend Training Refresher Course.

Failure of a county or city Veteran Service Officer to attend any required training refresher course shall subject that Officer to revocation of certification. A county or city Veteran Service Officer who fails to attend a required training refresher course shall may be required to demonstrate proficiency in the matters covered in that refresher course as a condition of continued certification.

Rulemaking Specific Authority 292.05(3) FS. Law Implemented 292.11 FS. History—New 8-14-79, Formerly 9H-3.07, 22S-3.07, 22S-3.007, Amended 10-4-89,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: FDVA

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2909

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009 Vol. 35/33

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: 55A-5.008
 RULE TITLE: Supervisory Inspection Review

PURPOSE AND EFFECT: The proposed amendment requires FDVA's Bureau of State Approving Agency to suspend for 60 days an educational institution from participation in GI Bill educational programs, for noncompliance with Federal standards. At the end of the 60 day period, if FDVA finds that the institution has conformed its programs to the standards then it shall lift the suspension.

SUMMARY: Currently, the rule cited provides discretion to FDVA regarding suspension of educational institutions from participating in GI Bill Programs. At the request of the Joint

Administrative Procedures Committee (JAPC), we are removing this discretion, making the rule requirements mandatory.

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: 292.05(3) FS.

LAW IMPLEMENTED: 295.124 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-5.008 Supervisory Inspection Review.

(1) The Bureau shall conduct an ongoing review of institutions which have a veteran or other eligible person enrolled in an accredited or nonaccredited course or program for the purpose of determining if the approved course or program continues to meet all the conditions for approval. Supervisory and inspection visits shall be coordinated to the extent possible with the schedule of compliance surveys to be conducted by the U.S.D.V.A. in order to avoid duplication of effort. The following priorities shall be observed by the Bureau when scheduling visits:

Priority I – Reports and Visits Requested by the U.S.D.V.A.

Priority II – New Approvals

Priority III – Revision of Existing Approvals

Priority IV – Routine Supervisory Visits

(2) Following each review, the Bureau shall advise the educational institution of its findings. A copy of the inspection report shall be furnished the Secretary of Veterans' Affairs.

(3) In any case where the Bureau determines that a course or program no longer meets the applicable standards, it shall may suspend the educational institution for a period of 60 days during which time no new veterans may be enrolled for purposes of receiving benefits. At the end of the 60 day period, if the Bureau finds that the educational institution has conformed its courses or programs to the applicable standards, the Bureau shall may lift the suspension. If the Bureau finds the courses or programs still do not comply with the applicable standards, it shall issue a letter of disapproval to the educational institution and forward a copy of the letter to the U.S.D.V.A.

Rulemaking Specific Authority 292.05(3) FS. Law Implemented 295.124 FS. History–New 9-2-79, Formerly 9H-5.08, 22S-5.08, 22S-5.008, Amended 10-30-89, 12-5-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: FDVA

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2909

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009 Vol. 35/33

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-7.034 Alternate-Site Testing

PURPOSE AND EFFECT: The agency is proposing to amend the rule that specifies the parameters around which tests can be performed at alternate test sites within hospitals.

SUMMARY: Revisions to clarify where alternative site testing can be performed, who can perform the tests and the qualifications of those performing alternative site testing.

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: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.106, 483.181, 483.201, 483.221, 483.23 FS.

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

DATE AND TIME: October 29, 2009, 1:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. If you are 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.034 Alternative-Site Testing.

Alternate-site testing shall include laboratory tests performed in a hospital facility licensed under Chapter 395, F.S., out of the physical or administrative confines of the central laboratory which is licensed under Chapter 483, Part I, F.S. A clinical laboratory licensed under Chapter 483, Part I, F.S. may establish satellite locations under its administrative confines on the same or adjoining grounds of a hospital licensed under Chapter 395, F.S. that is not an alternate-site. Clinical laboratory testing within the satellite locations shall be performed by clinical laboratory personnel licensed under Chapter 483, Part III or exempt from licensure under that part, whereas testing at an alternate-site location shall be performed by personnel permitted under paragraph 59A-7.034(5)(a), F.A.C. Alternate-site testing allows specific personnel, who are not licensed clinical laboratory personnel, and are listed under subparagraphs 59A-7.034(5)(a)1.-7. and 9., F.A.C., to perform limited laboratory tests identified under paragraphs 59A-7.034(7)(a)-(e), F.A.C. Locations of alternate-site testing include, patients’ bedsides, nurses’ stations as well as locations determined appropriate by the laboratory director in a written plan that meets the requirements of Rule 59A-7.034, F.A.C.

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

(b) The laboratory must be licensed in all specialties or subspecialties in which testing is performed at the sites referenced in paragraph (a), above. Testing at these sites shall be limited to those tests for which the supervising director and laboratory personnel are qualified pursuant to Title ~~64B3~~ ~~590~~ and authorized under Chapter 59A-7, F.A.C.

(3) Testing shall be the responsibility of the clinical laboratory director and shall be performed under the director’s supervision and administrative control as specified under subsection 59A-7.035(1), F.A.C. The director shall be responsible for selecting the tests to be performed in accordance with Rule 59A-7.034, F.A.C. All such testing is subject to requirements specified in Chapter 59A-7, F.A.C. The laboratory director has the authority and responsibility to determine corrective action to be taken to maintain an equivalent standard of care for the entire hospital facility up to and including termination of alternate-site testing where there is documentation of noncompliance with Chapter 59A-7, F.A.C.

(a) A written protocol shall be established by the director and implemented by the service(s) performing alternate-site testing as required under subsection 59A-7.029(3), F.A.C., applicable to tests performed.

1. through 3. No change.

(b) through (c) No change.

(d) The director shall designate in writing, for each test site, a director, supervisor or technologist qualified under Chapter 483, Part ~~III~~, ~~IV~~, F.S., who in the absence of the director, monitors the performance of testing personnel, reporting of results and compliance with established policies.

(4) Records.

(a) All records of personnel authorized to perform alternate-site testing must be readily available for inspection by the agency for at least two years. These records shall include the name of each person performing such testing and documentation that each individual performing alternate-site testing is licensed by the state or certified by a national organization in a health care profession as required in subsection 59A-7.034(5), F.A.C., competency evaluations, patient results, quality control, corrective actions, proficiency surveys, and instrument maintenance.

(b) Results of all testing performed shall be made a part of the patient's permanent medical record and shall meet the requirements specified in Rule 59A-7.028, F.A.C.

(5) Alternate-site testing personnel requirements.

(a) Testing personnel shall have a high school diploma, or its equivalent, and have met the HIV/AIDS educational requirements pursuant to Section 381.0035, F.S. In addition, all testing personnel in the alternate-test site locations shall meet one of the following requirements:

1. Is licensed as an advanced registered nurse practitioner, a registered nurse or licensed practical nurse pursuant to Chapter 464, F.S.

2. through 4. No change.

5. Is licensed as a physician assistant pursuant to Chapters 458 and 459, F.S.

6. Is a perfusionist certified by the American Board of Cardiovascular Perfusionists.

7. Is a cardiovascular technician certified by the Cardiovascular Credentialing International (CCI) ~~American Board of Cardiovascular Perfusion~~, or

8. Is licensed as a director, supervisor, technologist or technician under Chapter 483, Part ~~III~~, ~~IV~~, F.S., or exempt from such licensure as provided in that chapter, or

9. Is a licensed Emergency Medical Technician (EMT) or Paramedic pursuant to Chapter 401, Florida Statutes.

(b) through (c) No change.

(6) Responsibilities of the laboratory director pertaining to the alternate-test site.

(a) The laboratory director shall:

1. Ensure that testing personnel are limited to those who meet the requirements of paragraph 59A-7.034(5)(a), F.A.C.; and

2. No change.

(b) through (c) No change.

(d) Documentation of licensure or certification, as applicable, pursuant to subsection 59A-7.034(5), F.A.C., and competency evaluations must be maintained during the tenure of all testing personnel and for a minimum of two years thereafter and made available to the agency at the time of inspection.

(7) Tests performed. Only test procedures approved by the laboratory director and documented in the internal needs assessment in accordance with Rule 59A-7.034, F.A.C., shall be performed at the alternate-test site.

(a) through (d) No change.

(e) ~~Notwithstanding paragraph (b), above, Waived tests are permitted to be performed by hospital staff designated to provide the testing under the hospital's policies and procedures, under a certificate of exemption as provided in Section 483.106, F.S. Such testing shall meet the requirements specified for a certificate of exemption as specified under Chapter 59A-7, F.A.C.~~

(8) No change.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.051, 483.106, 483.181, 483.201, 483.221, 483.23 FS. History--New 12-27-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Rivera

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2009

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-39.003 RULE TITLE: Filing of Single-Site Timeshare Plans

PURPOSE AND EFFECT: This rule amendment is required to address the new public offering statement disclosure requirement relating to a timeshare owner's obligation to pay assessments as amended by Section 8 of Chapter 2009-133, LOF. The amendment also deletes redundant disclosure requirements in this rule.

Other rules incorporating this rule: Rules 61B-39.002, 39.003, 39.004, 39.005, 39.006, 39.008 and 41.003, F.A.C. The amendment to this rule will have no significant impact on the referenced rules.

SUMMARY: This rule amendment addresses the public offering statement disclosure requirements for timeshare interests.

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

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

RULEMAKING AUTHORITY: 721.07(5), 721.26(6) FS.

LAW IMPLEMENTED: 721.05, 721.06(1)(g), 721.07(5), (6), 721.52(4), (5), 721.53 FS.

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

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

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-39.003 Filing of Single-Site Timeshare Plans.

(1) No change.

(2) Every single-site registered POS must organize the required information and disclosures in the following manner and format:

(a) through (b) No change.

(c) The next consecutive page(s) shall be the index and shall list the sections of the POS text with corresponding subject matter and page number, pursuant to Section 721.07(5)(c), F.S., as prescribed in DBPR Form TS 6000-10, Index to Single-Site/Component Site Public Offering Statement Text, incorporated ~~herein~~ by reference and effective 12-18-01, a copy of which may be obtained at the address referenced in subsection 61B-39.002(4), F.A.C. If any required information or disclosure is not applicable to a particular POS, the index shall contain a notation to that effect where such information or disclosure would otherwise be described in the

index. However, such notations shall not cause a POS to deviate from either the order or numbering of presentation as prescribed in this rule;

(d) through (f) No change

(g) The next consecutive pages shall be labeled "III. Public Offering Statement Text" and shall contain the subject matter indicated by, and be organized by section according to, the Index to Public Offering Statement Text, and contain the information and disclosures required in Sections 721.07(5)(e)-~~(ii)(gg)~~, 721.55, F.S., in the following order:

1. through 13. No change.

~~14. Section 5.i. shall contain the information required in Section 721.07(5)(n), F.S.;~~

~~15. Section 5.j. shall contain the information and disclosure, if applicable, required in Section 721.07(5)(r), F.S.;~~

~~14.16.~~ Section 6. shall contain the information required in Section 721.07(5)(t), F.S.;

~~15.47.~~ Section 7.a. shall contain the information required in Section 721.07(5)(z), F.S.;

~~16.48.~~ Section 7.b. shall contain the information required in Sections 721.07(5)(u), (5)(v), (5)(x), and (5)(y), F.S.;

~~17.49.~~ Section 7.c. shall contain the information required in Section 721.07(5)(j), (cc) and (dd), F.S. If the developer does not own the real property underlying any particular accommodation or facility, the developer shall disclose the extent to which such accommodation or facility will be available to purchasers, including an explanation of any limitations, risk, or restrictions on availability. This disclosure shall not relieve the developer from complying with the financial assurance or non-disturbance requirements of Chapter 721, F.S., or these rules, where applicable;

~~18.20.~~ Section 7.d. shall contain the information required in Sections 721.07(5)(p)1. and (p)2. ~~and (5)(ii), F.S.; and~~

~~19.21.~~ Section 8. shall contain the information required in Section 721.07(5)(bb), F.S.;

(h) The next consecutive page(s) shall contain the POS exhibits tabbed and labeled by "Exhibit #", as previously listed pursuant to paragraph (2)(b) of this rule or required pursuant to Section 721.07(5), F.S., including:

1. An exhibit containing the form receipt for timeshare documents to be furnished to purchasers as prescribed in DBPR Form TS 6000-7, Receipt for Timeshare Documents, incorporated ~~herein~~ by reference and effective 12-18-01, a copy of which may be obtained at the address referenced in subsection 61B-39.002(4), F.A.C.; and

2. A description of exhibits that will not be provided to purchasers.

(3) No change.

(4) The single-site registered POS shall be accompanied by the following completed and executed forms and documents, where applicable:

(a) No change.

(b) DBPR Form TS 6000-8, Certificate of Identical Documents, incorporated ~~herein~~ by reference and effective 12-18-01, a copy of which may be obtained at the address referenced in subsection 61B-39.002(4), F.A.C.;

- (c) through (e) No change.
- (5) through (6) No change.

Rulemaking Specific Authority ~~721.07(5), 721.26(6) FS. Law Implemented 721.05, 721.06(1)(g), 721.07(5), (6), 721.52(4), (5), 721.53 FS. History--New 5-8-94, Amended 12-11-94, 6-12-96, 12-18-01,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-2.001 RULE TITLE: Standards of Professional Conduct

PURPOSE AND EFFECT: The proposed rule is necessary to modify the standards of professional conduct.

SUMMARY: The proposed rule modifies the standards of professional conduct.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: •2,768 Management Firms in addition to the already regulated 11,000 Community Association Manager will be required to comply with the rule; furthermore, all licensed Community Association Management Firms and Community Association Managers will be required to comply.

- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- Minimal cost of of \$105.00 each biennium will be incurred by each management company as they are now required to be licensed. Each Community Association Manager now incurs this cost as the cost of licensure each biennium.
- The proposed change will impact 1,000-4,999 small businesses. No small county or city will be impacted by the rule.

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

RULEMAKING AUTHORITY: 468.4315(2), 468.436(3) FS. LAW IMPLEMENTED: 468.433, 468.436 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-2.001 Standards of Professional Conduct.

~~All Licensees and registrants~~ shall adhere to the following provisions ~~and~~, standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees ~~and registrants~~, into any written or oral agreement for the rendition of community association management services, the violation of which shall constitute gross misconduct or gross negligence:

(1) Definitions. As used in this rule, the following definitions apply:

(a) The word “control” means the authority to direct or prevent the actions of another person or entity pursuant to law, contract, subcontract or employment relationship, but shall specifically exclude a licensee’s ~~or registrant’s~~ relationship with a community association, its board of directors, any committee thereof or any member of any board or committee.

(b) “Licensee” means a person licensed pursuant to Section 468.432(1) and (2), F.S.

~~(c) “Registrant” means an entity registered pursuant to Section 468.432(2), F.S.~~

~~(c)(d)~~ The word “funds” as used in this rule includes money and negotiable instruments including checks, notes and securities.

(2) Honesty. During the performance of management services, a licensee ~~or registrant~~ shall not knowingly make an untrue statement of a material fact or knowingly fail to state a material fact.

(3) Professional Competence. A licensee ~~or registrant~~ shall undertake to perform only those community association management services which he or it can reasonably expect to complete with professional competence.

(4) Due Professional Care.

(a) A licensee ~~or registrant~~ shall exercise due professional care in the performance of community association management services.

(b) A licensee ~~or registrant~~ shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated so long as such documents comply with the requirements of law.

(5) Control of Others. A licensee ~~or registrant~~ shall not permit others under his or the management firm's ~~its~~ control to commit on his or the firm's ~~its~~ behalf, acts or omissions which, if made by either the licensee or registrant, would place that licensee him or it in violation of Chapters 455 or 468, Part VIII, F.S., or Chapter 61-20, F.A.C. or other applicable statutes or rules. A licensee ~~or registrant~~ shall be deemed responsible by the department for the actions of all persons who perform community association management related functions under his or its supervision or control.

(6) Records.

(a) A licensee ~~or registrant~~ shall not withhold possession of any original books, records, accounts, funds, or other property of a community association when requested by the community association to deliver the same to the association upon reasonable notice. Reasonable notice shall extend no later than 10 20 business days after termination of any management or employment agreement and receipt of a written request from the association. The manager may retain those records necessary for up to 20 days to complete an ending financial statement or report. Failure of the association to provide access or retention of accounting records to prepare the statement or report shall relieve the manager of any further responsibility or liability for preparation of the statement or report. The provisions of this rule apply regardless of any contractual or other dispute between the licensee and the community association, ~~or between the registrant and the community association~~. It shall be considered gross misconduct, as provided by Section 468.436(2), F.S., for a licensee ~~or registrant~~ to violate the provisions of this subsection.

(b) A licensee ~~or registrant~~ shall not deny access to association records, for the purpose of inspecting or photocopying the same, to a person entitled to such by law, to the extent and under the procedures set forth in the applicable law.

(c) A licensee ~~or registrant~~ shall not create false records or alter records of a community association or of the licensee ~~or registrant~~ except in such cases where an alteration is permitted by law (e.g., the correction of minutes per direction given at a meeting at which the minutes are submitted for approval).

(d) A licensee ~~or registrant~~ shall not, to the extent charged with the responsibility of maintaining records, fail to maintain his or its records, and the records of any applicable community association, in accordance with the laws and documents requiring or governing the records.

(7) Financial Matters. A licensee ~~or registrant~~ shall use funds received by him or it on the account of any community association or its members only for the specific purpose or purposes for which the funds were remitted.

(8) Other Licenses.

(a) A licensee ~~or registrant~~ shall not commit acts of gross negligence or gross misconduct in the pursuit of community association management or any other profession for which a

state or federal license is required or permitted. It shall be presumed that gross negligence or gross misconduct has been committed where a licensee's ~~or registrant's~~ other professional license has been suspended or revoked for reasons other than non-payment of fees dues or noncompliance with applicable continuing education requirements.

(b) A licensee ~~or registrant~~ shall not perform, agree to perform or hold himself or itself out as being qualified to perform any services which, under the laws of the State of Florida or of the United States, are to be performed only by a person or entity holding the requisite license or registration for same, unless the licensee ~~or registrant~~ also holds such license or registration; provided, however, that no violation hereof shall be deemed to have occurred unless and until the authority administering the license or registration in question makes a final determination that the licensee or registrant has failed to obtain a license or registration in violation of the law requiring same.

(c) A licensee ~~or registrant~~ shall reveal all other licenses or registrations held by him or it under the laws of the State of Florida or the United States, if, as a result of such license or registration, a licensee ~~or registrant~~ receives any payment for services or goods from the community association or its board.

(d) Violation of any provision of Section 455.227(1), F.S., or of any part of this rule shall subject the licensee ~~or registrant~~ to disciplinary measures as set out in Section 468.436, F.S.

Rulemaking Specific Authority 468.4315(2) FS. Law Implemented 468.433, 468.436 FS. History--New 5-5-88, Amended 2-5-91, Formerly 7D-55.007, 61B-55.007, Amended 1-8-98, 5-31-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Regulatory Council of Community Association Managers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to require the state pilot associations to change their current methodology for computing the gross pilotage assessment from one percent to 8/10 of one percent.

SUMMARY: The rule amendment will revise language to change the state pilot associations' current methodology for computing the gross pilotage assessment from one percent to 8/10 of one percent.

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: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state eight tenths of one percent (.8%) ~~one percent (1%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) In order to insure compliance with the requirements of subsection (1), each pilot or the entity of which the pilot is a member shall, on an annual basis, not later than April 15, beginning with the fiscal year ending December 31, 1980:

(a) Submit to the Department a statement prepared by a certified public accountant showing the gross amount of pilotage earned during the previous year; or

(b) Submit to the Department the first page of the Federal Income Tax return filed by the pilot or entity for the previous year. If the income tax return discloses income other than pilotage, there must also be submitted any other schedules

necessary to reconcile the amount of pilotage earned with the amount of the assessment submitted to the Department. In the event that the pilot or the entity of which the pilot is a member fails to submit either a statement prepared by a certified public accountant or the first page of the appropriate Federal Income Tax return and other required schedules, the Department shall hire certified public accountants to audit the pilot or the entity of which the pilot is a member for the purpose of determining the gross amount of pilotage earned during the previous year. The cost of such an audit will be borne by the pilot or the entity of which the pilot is a member.

Rulemaking Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, 2-1-06, 5-1-06, 7-1-06, 1-1-07, 8-1-07, 12-16-07, 7-1-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2009

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

RULE NOS.:	RULE TITLES:
62-17.510	General
62-17.520	Definitions
62-17.535	Notification of Construction of Transmission Lines Not Subject to the Act
62-17.540	Application for Corridor Certification and Precertification, Amendments
62-17.543	Alternate Corridor Information
62-17.545	Fees, Disbursement of Funds, Contracts
62-17.570	Insufficiency of Application, Resolution Procedures
62-17.580	Conduct of Studies
62-17.590	Agency Reports, Project Analysis
62-17.600	Conditions of Certification

62-17.610	Proprietary Interest in State-owned Lands
62-17.625	Alternate Corridor Processing
62-17.660	Post-Certification Monitoring and Reporting
62-17.665	Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality Postcertification Review
62-17.680	Modification of Certification
62-17.695	Emergency Replacement
62-17.700	Revocation or Suspension of Certification
62-17.710	Termination of Certification
62-17.750	Public Noticing Requirements
62-17.760	Evidence of Notice, Additional Notice

PURPOSE AND EFFECT: This proposed rule implements changes to the Florida Electrical Transmission Siting Act enacted in Senate Bill 888, signed into law on June 19, 2006 and House Bill 7135, signed into law on April 29, 2008. The proposed rule also includes clarifications to rule sections.

SUMMARY: The draft proposed rule clarifies rule sections related to definitions, applicability, application requirements, completeness process, the conduct of studies, agency statements of issues and reports, alternate corridor processes, requirements for conditions of certification, post certification review, post certification amendments, modifications, public notice, and fees and brings them up to date with the current statute. It creates Rule 62-17.535, F.A.C., to provide noticing guidelines pursuant to Section 403.524(4), F.S., and Rule 62-17.610, F.A.C., to implement the requirements of Section 403.531(3)(b), F.S., regarding proprietary interest in state owned lands.

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: 403.520-.539 FS.

LAW IMPLEMENTED: 403.520-.539 FS.

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

DATE AND TIME: Monday, October 26, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, Florida 32399-3000

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

agency at least 48 hours before the workshop/meeting by contacting: Ms. Jill Stoyshich at (850)245-2001. If you are 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: Ms. Jill, Stoyshich, Florida Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS 48, Tallahassee, Florida 32399; or jill.stoyshich@dep.state.fl.us, phone (850)245-2001

THE FULL TEXT OF THE PROPOSED RULES IS:

**PART II
TRANSMISSION LINE SITING**

62-17.510 General.

~~(1) The Department adopts Part II of this chapter pursuant to the charge of the legislature to provide an efficient, centralized, and coordinated permitting process for evaluating the location of the transmission line corridors, the construction, electric and magnetic field effects, and maintenance of transmission lines, and their effects on human health, safety and welfare, the environment, and electric power system reliability and integrity.~~

The purpose of Part II of this chapter is to implement the provisions of the Florida Electric Transmission Line Siting Act, Sections 403.52 through 403.5365, F.S., an act relating to all non-federal environmental permitting of electric transmission lines, and electric system reliability and integrity, and public welfare.

~~(2) The certification of a transmission line corridor shall incorporate the determination of need issued by the Public Service Commission and shall constitute the sole license of the state and any agency as to the approval of the location of the transmission line corridors, the construction, electric and magnetic field effects, and maintenance of transmission lines, subject to the terms of the conditions of certification.~~

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.521, 403.531 FS. History—New 11-20-80, Amended 6-26-84, Formerly 17-17.510, Amended _____.

62-17.520 Definitions.

Words, terms, and phrases used in this chapter, unless otherwise indicated, shall have the meaning set forth in Section 403.522, F.S Florida Statutes. In addition, the following words when used in this Part shall have the indicated meanings:

~~(1) “Act” means the Transmission Line Siting Act, Sections 403.52 through 403.539, F.S.~~

~~(1)(2) “Access road” means shall mean a road within the corridor as recorded pursuant to Section 403.5312, F.S., and which is proposed to be used to gain access to the rights-of-way, transmission towers, or other utility property or~~

facilities, including those roads used for maintenance purposes. ~~The term includes access roads within the certified corridor outside of the transmission line rights-of-way.~~

~~(2)(3)~~ “Alternate corridors” shall mean corridors proposed by the applicant in the application that are secondary in preference to its preferred corridor or corridors proposed by parties to the certification proceeding other than the applicant pursuant to the provisions of Section 403.5271 403.527(5), F.S.

(3) “Clerk of the Siting Board” means the person designated as the clerk of the Department pursuant to Rule 62-103.050, F.A.C.

(4) “Construction” means any clearing of land, erection of structures, excavation or other action by the applicant that ~~which~~ would alter the physical environment or ecology of a right-of-way for the transmission line, but does not include those activities essential for surveying, preliminary corridor evaluation, environmental studies, trimming of vegetation, or activities on the right-of-way not associated with the certified transmission line.

(5) “Electronic Copies” means documentation submitted by the applicant that is stored on electronic media (for example, compact disc) in a manner suitable for ease of copying and pasting text or graphics into word processing software. Acceptable formats for electronic copies include Microsoft Word for Windows Versions 5.0 or higher; Rich Text Format, and portable document format (pdf). Any portable document format (.pdf) files must be of a version that allows all narrative and tables to be readily converted to text.

(6) “Established” means, when referring to an established right-of-way, a right of use created by purchase, grant, reservation, dedication, condemnation, permit, license, or any other procedure authorized by law.

(7) “Life of the facility” means the duration of construction and operational life of the certified transmission line, including any appurtenant structures, until the removal and abandonment of the entire facility.

~~(8)(5)~~ “Maintenance” means the act of physically maintaining the transmission line including the right-of-way.

(9) “Precertification amendments” means documentation submitted by the applicant during the application review period pursuant to Section 403.5275, F.S., that reflects changes proposed by the applicant to the designs or plans contained in its previously submitted application. It does not mean responses to requests for additional information to make the application complete as determined by reviewing agencies.

~~(10)(6)~~ “Primary corridor” shall mean the preferred original corridor which the applicant seeks to have certified.

(11) “Postcertification amendments” means documentation that reflects changes in the certified project under the provisions of Section 403.5317(1), F.S.

~~(7)~~ “Secondary corridors” shall mean corridors proposed for certification by the applicant which are not the primary corridor for which certification is sought.

~~(12)(8)~~ “Secretary” means the Secretary of the Department of Environmental Protection, or the duly authorized designee.

~~(9)~~ “Working days” shall mean the days of the week during which the state conducts business. Unless otherwise indicated, “days” shall mean calendar days.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.522 FS. History—New 11-20-80, Amended 6-26-84, Formerly 17-17.520, Amended _____.

62-17.535 Notification of Construction of Transmission Lines Not Subject to the Act.

The notification required pursuant to subsection 403.524(4), F.S., shall provide the following information:

(1) Location of the line in terms of county, or sections/townships/ranges;

(2) Names or identifiers of connection points, e.g. “X” switchyard to “Y” substation;

(3) Line size and total length; and

(4) If the basis of the exemption from the Act under subsection 403.524(4), F.S., is construction of any portion of the transmission line within one or more established transmission line rights-of-way, documentation regarding the date each such right-of-way was established by means of a deed, grant, permit, license or reservation of easement, final judgment of condemnation or other legal instrument. If documentation of the date of establishment for such a right-of-way is not specifically available, the utility shall consult with the Department as to an acceptable substitute for demonstrating the establishment of the transmission line right-of-way at least five years prior to the start of construction.

Rulemaking Authority 403.523(1) FS. Law Implemented 403.524(4) FS. History—New _____.

62-17.540 Application for Corridor Certification and Precertification Amendments, Modifications.

(1) Applications for certification shall follow the format and shall be supported by information and technical studies, as prescribed by the Department’s application guide form 62-1.242(1), F.A.C. Copies of this guide are available from a local District Office or by writing to the Department of Environmental Protection, Siting Coordination Office, MS 48, Commonwealth Blvd., Tallahassee, FL 32399-3000 as well as located on web site <http://www.dep.state.fl.us/siting> unless otherwise agreed to by the Department.

(a) The applicant shall consult with the Department to determine the number of copies of the certification application or precertification amendments thereto to be submitted to the Department for its own use. The applicant shall submit the number of hard copies and electronic copies the Department determines it needs. The Department’s determination of how many copies it needs shall be based upon the number of district offices, divisions, or programs required to review the

application, plus one for the Department to provide to the Division of Administrative Hearings. The applicant shall send copies directly to the applicable district office, division, or program personnel at the addresses provided by the Department. A copy of the transmittal letter shall be provided to the Siting Coordination Office.

(b) The applicant shall consult with each agency identified in subsection 403.527(2)(a), F.S. and any newly affected agencies under Section 403.5271, F.S., to determine the number of printed and electronic copies of the application needed for those agencies to conduct their reviews. A copy of the transmittal letter shall be provided to the Siting Coordination Office.

(c) The applicant shall submit one copy of the application and any amendments thereto to a main public library in proximity to the corridor for each county in which the corridor will be located.

(2) Prior to application filing, upon request from applicant the applicant may request and the Department shall grant a meeting between the applicant, the Department and any all potentially interested statutory parties which are known to determine whether specified what informational requirements required by the application guide form may be waived, modified, or reduced in scope for a particular application. Subsequent to this meeting, the applicant may submit a written agreement to the Department and all potential statutory parties which are known as to the appropriate changes in scope, quantity, and specificity of information to be provided in the application. The Department shall publish notice of receipt of the proposed written agreement as provided in Rule 62-17.750(2), F.A.C. After publication of notice, such written agreement shall be deemed binding except to the extent an affected agency specifically disagrees within 25 days of receipt of the proposed written agreement and indicates all changes necessary to render the written agreement acceptable to the agency. All such changes with which the applicant agrees in writing shall be incorporated into the agreement. If an agency and the applicant are unable to agree on a proposed change of application information requirements, the applicant must fully complete the portion of the application with which there is disagreement. Any affected agencies' disagreements shall be in writing and include the reasons for such disagreements.

(2) Ten copies of the certification application shall be submitted by the applicant to the Department. The Department may provide in the application form, or by written agreement with the applicant, that less than 10 copies be submitted of parts of the certification application. Within 7 days of receipt of an application, the Department shall request the Division of Administrative Hearings to designate a hearing officer. The Department shall file a copy of the application with the hearing officer immediately upon being advised by the Division of Administrative Hearings of assignment of the hearing officer and the following shall be accomplished:

(a) Within 7 days of the filing of the application, the Department shall provide the applicant and the Division of Administrative Hearings the names and addresses of those affected or other agencies entitled to notice and copies of the application and any amendments.

(b) Within 7 days after completeness has been determined, the Department shall provide a schedule of significant dates to be followed during the certification process to the hearing officer, the applicant, and the agencies identified pursuant to subsection (a).

(c) Within 7 days after completeness has been determined, the applicant shall distribute copies of the application to the agencies identified by the Department pursuant to subsection (a) and to all other parties to the certification proceeding within 7 days the determination of completeness or within 7 days of their appearance, whichever is later.

(d) Within five days of distribution, the applicant shall provide a list to the Department of the names and addresses of all the persons to whom the application was distributed.

(3) Applications shall also include:

(a) Information supporting any request for a variance, exception, exemption or other relief from the non-procedural standards or rules of the Department or from the standards or rules of any other agency, including the reasons justifying such relief, and the condition which the applicant seeks to have included in the certification on this issue.

(b) Information describing the works or properties of any agency that the applicant seeks to use, connect to, or cross over, and the intended use.

(4)(a) Any precertification amendments made to an the application shall be sent by the applicant to the administrative law judge hearing officer and to all parties to the proceeding as well as to all agencies and persons who received a copy of the application. Such amendments shall be sent at the same time the amendments are sent to the Department. Except as otherwise provided in the conditions of certification, requests or petitions to modify certification shall be filed for all changes in transmission line corridor alignment.

(b) Precertification aAmendments to an application shall follow the format and shall be supported by information as prescribed in Section C of the Application Guide which is the section applicable to transmission lines form 62-1.212(1), FAC. Appropriate revisions to the application text, figures, and photographs are required to must be made to reflect the changes. Amendments may be submitted initially as correspondence, but formal revisions to the application, either in the form of amended application pages or an errata sheet listing all necessary changes to application pages, are required to must be distributed within 15 days of correspondence submittal to all agencies, parties and persons previously receiving an application. Except as otherwise provided in the

~~conditions of certification, expansions in right-of-way width will be considered modifications pursuant to Section 403.5315, Florida Statutes.~~

~~(e) Any correspondence from the applicant, including responses to agency completeness or sufficiency findings, which materially alters information contained in the application, shall be deemed an amendment.~~

~~Rulemaking Specific Authority 403.523(1), 403.531(2)(4)(b) FS. Law Implemented 403.523(1), (2), (3), (5), (6), 403.525, 403.5251, 403.5275 FS. History--New 11-20-80, Amended 6-26-84, 17-17.54(4) Transferred to 17-17.545(1) and Amended 6-26-84, 1-26-93, Formerly 17-17.540, Amended _____.~~

~~62-17.543 Alternate or Multiple Corridor Information.~~

~~(4) Information submittals for Alternate Corridor proposals must address all portions of the application guide applicable to transmission lines form (DEP form 62-1.212(1)). The level of detail therein shall be commensurate with the scale of change in comparison to the applicant's original proposal. The information shall be filed with the Division of Administrative Hearings and served on the Department and all other parties to the proceeding within 45 days of the filing of the alternate corridor proposal. Failure to file and serve the information as provided in subsections 403.5271(1)(a)-(e), F.S., this subsection shall constitute a voluntary withdrawal of the proposed alternate corridor and the alternate corridor shall not be a corridor proper for certification at the certification hearing.~~

~~(2) An applicant may choose at its option to propose more than one corridor as being proper for certification in the original application. If information on more than one corridor is included in the application, the applicant must clearly indicate which is the primary corridor versus secondary corridors.~~

~~Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.523(1), (2), (3), (5), (6), 403.5271(1), 403.527(5) FS. History--New 6-26-84, Formerly 17-17.543, Amended _____.~~

~~62-17.545 Fees, Disbursement of Funds, Contracts.~~

~~(1) The Department will take no action on any application, or petition for modification request, or precertification corridor alignment change amendment, until it has received the appropriate fee described below. All fees shall be paid by check made payable to the Department. The fee shall be determined by measuring along the centerline of the corridor. Portions of a mile shall be computed on a decimal basis.~~

~~(2) Application fee. The application fee shall be as prescribed in Section 403.5365(1), F.S. is \$1000 for each mile of the proposed transmission line corridor as measured along the centerline of the corridor, plus the amount listed in 2. Portions of a mile shall be computed on a decimal basis, e.g. the fee for 74.33 miles would be \$74,330.00. When an applicant proposes alternate secondary corridors as well as a~~

primary one for consideration for certification, the application fee shall be computed on the basis of the total of all corridor lengths submitted by the applicant the longest corridor.

2. The following amounts are required in addition to the specified application fee:

Project Size	Number of Substations or Substation Expansions Included	Certification Application Fee
230	kV:	
0-2		\$ 5,000
3-4		\$10,000
5-6		\$15,000
7-8		\$20,000
over 8		\$25,000
500	kV:	
0-2		\$10,000
3-4		\$20,000
5-6		\$30,000
7-8		\$40,000
over 8		\$50,000

~~(b) A fee of \$2,000 plus \$750 per mile of the total realigned portion(s) of the corridor is required whenever an amendment is proposed by the applicant which includes one or more corridor alignment changes. Portions of a mile shall be computed on a decimal basis. No additional fee is required from an applicant for corridor changes initiated by other parties even if the applicant either does not object to or supports such a change.~~

~~(c)1. A \$4,000 modification fee is required where no change in corridor alignment is proposed by the applicant.~~

2. Where a modification is proposed by the applicant requires a corridor alignment change, the fee shall be \$1,000 for each mile of corridor realignment as measured along the centerline of the realigned portion of the corridor, plus the amount listed below. Portions of a mile shall be computed on a decimal basis.

Project Size	Number of Substations or Substation Expansions Included	Certification Application Fee
230	kV:	
0-2		\$ 1,000
3-4		\$ 2,000
5-6		\$ 3,000
7-8		\$ 4,000
over 8		\$ 5,000
500	kV:	
0-2		\$ 2,000
3-4		\$ 4,000
5-6		\$ 6,000
7-8		\$ 8,000
over 8		\$10,000

~~(2) All fees shall be paid by check made payable to the Department. All fees received from applicants under this Chapter will be deposited into the Department's Operating Trust Fund to be used by the Department for costs incurred in the conduct of activities pertaining to applications for certification or modification of electrical transmission lines.~~

~~(3) Sixty percent of each fee shall be reserved for Department costs associated with reviewing and acting upon applications or petitions; for costs of public notices published by the Department; and for field services associated with monitoring construction and operation of the facility.~~

~~(4) Forty percent of the fee shall be reserved to reimburse for authorized expenses identified in subsection (6) below the Department of Community Affairs; the Department of Environmental Protection; the Game and Fresh Water Fish Commission; and the water management district, regional planning council, or local government in whose the jurisdiction the proposed electrical transmission line corridor is to be located; or any other agency which received a copy of the application for review pursuant to Rule 62-17.540, F.A.C. In the event these reserved funds are not sufficient to provide for complete reimbursement of all agencies, reimbursement to each agency shall be on a prorated basis.~~

~~(5) All sums remaining after the payment of authorized agency expenses shall be retained by the Department for its use in the same manner as is otherwise authorized by the Transmission Line Siting Act.~~

~~(6) The following procedures for reimbursement of authorized agency expenses shall apply after final agency action by the Board or withdrawal of the application. No later than 90 days after final action by the Siting Board or 60 days after withdrawal, invoices for reimbursement must be submitted to the Department's Siting Coordination Office for a review by the Department's Bureau of Finance & Accounting. Each invoice must be accompanied by an itemization of the time and expenses incurred. Reimbursement shall occur no sooner than 120 days after final action by the Siting Board, or 90 days after withdrawal of the application.~~

~~(a) Direct application related salary the following:~~

~~1. The conduct of studies for, and preparation of, reports required in accordance with Section 403.526, F.S.~~

~~2. Site inspections.~~

~~3. Attendance at hearings, depositions, and other administrative or legal proceedings.~~

~~4. managerial Technical review, and legal support~~

~~(b) Other Personal Service (OPS) help for technical review, site inspections, studies, report preparation and participation in siting proceedings.~~

~~(c) Contracts for studies pursuant to subsection (7) below.~~

~~(d) Application related expenses for the following:~~

~~1. Travel costs. Any reimbursement claims for travel costs must be accompanied by an approved State of Florida travel voucher.~~

~~2. Copying and reproduction costs for reports, notices, and legal pleadings.~~

~~3. Telephone and communication expenses.~~

~~4. Materials needed for studies and report preparation (e.g. maps, aerial photographs).~~

~~5. Authorized local governments may charge for the cost of public notice directly related to informational public meetings held pursuant to Section 403.5272, F.S.~~

~~(a)(7) Any agency intending to seek reimbursement from the fee incur an expense for a contract for studies to support its report pursuant to Section 403.526, F.S., shall first obtain prior written approval from the Department for the amount and purpose of the expenditure. Except as provided in subsection 403.523(4), F.S., aAll such studies shall be related to the jurisdiction of the requesting agency agencies and shall be directly related to the evaluation of the certification application. The applicant shall be furnished with a copy of any request for approval of a contract for studies, as well as the report or results from any approved studies, within 10 days of receipt by the Department.~~

~~(b)(a) Any contract must specify that:~~

~~1. Receipt of the preliminary results will be available in time for agency report submittals with final results available at least 30 days prior to the certification hearing;:-~~

~~2. The studies shall be finalized in writing;:-~~

~~3. Final reimbursement to the agency and thus to the contractor shall not occur unless complete results are submitted such that the schedule of paragraph 1. above can be met; and:-~~

~~4. The contractor will be available to act as a witness in certification proceedings.~~

~~(c)(b) The breach of any provision of a contract for studies shall not be grounds for the alteration of any time limitation in the Act pursuant to Section 403.528, F.S.~~

~~(8) If the application is withdrawn, the Department shall request all agencies to compute their expenses up to the time of application withdrawal, and within 30 days of the request, to submit invoices for that time period, including any expenses incurred in preparing the invoice, in accordance with subsection (6). Within 90 days of the notification of withdrawal, the applicant shall be refunded whatever amount remains after subtraction of all documented agency and Department expenses.~~

~~(3) Modification fee.~~

~~2. Where a modification is proposed by the licensee that applicant requires a corridor alignment change, the fee shall include the per-mile amount prescribed by Section 403.5365(3)(b), F.S., be \$1,000 for each mile of corridor realignment as measured along the centerline of the realigned portion of the corridor, plus the following: amount listed below. Portions of a mile shall be computed on a decimal basis.~~

(a) 230 kV and higher, but less than 500 kV, transmission line: \$7,000.

(b) 500 kV or higher transmission line: \$10,000.

(4) Amendment fee.

~~(b)~~ A fee of \$2,000 plus \$750 per mile of the total realigned portion(s) of the corridor is required whenever an amendment is proposed by the applicant which includes one or more corridor alignment changes. Portions of a mile shall be computed on a decimal basis. No additional fee is required from an applicant for corridor changes initiated by other parties even if the applicant either does not object to or supports such a change.

Rulemaking Specific Authority 403.523 FS. Law Implemented 403.523, 403.5275, 403.5365 FS. History--New 11-20-80, Formerly 17-17.54(4), Transferred from and Amended 6-26-84, 4-14-86, 1-22-91, 1-26-93, Formerly 17-17.545, Amended _____.

62-17.570 Insufficiency of Application, Resolution Procedures.

~~(1) Should the Department determine that an application is insufficient, a detailed statement explaining the insufficiency of the application may be served on the applicant and the parties concurrent with the completeness determination or may be served at a later time but no later than 20 working days after receipt of a complete application. Amendments shall be reviewed for sufficiency on a 10 working day schedule. The Department's sufficiency finding shall be based on the recommendations of agencies required to submit reports pursuant to Section 403.526, F.S.; therefore, the sufficiency concerns of all reporting agencies shall be filed with the Department and served on all parties no later than 10 working days after the agency's receipt of the application or 7 working days after receipt of an amendment. Failure to file sufficiency remarks with the Department in a timely fashion shall be a waiver of the individual agency's sufficiency concerns.~~

~~(2) Within 15 days after the filing of the Department's statement that the application or amendment is insufficient, the applicant shall file one of the following with the Division of Administrative Hearings, the Department, and the parties:~~

~~(a) Supplemental information which renders the application or amendment sufficient.~~

~~(b) A statement agreeing with the statement of the Department but indicating that the information cannot be supplied within 15 days which shall toll the time for the certification schedule, or the application or amendment may be withdrawn.~~

1. If the certification schedule is tolled, upon the filing of sufficient information to render the application or amendment sufficient, the times provided in the Act and this Chapter shall recommence as of the date of the filing of the Department's determination that the application or amendment is sufficient.

~~2. If an application is withdrawn then later resubmitted, the certification schedule shall commence anew as for an original application. However, when reviewing a resubmitted application for completeness and sufficiency, the agencies shall take into account previous determinations of completeness and sufficiency and attempt to shorten the time period necessary to make such determinations for the resubmitted application.~~

~~(c) A statement contesting the sufficiency statement of the Department and providing information explaining its position. The applicant's responses and hearings on sufficiency shall follow the same procedures and time schedules as for completeness set forth in paragraph 62-17.560(3)(c), F.A.C., and both sufficiency and completeness issues may be addressed in the same responses and hearings.~~

~~(3) If, after an amendment has been filed to address agency sufficiency concerns, an agency or the Department determines that the amendment is incomplete or insufficient to such a degree that the filing of a preliminary report would result in no meaningful information produced for use in the voluntary public meetings held by the local governments, the agency shall advise the Department and the Department may so inform the hearing officer and request that the certification schedule be revised such that the filing date of the preliminary reports, and thus the final reports, the Compiled Agency Report, and date of the certification hearing is postponed in order to afford the preparation of meaningful reports.~~

~~(4) If an amendment is filed after the submission of agency reports to the Department, or after the filing of the Compiled Agencies' Report, an agency may request the hearing officer to adjust the certification schedule if the agency determines that the amendment alters the findings of the report or variance information or suggested conditions of certification.~~

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.523(3)(5), 403.525(3) FS. History--New 11-20-80, Amended 6-26-84, Formerly 17-17.570, Repealed _____.

62-17.580 Conduct of Studies.

~~(1) As needed to verify or supplement the studies made by the applicant in support of the application, the Department within 15 days of the filing of a complete application shall commence or contract for joint or independent studies to aid in the evaluation of the certification application. For studies in areas outside of the Department's jurisdiction and in the jurisdiction of another agency, the Department may initiate such studies, but only with the consent of such agency. The Department shall give written notice of all such studies to the applicant before they are commenced. Such studies may include the consideration of the following criteria in regards to corridor location impacts, transmission line construction impacts, electric and magnetic field effects, right-of-way and access road maintenance impacts, and mitigation measures, as applicable:~~

~~(a) Potential impacts of transmission line crossings on navigable waters, and submerged lands or wetlands.~~

~~(b) Potential impact on water quality and quantity, including hydrology and surface drainage resulting from construction, clearing, and maintenance.~~

~~(c) Potential impact on terrestrial and aquatic plant and animal life, including endangered or threatened species within the Department's jurisdiction.~~

~~(d) Commensurate with the level of detail of information provided in the application, a final or preliminary identification of those areas where the Department has dredge/fill jurisdiction; specific identification and the location of the landward extent of jurisdiction may not occur until after the right-of-way has been defined.~~

~~(e) If site specific dredging and filling information has not been provided for all locations in the corridor at the time of application filing:~~

~~1. An analysis of areas in which the right-of-way, if located, would cause the transmission line not to be certifiable. Designation of such areas may be premised on, but is not limited to, the following:~~

~~a. There are no construction techniques which can reasonably be used in that area to mitigate adverse construction impacts to the extent that permitting requirements can be met, including considerations of cumulative impact as provided for in Section 403.919, F.S., and therefore it would be appropriate for this particular location to be excluded from the certified corridor.~~

~~b. Other matters relating to dredging and filling which fail to comply with all non-procedural requirements of an agency or fail to comply with the standards set forth in Section 403.529, F.S., e.g., endangered species habitat within the Department's jurisdiction.~~

~~2. An analysis of areas where construction techniques and potential right-of-way locations may exist which will comply with Departmental permitting requirements, but the Department does not possess sufficient information to make such determination. For example, such an instance might occur when neither the applicant nor the Department has permission to enter property to verify conditions deduced from aerial photography or other remote means.~~

~~(f) Potential transmission line electric and magnetic field effects on health, safety, and welfare, if any.~~

~~(g) Site specific environmental studies due to the particular nature of the corridor.~~

~~(2) At the time of distribution of the application, the Department shall inform the local governments and regional planning councils of the general process of transmission line siting, and that they would have the right to conduct studies on matters within their jurisdiction relating to the presence of or impacts to:~~

~~(a) Special requirements for county/city permitting activities, such as for road crossings, stormwater control, etc., which will be included under certification;~~

~~(b) Compliance with adopted local government comprehensive plans and areas where a corridor location is unauthorized by such a plan placed in established rights-of-way.~~

~~(c) Compliance with zoning restrictions, placed in established rights of way including noise ordinances as compared with the estimated noise levels produced by the transmission line, and airport flight overlay zoning restrictions;~~

~~(d) City/county owned lands and easements necessary thereto;~~

~~(e) Potential impacts to socioeconomic factors addressed in zoning ordinances;~~

~~(f) Potential conflicts with support services, such as radio interference with emergency vehicles or broadcast towers;~~

~~(g) Environmental or special use factors with which the county/city has a particular concern, such as proximity to landfills or aircraft flight approach paths;~~

~~(h) Compliance with adopted Regional Comprehensive Plans;~~

~~(i) Potential impacts from regionally significant projects such as pending Developments of Regional Impact.~~

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.523(2)(4)(14), 403.526(2)(7)(8), 403.527(5) FS. History—New 11-20-80, Amended 6-26-84, 4-15-85, Formerly 17-17.580, Repealed

62-17.590 Agency Reports, Project Analysis Compiled Agencies' Report with Summaries.

(1) The preliminary agency reports shall be submitted to the Department no later than 60 days after the Department's receipt of a complete application, and shall be made available to each local government for use as information at public meetings held pursuant to Section 403.5272, F.S.

(2) The final agency reports shall be submitted to the Department no later than 90 days after each agency's receipt of a complete application:

(1)(3) The agency reports shall contain:

(a) A report as An assessment of to the impacts of the project related to matters within the agency's jurisdiction as determined by the studies required by Section 403.526, F.S.;

(b) Expected compliance with agency standards and an identification of any nonprocedural requirements not specifically listed in the application from which a variance or exemption is needed in order for the board to certify the corridor, including a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project;

(c) A summary of potential impacts the proposed project may have on any proposed use of, connection to, or crossing over of properties or works of the agency, inclusive of the

agency's position on the request (i.e., support or opposition of the request) and any standards which the agency proposes the applicant should satisfy in order for the applicant to use, connect, or cross over the agency's properties or works.

~~(d)~~(e) Conclusions and recommendations regarding certification including reasons for recommendations and legal basis of denial, if the agency recommends denial of certification;

~~(e)~~(d) Proposed Conditions of Certification, if the agency intends to recommend certification, on matters within the agency's jurisdiction, listing the specific statute, rule, or ordinance, as applicable, that which authorizes the proposed condition, and including:

1. Any impact monitoring or postcertification review that needs to be conducted including reasons and legal basis; and

2. Applicable conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified.

~~(e)~~ An identification of what matters are within their jurisdiction which will be materially affected by the transmission line or corridor.

~~(4)~~ The Department shall file the Compiled Agencies' Report required by Section 403.523(8), F.S., with the hearing officer and serve it on all parties no later than four months after the complete application has been filed with the Department or 30 days prior to the certification hearing, whichever is earliest.

~~(5)~~ The Compiled Agencies' Report shall contain:

~~(a)~~ The Department's recommendations relating to the disposition of the application;

~~(b)~~ Reports by governmental agencies as specified by Section 403.523(8) and 403.526, F.S.;

~~(c)~~ A summary by the Department of the significant comments made in all the reports; and

~~(d)~~ A compilation of the various recommended conditions of certification.

(2) The Project Analysis prepared by the Department shall contain a statement of whether the proposed transmission line meets the electric and magnetic field standards adopted in Chapter 62-814, F.A.C.

Rulemaking Specific Authority 403.523(2), (3), (4), (5), (6), (7), (8), (9), (10), 403.527(5) FS. Law Implemented 403.523(7)(8), 403.526 FS. History—New 11-20-80, Amended 6-26-84, Formerly 17-17.590, Amended _____.

62-17.600 Conditions of Certification,—Delegated Modifications.

~~(1)~~ The applicant can construct the transmission line in compliance with the terms of certification. If appropriate, the agencies' proposed conditions of certification shall recognize that the construction of the proposed transmission line may take place over a substantial period of time. Therefore, compliance with the terms of certification may be monitored by the agencies.

~~(2)~~ The Department shall request that the Board delegate authority to the Secretary to review and modify specific conditions in the certification pursuant to Section 403.5315(1), F.S. The specific conditions to be requested for delegation shall include, but not be limited to, the following:

~~(a)~~ Except for modification of the location of the certified corridor, the Secretary of the Department is delegated the authority pursuant to Section 403.5315(1), F.S., to modify Conditions of Certification relating to:

~~1.~~ A modification of the transmission line that would not cause any significant additional adverse environmental impact.

~~2.~~ Modifications necessary to meet licensing conditions or requirements imposed on the applicant by any federal regulatory agency. The permittee shall notify the Department at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies the permittee.

~~(b)~~ The Department shall give written notice to the parties to the original certification of any requests for modification received pursuant to this section.

~~(3)~~ If the information relating to dredging and filling in waters of the State over which the Department has dredging and filling jurisdiction pursuant to Chapter 403, F.S. was not provided by the applicant with the application for certification or amendments thereto, the Department may request the Board to deny certification unless the following conditions of certification are imposed:

~~"A.~~ For all construction activities in waters of the state where the Department has dredge and fill jurisdiction pursuant to Chapter 403, F.S., which are identified in the conditions of certification, the permittee shall file with the Department of Environmental Protection, Bureau of Permitting, Siting Coordination Section, the information requested in Florida Administrative Code Rule 62-17.665.

~~"B.~~ The Department shall promptly review the submittal for completeness; for the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, the applicant shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness.

~~"C.~~ Within 90 days of filing of complete information, DEP shall determine whether there is reasonable assurance of compliance with applicable substantive agency regulations as required by the conditions of certification if the plans are executed as filed. If it is determined that reasonable assurance has not been provided, the permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify the permittee in writing within 90 days of receipt of a complete information submittal shall constitute a compliance verification.

~~“D. If the Department does not object within the time period specified, the utility may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details and the Department shall provide to the Corps of Engineers a letter indicating that the full requirements of this condition have been met and that water quality certification for the purposes of 33 USC 1341 is hereby conveyed.~~

~~“E. Any information submittal after Board certification required by this section shall be solely for the purpose of facilitating the Department's monitoring of the applicant's compliance with the conditions of certification.~~

~~“F. The permittee, at its option, may submit information for different dredging and filling activities at different time intervals. Each submittal by the permittee shall be processed by the Department separately.”~~

~~(4) In conjunction with (3), the Department may request that the Board adopt conditions of certification which provide that:~~

~~(a) The applicant not locate the right-of-way within certain areas of the corridor. These are to be identified by the Department as to the extent and reason for such “avoidance area”.~~

~~(b) The applicant receive prior approval for specific construction techniques to be used or not used in areas specified in the conditions; this may be in lieu of an avoidance area designation.~~

~~(c) The applicant consult with the Department prior to submittal of any post-certification monitoring data to establish where gauged stream flow information will be necessary. Disputes over such consultations shall be resolved in accordance with Chapter 120, F.S.~~

~~(d) The applicant consult with the Department's dredge and fill permitting staff prior to finalization of the access road locations, including those which will not be located on the right-of-way, and tower locations and establishment of construction techniques which are to be reflected on any post-certification review information submittals.~~

~~(e) The acquisition of a particular right-of-way or the expenditure of funds towards acquisition of a particular right of way prior to the Department's review pursuant to (3) above will be at the permittee's risk, and the Department or any other party is not estopped from objecting to the construction of the transmission line and access roads in the right-of-way even if other construction has been approved or occurred on both sides of the proposed location.~~

~~(5) Any submittal of information pursuant to a requirement contained in a condition of certification is for the purpose of monitoring for compliance with the issued certification pursuant to Section 403.5317(2), F.S., which does not require agency action or which would authorize an activity by the permittee without further agency action does not provide a point of entry for a person other than the applicant to~~

~~an administrative determination on the adequacy of the submittal, unless the Department makes a determination that the submittal or activity is not in compliance with the terms and conditions of certification, or applicable law including applicable rules. Persons whose substantial interests may be affected by the submittal may have the right to petition for a declaratory statement pursuant to Section 120.565, F.S., or to file a verified complaint pursuant to Section 403.412, F.S. However, such persons would not be entitled to raise issues which were or could reasonably have been litigated in the certification hearing process pursuant to Section 403.527, F.S.~~

~~Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.531(2), 403.5315(1), 403.523(8) FS. History—New 11-20-80, Amended 6-26-84, 4-15-85, Formerly 17-17.600, Amended _____.~~

62-17.610 Proprietary Interest In State-owned Lands.

Where a certification order approves a corridor that crosses or otherwise impacts Sovereign or State owned lands, following acquisition of the right-of-way the licensee shall provide a copy of any license, easement, or other ownership document issued by the appropriate land owning entity for the affected property to the Department's Siting Coordination Office within 30 days of issuance of such document by the public agency.

Rulemaking Authority 403.523(1) FS. Law Implemented 403.531(3)(b) FS. History—New _____.

62-17.625 Criteria for Rejection of an Alternate Corridor Processing.

(1) The Department shall reject a proposed alternate corridor if one or more of the following criteria is met: Pursuant to Section 403.527(5)(b), F.S., within five days of receipt of a proposed alternate corridor filing, the Department and the applicant shall each file with the Division of Administrative Hearings a notice of acceptance or rejection of the alternate corridor proposed for consideration. The criteria of the Department for this rejection of a proposed alternate corridor shall be:

(a) The alternate does not have appropriate end points which connect to the remainder of the transmission line;

(b) The quality of the filing is so poor as to make it difficult for the Department to evaluate the proposal; or

(c) ~~Failure to submit~~ The information required by Section 403.5271(1)(a) 403.527(5)(a), F.S., has not been submitted; however, this shall be without prejudice to re-file within the timeframes set forth in Section 403.5271(1) 403.527(5), F.S.

(2) Acceptance by the Department of an alternate corridor proposed for consideration pursuant to Section 403.5271(1), F.S., (4) above shall not require the Department to support or oppose certification of such alternate corridor.

(3) Acceptance by the applicant of an alternate corridor proposed for certification shall not require the applicant to support or oppose certification of such alternate corridor.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.523(5) FS. History–New 6-26-84, Formerly 17-17.625, Amended _____.

62-17.660 Post-Certification Monitoring and Reporting.

(1) ~~At its own expense, the licensee~~ The applicant shall conduct ~~at its expense~~ such postcertification monitoring and reporting required by the final order of certification ~~as is~~ of the effects arising from the location of the transmission line corridor, the construction of the transmission line or lines and the maintenance of the transmission line right-of-way pursuant to the conditions to assure continued compliance with the terms of certification. The monitoring and reporting shall be carried out in the manner prescribed in the conditions of certification established under Section 403.529(4), F.S. and this rule.

(2) Within 90 days after certification, the licensee shall provide a complete summary of those submittals where due dates are identified in the Conditions of Certification. Such submittals include monitoring reports, management plans, and wildlife surveys. The summary shall be provided to the Siting Coordination Office and any affected agency to which the submittal is required to be provided, in both electronic and paper form, using a sortable spreadsheet in a format substantially similar to the following.

Condition number	Requirement	Due date or timeframe	Name of agency to which the submittal is required to be provided

Rulemaking Specific Authority 403.532(1) FS. Law Implemented 403.523(10) FS. History–New 11-20-80, Amended 6-26-84, Formerly 17-17.660, Amended _____.

62-17.665 Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality ~~Dredging and Filling, Postcertification Review, Water Quality.~~ The requirements of this section ~~shall only apply to the where~~ construction, alteration, operation, maintenance, or repair (excluding custodial maintenance), abandonment, and removal of the transmission line, including access roads and structure pads, requires dredging or filling activities in waters of the state over which the Department has dredge and fill jurisdiction pursuant to the non-procedural requirements of Part IV of Chapter 373 403, F.S.

(1) The applicant must demonstrate ~~shall show~~ compliance with the Department’s non-procedural dredging and filling requirements set forth in Chapter 62-330, F.A.C., Department rules and may, at its option, elect to do so:

(a) As part of the certification application and prior to the conduct of any construction activities within the landward extent of waters of the state; or

(b) As part of a post-certification monitoring review process for monitoring compliance with ~~pursuant to~~ the conditions of certification and prior to the conduct of any

construction activities within the landward extent of wetlands and other surface waters of the state. Five copies are required of all post-certification information submittals, including modifications thereof.

(2) Unless a project qualifies for an exemption under Section 373.406 or 403.813, F.S., authorization must be obtained from the Department or Siting Board prior to construction, alteration, operation, maintenance or repair (excluding routine custodial maintenance), abandonment, or removal of any surface water management system required for the certified project within a certified corridor or prior to any wetland vegetation management for the certified project within a certified corridor other than that considered to be routine custodial maintenance.

(3)~~(2)~~ The information submitted as part of subsection (1) of this section ~~above~~ shall be in accordance with the Department’s application guide DEP Form 62-1.212(1) and the following. Regardless of the type of drawings submitted, ~~specific~~ water quality assurance information must be submitted. When information is to be submitted after certification, the applicant may choose to submit the post-certification review of the transmission line in segments provide the information in one or more submittals.

(a) Generic drawings will be acceptable:

1. Where there is a defined bed or channel in which water flows (incised streams, rivers, etc., with little or no associated floodplain); ~~or~~

2. Where there are unchannelized wetlands or floodplains where the vegetation is predominantly herbaceous such as in a Cladium or Juncus marsh or grass prairie; ~~or~~

3. Where ~~there is~~ forested wetlands are only comprised of isolated cypress domes, isolated bayheads, cypress sloughs, or forested wetlands not covered under subparagraph (b)1. (2)(b)1. of this subsection; ~~or~~

4. Where there is any combination of subparagraphs 1., 2., or 3., of this paragraph; or

5. In other areas if approved by the Department.

(b) Specific information will be required for construction located, ~~at a minimum,~~ in the following areas unless otherwise agreed to between the Department and the applicant or as is provided for in paragraph (a) of this subsection:

1. In forested wetlands, consisting of unchannelized wetlands or multiple watercourses in riverine floodplains, other than the isolated cypress domes, isolated bayheads, or cypress sloughs listed above;

2. In lakes; and

3. In waters in which construction has the potential to interfere with navigation.

(c) Applicants must describe impacts and mitigation, if any, that provide reasonable assurance of compliance with the non-procedural requirements of Section 373.414, F.S., and

applicable provisions of the appropriate water management district's rules as well as the applicable interjurisdictional rule for where the line is being cited.

~~(d)(3) Information which will not be required for either generic or specific data submittals will be T~~ the names and addresses of adjoining property owners will not be required as part of an application unless that owner is the Trustees of the Internal Improvement Trust Fund. Notification of the project will be given as part of the certification notice published in accordance with Section 403.5363, F.S. and Rule 62-17.750, F.A.C., and no further individual notice will be given by the Department.

~~(e)(4) If upon ground truthing it is discovered of a dredge and fill site for which generic information was submitted, the permittee discovers that the site is of a different type of general contour or vegetation type other than the type provided in the generic drawings or if the information provided is not accurate, the applicant permittee shall submit a revised generic drawings or information, as applicable, to the Department. Such revised generic drawings or information shall be in accordance with the above application form requirements.~~

~~(4)(5)(a) Where the certification is issued requiring the Department's ministerial issuance of an of Environmental Protection (DEP) approval for easement or other interest in state lands the applicant shall provide apply directly to the Department's Division of State Lands DEP for each required easement or other interest in state lands information required in an application for such an interest for such approval. The applicant shall send a copy of the information submittal application to the Department's Siting Coordination Office. The DEP, or the applicant if DEP fails to do so, shall forward a copy of the letter of approval for such easement or other interest to the Department so that the Department can verify compliance with the conditions of certification.~~

(b) In the event the applicant files information relating to activities in waters of the State ~~dredging and filling~~ as part of the application rather than after certification, the Department's position on compliance with permitting standards shall be stated indicated in the Department's report required by paragraph 62-17.590(5)(3)(b), F.A.C. ~~DEP shall be copied whenever an interest in state lands must be acquired.~~

~~(5)(6) The licensee applicant shall apply directly to the U. S. Army Corps of Engineers (COE) for permits required by the COE for construction of the transmission line. A copy of the final COE permit application shall be sent to the Siting Coordination Office and Environmental Resource Permitting program of the applicable District Office of the Department by the applicant.~~

~~(6)(7) If the material is submitted after certification pursuant to this section, the following procedures shall be used by the Department for the monitoring of compliance with the conditions of certification review:~~

(a) The Department's Siting Coordination Office Section in Tallahassee shall coordinate the processing of reviews.

(b) Submittals ~~Copies~~ of the non-procedural environmental resource program (ERP) dredge and fill information typically provided in an ERP application shall be sent by the Department's Siting Coordination Office Department to the applicable Water Management District, the ~~Game and Freshwater~~ Fish and Wildlife Conservation Commission, the Department of Environmental Protection and any other agency that is identified in the conditions of certification which so requests in writing. Copies will not be sent to adjacent landowners unless a landowner within or immediately adjacent to the corridor requests copies in writing.

(c) The Department shall promptly review the post-certification non-procedural ERP Dredge and Fill submittal for completeness. ~~For the purposes of this section, completeness shall mean that the information submitted is both complete and sufficient.~~ If found to be incomplete the licensee permittee shall be so notified within 30 days of receipt; failure to notify the licensee permittee accordingly shall constitute a finding of completeness. The provisions of Section 403.5317(2), F.S., govern the review completion deadlines.

(d) Within 90 days of filing of complete information, the Department shall determine whether there is reasonable assurance of compliance with substantive agency regulations as required by the conditions of certification.

(e) If the reviewing agencies and offices determine, as a result of their monitoring review, it is determined that reasonable assurance of compliance with the conditions of certification has not been provided, the Department's Siting Coordination Office Department shall notify the licensee permittee with particularity and provide suggestions for suggest possible corrective measures; however, this will not bar the Department from taking enforcement action in appropriate cases. Failure to notify the permittee in writing within 90 days of receipt of a complete information submittal shall constitute a compliance verification.

(f) For those areas where the Department has joint jurisdiction with the U. S. Army Corps of Engineers, the Department's Siting Coordination Office shall provide to the Corps of Engineers and the licensee a letter stating that the applicant has met the requirements for 33 USC 1341 certification if:

1. The Department has notified the licensee that the monitoring review shows upon determining that the activities construction proposed are is in compliance accordance with the permitting requirements of the Conditions of Certification; or;

2. The Department has not made a determination whether the activities proposed are in compliance within 90 days of the licensee's submission of complete information the Department shall provide to the Corps of Engineer a letter stating that the applicant has met the requirements for 33 USC 1341 certification and copy the applicant.

(7)(8) If the Department has does not notified the licensee object within 90 days as the time period specified in Section 403.5317(2), F.S., on the grounds of noncompliance with the permitting requirements of the conditions of certification, the licensee utility may begin construction in such waters of the state pursuant to the terms of the conditions of certification and the subsequently submitted construction details. In such a case, the

(9) The licensee applicant shall notify the Department's Siting Coordination Office and the applicable Department District's Submerged Lands and Environmental Resource Office, Section or as otherwise indicated in the conditions of certification, of the place and anticipated starting date, i.e., county and month, of the construction dredge and fill activities in wetlands and other surface waters of the state no later than 10 working days prior to initiating any such dredge and fill activity.

(10) In the instance where the Department has determined prior to the expiration of the full review period that it has no objections to the construction plans, it may so advise the applicant in writing. Any information submittal after Board certification required by this section shall be solely for the purpose of facilitating the Department's monitoring of the applicant's compliance with the conditions of certification.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.531(3)(2) FS. History—New 4-15-85, Formerly 17-17.665, Amended _____.

62-17.680 Modification of Certification.

(1)(a) Except as otherwise provided in the conditions of certification, the licensee shall petition to modify certification for all changes in transmission line corridor alignment.

(b) Except as otherwise provided in the conditions of certification, expansions in right-of-way width following the narrowing of the certified area pursuant to Section 403.522(10), F.S., will be considered modifications pursuant to Section 403.5315, F.S.

(c) Once all property interests required for the right-of-way have been acquired by the licensee, the area of the corridor certified narrows to only that land within the boundaries of the right-of-way, unless specified otherwise by the conditions of certification. Under the provisions of Section 403.522(10), F.S., this shall not be construed to require a modification or further agency review.

(1) Certification, including conditions of certification, may be modified pursuant to the provisions of Section 403.5315, F.S., and the appropriate one of the following procedures:

(2)(a) Delegated Modifications pursuant to Section 403.5315(1), F.S. and Rule 62-17.680(3)(a), F.A.C.

(b) Modifications requested by a licensee shall be processed in accordance with Section without objections pursuant to Section 403.5315(2), F.S., and the following: F.A.C. Rule 62-17.680(3)(b).

(c) Modification by petition pursuant to Section 403.5315(3), F.S. and paragraph 62-17.680(3)(c), F.A.C.

(a) The process is initiated by the filing of a complete petition for modification. The petition shall contain a concise statement of the proposed modification; the factual reasons asserted for the modification; the changes in circumstance which justify the modification; a statement of whether, and if so, how the proposed modification if approved would affect the conditions of certification; a description of the portion of the transmission line as certified or previously modified which is the subject of the proposed modification; the anticipated effects of the proposed modification on the applicant, public, and the environment; and a copy of the appropriate alterations of the application as modified by the final order of certification, or subsequent modifications.

Modification of certification shall be initiated by filing a request or petition for modification, along with the applicable fee with the Department, with service of a copy of the request on all other parties to the original certification proceeding. All requests or petitions for modification shall contain:

(a) The proposed modification;

(b) A description of the portion of the transmission line as certified or previously modified which is the subject of the proposed modification;

(c) A concise statement of the facts, including changes in circumstance which justify the modification, as well as the rules and statutes which entitle the applicant to the modification;

(d) A discussion of the anticipated effects of the proposed modification, including any additional environmental effects;

(e) A statement of whether and how a proposed modification if granted would affect the conditions of certification, Findings of Fact or Conclusions of Law, and studies conducted pursuant to F.A.C. Rule 62-17.580, F.A.C., upon which the certification or conditions of certification were based;

(f) A copy of the appropriate alterations of the application as modified by the final order of certification, or subsequent modifications;

(b) To be deemed properly filed, the licensee shall submit the number of paper and electronic copies determined below.

1. The licensee shall consult with the Department to determine the number of paper copies needed to support the modification review. At a minimum, three paper copies of the request shall be submitted to the Department's Siting Coordination program, one copy shall be submitted to the Department's agency clerk, and at least one copy of the request shall be sent to all parties to the original proceedings and any previous modification proceedings, at the last address on record for the party. Parties have a duty to notify the Department of changes of address.

2. The licensee shall consult with the Department and parties to determine the number of electronic copies needed to support the modification review, and shall submit the number of electronic copies as determined.

(c) If the applicant is required by the Department to publish newspaper notice of the petition for modification pursuant to Section 403.5363(1)(b)6., F.S., such publication shall comply with Rule 62-17.750, F.A.C.

(d) The petition shall be reviewed for completeness. Within 25 days of the filing of the petition with the Department, agencies with jurisdictional matters affected by the proposal shall file completeness recommendations with the Department. Within 30 days of the filing of the petition with the Department, the Department shall issue a completeness determination. Any subsequent information filings intended to render the petition complete shall be reviewed by the agencies and the Department under these same deadlines.

(e) If no objections are received from the parties to the prior certification proceedings within 45 days after issuance of the notice by mail, or from other persons whose substantial interests will be affected by the modification within 30 days after publication of the newspaper notice specified in paragraph (c) above, if such notice is required by the Department pursuant to Section 403.5363(1)(b)6., F.S., or within 30 days after publication of notice by the Department pursuant to Section 403.5363(3)(f), F.S., then the Department shall issue a Final Order on the modification consistent with the noticed proposed order. If written objections are filed that address only a portion of the proposed order on a modification, then the Department shall issue a Final Order on the portion of the modification to which no objections were timely filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are timely filed.

(f) If objections are filed, the provisions of Chapter 120, F.S., shall govern.

(g) The legal authority that entitles the person to seek the modification:

(3) The request for modification shall be processed by the Department in accordance with the following:

(a) If the proposed modification is one for which the Department has been delegated approval authority by the Board pursuant to Section 403.5315(1), F.S., the procedures set forth below shall apply.

1. Within 60 days of receipt of a request for modification, the Department shall provide notice of receipt of the request and the Department's proposed action on the request as set forth in subsection 62-17.750(8), F.A.C.

2. If no person whose substantial interests would be determined by the Department's decision on the request files a petition within fourteen calendar days from receipt or publication of notice, whichever is earlier, the Department

shall issue an order adopting its proposed agency action as set forth in the notice published pursuant to subparagraph 1. above.

3. Petitions for an administrative proceeding on the request for modification, if any, shall be filed with the Department with a copy served on all parties to the original certification proceeding. The Department may request the Division of Administrative Hearings to conduct a proceeding on the petition. The Hearing Officer shall submit the recommended order to the Secretary of the Department who shall take final agency action.

4. The Department shall issue its final order within 20 days after receipt of any exceptions to the recommended order.

5. Failure to submit a complete or sufficient request for modification shall be grounds for the Department to deny a modification.

(b) If the proposed modification is one for which the Department can approve if no objections are received pursuant to Section 403.5315(2), F.S., the procedures set forth below shall apply:

1. Within 15 days of receipt of such a request for modification the Department shall provide notice of receipt of the request as set forth in Rule 62-17.750(9), F.A.C.

2. If no party or other person whose substantial interests would be affected by the Department's decision on the request files an objection within the time period allotted in Section 403.5315(2), F.S., the modification shall be approved and the Department shall issue an order modifying the certification.

3.a. Objections to the request for modification, if any, shall be filed with the Department with a copy served on all other parties to the original certification proceeding.

b. Upon the filing of an objection, the Department shall conduct an informal conference after at least five days written notice to all parties and to all persons whose substantial interests would be determined who filed a timely objection, to determine if the objecting parties are able to reach mutual written agreement on modification of the terms and conditions of certification, or whether changes can be made to the proposed modification so as to have the objections withdrawn. However, if the changes significantly alter the proposed modification, the modification as changed shall be noticed in accordance with this paragraph 62-17.680(3)(b), F.A.C., with persons whose substantial interests are affected given another right to object.

c. If no agreement can be reached, the Department shall deny the request for modification without prejudice to the applicant to file a petition pursuant to Section 403.5315(3), F.S. and paragraph 62-17.680(3)(c), F.A.C.

d. If a mutual written agreement can be reached by all parties or if the objections are withdrawn, the Department shall issue an order modifying the terms and conditions of certification as set forth in the agreement.

4. Failure to submit a complete or sufficient request for modification may be grounds for any party to object to the modification.

(e) If the proposed modification is one for which approval authority has not been delegated to the Department, and if the Department is unable to approve the proposed modification pursuant to Section 403.5315(2), F.S. and paragraph 62-17.680(3)(b), F.A.C., or at the applicant's option, the applicant may file a petition for modification pursuant to Section 403.5315(3), F.S., and the procedures below shall apply:

1. Within 5 days of receipt of a petition for modification, the Department shall forward the petition to the DOAH for assignment of a hearing officer and shall request the hearing officer to establish a schedule for the processing of the petition, including a schedule for appropriate notices.

2. Within 15 days of receipt of a petition for modification the Department shall arrange for notice as set forth in Rule 62-17.750(10), F.A.C.

3. The provisions of Rules 62-17.560 and 62-17.570, Florida Administrative Code, relating to completeness and sufficiency shall apply to review of petitions for modification filed pursuant to this subsection, but with a shorter time period commensurate with the significance of the modification.

4. Petitions filed pursuant to this subsection shall be disposed of in the same manner as an application but with shortened time periods commensurate with the significance of the modification requested.

5. The Hearing Officer shall submit the Recommended Order to the Board for final agency action.

6. The Department shall request the Board to take final agency action within 30 days from issuance of the recommended order by the hearing officer or at the next available regularly scheduled Board meeting.

(4) Except to the extent that the Act or this Chapter sets forth a specific procedural requirement, the Model Rules of Procedures, Florida Administrative Code Chapter 28-5, shall govern.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.5315 403.523(11), 403.535 FS. History-New 11-20-80, Amended 6-26-84, Formerly 17-17.680, Amended _____.

62-17.695 Emergency Replacements.

Emergency replacement of transmission lines certified under the Act requiring deviation from any condition of certification shall not be considered a modification pursuant to Section 403.5315, F.S. A verbal report of the emergency shall be made to the department as soon as possible. Within 30 days after correction of the emergency a report to the department shall be made outlining the details of the emergency and the steps taken for its relief. The report shall be a written description of all of the work performed and shall set forth any pollution control

measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.531(2), 403.5315 FS. History-New 6-26-84, Formerly 17-17.695, Repealed _____.

62-17.700 Revocation or Suspension of Certification.

(1) Any certification may be revoked or suspended by the Board in accordance with Section 403.532, F.S.

(2) Any agency with regulatory jurisdiction over a certified transmission line, as authorized by law, may at its discretion cause to be conducted any investigations, monitoring or studies related to certification, deemed appropriate in contemplation or in pursuance of suspension or revocation proceedings.

Rulemaking Specific Authority 403.523(1), F.S. Law Implemented 403.532 FS. History-New 11-20-80, Amended 6-26-84, Formerly 17-17.700, Repealed _____.

62-17.710 Termination of Certification.

The applicant shall commence construction on or condemnation or acquisition of the right of way of a transmission line which has been certified within 5 years of the date of certification or such later date as may be authorized by the Board, or certification shall be terminated.

Rulemaking Specific Authority 403.523(1)(8) FS. Law Implemented 403.529 FS. History-New 11-20-80, Amended 6-26-84, Formerly 17-17.710, Repealed _____.

62-17.750 Public Noticing Requirements.

(1) The following forms used by the Department of Environmental Protection are adopted and incorporated by reference. The forms are listed by rule number which is also the form number, with the subject, title and effective date. Copies of forms may be obtained from the Department of Environmental Protection, Siting Coordination Office, MS. 48, 3900 Commonwealth Blvd., Tallahassee, FL 32399 or by accessing the Office's web site at <http://www.dep.state.fl.us/siting>.

(a) The applicant shall provided newspaper notice as required by Section 403.5363, F.S., using the forms and procedures listed below.

1. Notice of Filing an Application – DEP Form 62-17.750(1). This notice shall:

a. Be published within 15 days after filing with the department;

b. Be published in a newspaper of general circulation within each county crossed by a transmission line corridor;

c. Be no less than one half page in size (one full page in a tabloid size newspaper);

d. Contain a map, which occupies a minimum of one quarter of the display advertisement, clearly showing the corridors proper for certification inclusive of Selected Townships and Ranges, and where possible, Sections, with all patterns or other graphics used to indicate special features bold enough to register legibly on newsprint.

2. Notice of Certification Hearing – DEP Form 62-17.750(2). This notice shall:

a. Be published not less than 65 days prior to scheduled certification hearing;

b. Be published in a newspaper of general circulation within each county crossed by a transmission line corridor not less than 65 days prior to any scheduled certification hearing;

c. Be no less than one half page in size (one full page in a tabloid size newspaper);

d. Have a heading in bold letters not less than 3/8 inch high.

e. Include a map of the proposed corridor(s) location.

3. Notice of Cancellation of Certification Hearing – DEP Form 62-17.750(3) This notice shall:

a. Be published in a newspaper of general circulation within each county crossed by a transmission line corridor at least 3 days prior to any scheduled certification hearing;

b. Be one-fourth page in size in a standard size newspaper or one-half page in a tabloid size newspaper;

c. Have a heading in bold letters not less than 3/8 inch high.

4. Notice of Deferment of Certification Hearing – DEP Form 62-17.750(TL4) This notice shall:

a. Be published in a newspaper of general circulation within each county crossed by a transmission line corridor;

b. Be published at least 7 days before the date of the originally scheduled certification hearing;

c. At a minimum, be one-eighth page in size in a standard size newspaper or one-fourth page in a tabloid size newspaper;

d. Not require a map to be included;

e. In the event that the certification hearing is deferred and dates of rescheduling are available, this notice may be combined with the notice of Rescheduled Certification Hearing – DEP Form 62-17.750(5).

5. Notice of Rescheduled Certification Hearing – DEP Form 62-17.750(5). This notice is required to be provided by the applicant in those counties which are traversed by the corridor proposed in the application, but not by an accepted alternate corridor for which a hearing is being rescheduled. The notice shall:

a. Be published in the same newspapers the Notice of Filing of Application and Notice of Certification Hearing were published in for those particular counties;

b. Be one-fourth page in size in a standard size newspaper or one-half page in a tabloid size newspaper;

c. Have a heading in bold letters not less than 3/8 inch high;

d. Have a copy of a map or maps showing the location of all corridors proper for certification.

6. Notice of Modification of Certified Transmission Line Corridor – DEP Form 62-17.750(6). This notice shall:

a. Be published in a newspaper of general circulation in each county affected by any proposed modification;

b. Be one-half page in size in a standard size newspaper or one full page in a tabloid size newspaper;

c. Have a heading in bold letters not less than 3/8 inch high;

d. Have a copy of a map showing modification location.

(b) The proponent of an alternate corridor shall provide newspaper notice as required by Section 403.5363, F.S., using the form and procedures listed below.

1. Notice of Filing an Alternate Corridor – DEP Form 62-17.750(8). This notice shall:

a. Be published within 15 days after filing with the department;

b. Be published in a newspaper of general circulation within each county crossed by a transmission line corridor;

c. Be no less than one half page in size (one full page in a tabloid size newspaper);

d. Contain a map, which occupies a minimum of one quarter of the display advertisement, clearly showing the corridors proper for certification inclusive of Selected Townships and Ranges, and where possible, Sections, with all patterns or other graphics used to indicate special features bold enough to register legibly on newsprint.

2. Notice of Rescheduled Certification Hearing – DEP Form 62-17.750(5). This notice is required to be provided by the proponent of an alternate corridor in those counties traversed by the proponent's accepted alternate corridor, pursuant to subsection 403.5363(2), F.S. The notice shall:

a. Be published in the same newspapers the Notice of Filing of Application and Notice of Certification Hearing were published in for those particular counties;

b. Be one-fourth page in size in a standard size newspaper or one-half page in a tabloid size newspaper;

c. Have a heading in bold letters not less than 3/8 inch high

d. Have a copy of a map or maps showing the location of all corridors proper for certification.

(c) A local government or regional planning council whose jurisdiction is to be crossed by a proposed transmission line corridor who requests an Informational Public Meeting shall provide newspaper notice as required by Section 403.5363, F.S., using the form and procedures listed below.

1. Notice of Informational Public Meeting – DEP Form 62-17.750(7). This notice shall be published by a local government or regional planning council in a newspaper of

general circulation within whose jurisdiction is to be crossed by a proposed transmission line corridor and be published at least 15 days before the date of the meeting.

(2) The Applicant or alternate proponent shall provide direct notice to property owners located within one-quarter mile of the proposed boundaries of the proposed transmission line corridor(s) in accordance with subsection 403.5363(5)(a) or (6)(a), F.S. A copy of the direct notice provided by the applicant or the proponent of an alternate corridor and a list of all persons to whom the notice was delivered shall be provided to the Department's Siting Coordination Office in electronic format by the applicant or the proponent of an alternate corridor, as applicable.

~~(1)(a) The department shall prepare the text for the public notices required under this chapter and send the notices to the appropriate newspapers when required. The department shall notify the newspaper that the invoice for publication is to be sent to the department. If the application for certification proposes one or more secondary corridors, the notices provided by this chapter shall be amended by the department to reflect that such secondary corridors are proper for certification.~~

~~(b) Many of the notice requirements of this section are beyond the notice content requirements of the Act and are solely provided as a voluntary public service by the department. The content of any notice may be different than that provided in this section so long as the deviation does not materially and substantially alter the substance of such notice. A person challenging any such notice content deviation must show that but for the particular notice content deviation such person would have had notice of the certification proceedings. Upon such showing, the hearing officer may correct such deficiency as provided in Rule 62-17.760, F.A.C.~~

~~(2) Notice of Binding Agreement.~~

~~Within 15 days of receipt of a proposed written agreement, as provided for in subsection 62-17.540(1), F.A.C., on the scope, quantity, and specificity of the information to be provided in the application, notice shall be provided:~~

~~(a) To the agencies in whose jurisdiction the corridor may pass, informing the agencies that any disagreements must be in writing and served on the department by the agency within 25 days of receipt of the notice.~~

~~(b) In the Florida Administrative Weekly, containing the following information:~~

~~1. The name, size, and a brief description of the transmission line.~~

~~2. A list of places where the proposed agreements are available for inspection.~~

~~3. Text which substantially states "The department and other affected agencies are authorized by subsection 62-17.540(1), F.A.C., to enter into binding written agreements with regarding the scope, quantity, and level of information to be provided in the application for certification which will subsequently be filed. The public may provide comments~~

~~regarding the substance of such an agreement to its local government or the Transmission Line Siting Coordinator, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32301, within 25 days of the publication of this notice".~~

~~4. A statement informing persons whose substantial interests may be affected by the agreement of their rights under Chapters 120 and 403, F.S., regarding any decision on the agreement.~~

~~(c) At the discretion of the department, in newspapers of general circulation, as defined in (3)(a) below, consisting of the same information described in (b) above.~~

~~(3) Notice of Receipt of Application.~~

~~No later than 15 days after the receipt of an application, the department shall arrange for publication of a public notice consisting of the following:~~

~~(a) Publication in a newspaper of general circulation within each county crossed by a transmission line corridor. A newspaper of general circulation is the newspaper which has the largest daily circulation within that county and whose principal office is in that county; if such newspaper has its principal office outside the county, then the notice shall appear in both that newspaper and in a newspaper authorized to publish legal notices within the county. The public notice shall bear be no less than one half page in size (one full page in a tabloid size newspaper), bearing the heading "Notice of Receipt of Transmission Line Certification Application" in bold letters not less than 3/8 inch high. The notice shall contain the following:~~

~~1. A map of the corridors proper for certification. The map shall be supplied by the applicant and shall be a camera ready copy. The applicant shall consult with the department as to how many copies will be necessary. The map shall clearly show the corridors proper for certification. Selected Townships and Ranges, and where possible, Sections, shall be shown on the map. All patterns or other graphics used to indicate special features shall be bold enough to register legibly on newsprint. The map shall occupy at least one quarter of the display advertisement.~~

~~2. Text which substantially states the following:~~

~~a. "Application number for certification to authorize location of a transmission line corridor, construction, operation and maintenance of kilovolt electrical transmission line(s) commonly referred to as _____ and maintenance of the transmission line right of way from _____, Florida to _____, Florida was received by the Department of Environmental Protection on _____, 19____. The case is pending before the Division of Administrative Hearings, Case No. _____, prior to action by the Governor and Cabinet, pursuant to the Florida Transmission Line Siting Act, Chapter 403, Part II, F.S. The corridor will pass through the following local government jurisdictions:~~

b. ~~“A certification hearing will be held regarding this application in approximately 4 months and a notice stating the date, time and location of the hearing will be published in this newspaper at least 80 days before the date set for the hearing. The Hearing Officer will receive testimony and evidence from the parties and the public at the certification hearing. If timely requested by a local government pursuant to Section 403.527(2), F.S., a public hearing where members of the public not parties to the certification proceedings may testify under oath as to relevant facts and subject to cross examination by all parties shall be held in each county through which the corridor passes; however, the public should be aware that the majority of the testimony and evidence in the case will be heard at the centrally located certification hearing.~~

e. ~~“State agencies and local governments will be studying the application and preparing testimony and evidence for the certification hearing. It is recommended that interested individuals review the application and bring matters of concern to the appropriate agency’s attention as soon as possible (see below for listing of participating agencies). The application for certification which more specifically depicts the corridor is available for public inspection at the following locations:” (Here list the addresses of the main and appropriate district offices of the department serving the area of the corridor; the general business office of the applicant and the local business office of the applicant, if any, in every county through which the proposed corridor passes; and a public library in each county through which the corridor passes.)~~

3.d. ~~“Consideration may be given in this proceeding to corridors alternate to the route preferred by (the applicant). The applicant may propose corridors secondary to the primary corridor in order to preserve its options, and persons other than the applicant may also propose alternate routes for portions or all of the corridor. To propose an alternate corridor, persons must request to become a party to the proceedings (see below), and then must file a notice of proposed alternate corridor with the hearing officer pursuant to Section 403.527(5), F.S., all parties, and any local governments in the jurisdiction of which the alternate is proposed, by no later than 45-50 days prior to the certification hearing. The filing must include the most recent United States Geological Survey 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed alternate corridor, and a statement of the reasons the proposed alternate should be certified. Each party proposing an alternate corridor shall have the burden to provide the data necessary for the agencies listed in Section 403.526, F.S., to prepare a supplementary report, and the burden of proof on the certifiability of the alternate corridor at the certification hearing. See Section 403.527(5), F.S., and Rule 62-17.543, F.A.C., for further information and requirements.”~~

e. ~~“Anyone wishing to become a party to the proceedings should file an appropriate petition pursuant to Rule 28-5.207, F.A.C., with, Hearing Officer, Division of Administrative Hearings, Tallahassee, Florida. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S. or Rule 62-103.020, F.A.C.~~

f. ~~The text shall also include Section 403.527(4), F.S., in its entirety.~~

(b) ~~The department shall mail the same text and map used in the public notice to any person who has requested to be placed on the department’s mailing list for notification of transmission line certification hearings.~~

(c) ~~Publication of an appropriate notice of the application in the Florida Administrative Weekly.~~

~~(4) Notice of Certification Hearing.~~

~~At least 80 days prior to the certification hearing, public notice shall be provided and shall consist of the following:~~

(a) ~~Publication in the same newspapers identified pursuant to subsection (3) above. The notice shall also be of the same size, and have the same heading height, as set forth in subsection (3) above. Such public notice shall bear the heading, “Notice of Certification Hearing on Proposed Electrical Transmission Line Corridor”. The public notice shall contain the following information:~~

~~1. Same as (3)(a)1. above.~~

~~2. Text which substantially states the following:~~

~~a. Same as (3)(a)2.a.~~

~~b. “Pursuant to Section 403.527, F.S., the certification hearing will be held by the Division of Administrative Hearings on __, 19__, at __, in __, Florida, at __.m. to determine whether the application should be approved in whole, approved with modifications and conditions, or denied. In making this determination, the hearing officer, and ultimately the Governor and Cabinet, shall consider whether, and the extent to which, the location of the transmission line corridor, and the construction and maintenance of the transmission line will:~~

~~“(a) Ensure electric power system reliability and integrity;~~

~~“(b) Meet the electric energy needs of the state in an orderly and timely fashion;~~

~~“(c) Comply with nonprocedural requirements of agencies;~~

~~“(d) Be consistent with applicable local government comprehensive plans; and~~

~~“(e) Effect a reasonable balance between the need for the transmission line as a means of providing abundant low-cost electrical energy and the impact to the public and the~~

environment resulting from the location of the transmission line corridor, and construction, maintenance, and electric and magnetic field effects of the transmission line.

~~“Consideration of individual private property rights, equitable compensation for condemnation proceedings which may be necessary to obtain access and use of the right of way, and the electrical need for the transmission line will not be heard at this hearing. Need for the transmission line is considered by the Public Service Commission at a separate hearing.”~~

~~e. Where individual local government hearings have been requested, the public notice for the particular county shall state: “As requested by” (local governments’ names) “a local public hearing where members of the public not a party to the certification hearing may testify under oath as to relevant facts and subject to cross-examination by all parties shall be held on ____, 19__, at ____, in ____, Florida”.~~

~~d. Same as (3)(a)2.c.~~

~~e. Same as (3)(a)2.d., except that the date by which an alternate corridor must be filed shall be specifically listed.~~

~~f. Same as (3)(a)2.e.-f.~~

~~g. A statement that “This notice is in lieu of other notices, including those relating to variances, changes to zoning ordinances and local governments’ plans, or any other non-federal government license or permit”.~~

~~h. A statement that “A term or condition of the certification, if granted, may provide for the subsequent submittal of information necessary for agencies to monitor the effects arising from the location of the transmission line corridor and the construction, and maintenance of the transmission line to assure continued compliance with state water quality requirements or compliance with other agency non-procedural rules and standards, particularly with regards to dredging and filling activities, without any further government action. A person whose substantial interest may be affected by such submittals or monitoring must petition to become a party to this proceeding if they desire an administrative determination relative to the post-certification monitoring process in that this certification proceeding provides such a person with the opportunity for a hearing as required by Chapter 120, F.S., and the Act. Failure to petition to become a party within the time frames set forth in this notice constitutes a waiver to an administrative determination (or hearing) pursuant to Chapter 120, F.S., and the Act on the postcertification review and monitoring unless otherwise specified by a term or condition of certification”.~~

~~(b) Publication of an appropriate notice of the hearing in the Florida Administrative Weekly.~~

~~(5) Reminder Notice.~~

~~No more than two weeks prior to the centrally located certification hearing, the department shall publish a brief notice in the Legal Advertisements section of the same newspapers in which the notice of certification hearing was published, reminding the public of the time and place of the hearing.~~

~~(6) Notice on Rescheduled Certification Hearing Due to Filing of Alternate Corridors.~~

~~At least 80 days prior to the rescheduled certification hearing, public notice shall be provided and shall consist of the following:~~

~~(a) Publication in the same newspapers used in (3) above. The notice shall also be of the same size or larger if necessary to accommodate maps, have the same heading height, and shall be subject to the same specifications for the map. The notice shall bear the heading, “Notice of Rescheduled Transmission Line Certification Hearing”. The public notice shall contain the following:~~

~~1. A copy of a map or maps showing the location of all corridors proper for certification. Alternates located in only certain counties need only be published in the newspapers for those counties.~~

~~2. Text which substantially states the following:~~

~~a. “Pursuant to the provisions of Section 403.527(5), F.S., corridors alternate to the one sought by (applicant’s name) in the to (project name) Transmission Line Certification proceedings, application number ____, Division of Administrative Hearings Case No. ____ have been submitted. In order to allow citizens and agencies to study the proposal, the certification hearing originally scheduled for ____, 19__ and noticed in this paper on ____, 19__ has been rescheduled to ____, 19__, at ____, Florida, commencing at __.m.”~~

~~b. Where individual local government hearings had been requested, the public notice for the particular county shall state: “The local public hearing where members of the public not a party to the proceeding could testify has also been rescheduled to 19__, at ____, Florida, commencing at __.m.; citizens should be aware that the majority of the testimony and evidence of the case will be heard at the centrally located certification hearing identified above”.~~

~~e. “State agencies and local governments have been studying the application as was originally proposed and shall do the same for the alternate corridor locations proposed. It is recommended that interested individuals review the information available on the alternate proposal and bring matters of concern to the appropriate agency’s or the alternate proponent’s attention as soon as possible (see below for listing of participating agencies). The information on alternates is available at the following locations:”~~

~~(Here list the addresses of the main and appropriate district offices of the department, the applicable local governments, the applicant, the alternate proponent, and any other appropriate locations.)~~

~~d. "Persons substantially affected by any corridor proper for certification may become a party to the proceedings as described below. Persons becoming parties are entitled to propose corridors alternate to the alternate previously proposed. To propose an alternate, persons must request to become a party to the proceedings (see below), and then must file a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in the jurisdiction of which the alternate is proposed, by (here list a date at least 50 days prior to the certification hearing). The filing must include the most recent United States Geological Service 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed alternate corridor, and a statement of the reasons the proposed alternate should be certified. Each party proposing an alternate corridor shall have the burden to provide the data necessary for the agencies listed in Section 403.526, F.S., to prepare a supplementary report, and the burden of proof on the certifiability of the alternate corridor at the certification hearing. See Section 403.527(5), F.S., and Rule 62-17.543, F.A.C., for further information and requirements."~~

~~e. Same as in (3)(a)2.e.-f.~~

~~(b) Same as (3)(b).~~

~~(c) Publication of an appropriate notice of rescheduled certification hearing in the Florida Administrative Weekly.~~

~~(7) Notice on Completeness or Sufficiency Hearings:~~

~~Written notice of a hearing on the completeness or sufficiency of an application shall be given to all parties.~~

~~(8) Notice of a Modification Request pursuant to Section 403.5315(1), F.S. The notice of receipt of, and of proposed agency action, (one notice for both) on a request for modification filed pursuant to Rule 62-17.680(3)(a), F.A.C., shall be in substantial conformance with the following:~~

~~(a) Florida Administrative Weekly Notice:~~

~~"Notice of Proposed Modification of Transmission Line Corridor Certification"~~

~~"Please take notice that the Department of Environmental Protection has received a request for modification of a Transmission Line Corridor Certification issued under the Florida Transmission Line Siting Act pursuant to Section 403.5315(1), F.S., and Florida Administrative Code Rule 62-17.680(3)(a), concerning: (name and file number of certification). The proposed modification involves (description and location of modification).~~

~~"The department proposes to (issue/issue with changes or conditions/deny) the request.~~

~~"A copy of the request and proposed agency action is available for inspection at (name and address):~~

~~"RIGHT TO PETITION"~~

~~"Any person whose substantial interest may be determined by the proposed agency action may petition pursuant to Chapter 120, F.S., for an administrative proceeding (hearing) within 14 days from receipt of this notice. The petition must~~

~~conform to the requirements of Model Rule Section 28-5.201, F.A.C. and Rule 62-17.680, F.A.C., and must be filed during business hours with (received by) the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32301. Failure to file a petition within the aforementioned time period constitutes a waiver of Chapter 120, F.S., right to such administrative proceeding."~~

~~(b) A similar notice shall be sent to all parties and to all persons on the department mailing list.~~

~~(c) The department in its discretion may also require the person requesting the modification to publish notice in a newspaper of general circulation (as defined in (3)(a) above) in the affected area.~~

~~(9) Notice of Modification Request pursuant to Section 403.5315(2), F.S.~~

~~Within 15 days of receipt of a request for modification pursuant to Section 403.5315(2), F.S., the department shall provide notice of receipt of such modification request by:~~

~~(a) Publication in a newspaper of general circulation, as defined in (3)(a), in each county affected by the modification. The text of the notice shall contain substantially the following information:~~

~~1. The name of the utility and a brief description of the requested modification;~~

~~2. If corridor alignment changes are proposed, a map of the same quality required by (3)(a)1. showing the location of the modification;~~

~~3. A list of readily accessible places where copies of the modification information are available;~~

~~4. A statement that: "Request number to authorize a modification to the previously certified electrical transmission line has been received by the Department of Environmental Protection, pursuant to the Transmission Line Siting Act, Ch. 403, Part II. The modification will pass through or affect the following local governmental jurisdictions. Persons who are not already parties to the certification proceeding and whose substantial interests are affected by the proposed modification and who object to it must file their objections in writing with the Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, during normal business hours within 30 days of publication of this notice. A copy of such objection must be served on all parties. Persons who fail to have the objection filed with (received by) the department within the prescribed time period will have waived their right to object.~~

~~(b) Publication of notice in the Florida Administrative Weekly; and~~

~~(c) Mailing notice to the last address of record for each party to the original certification proceedings. Such notice shall contain statements that advise that parties have the right, pursuant to Section 403.5315(2), F.S., to object to the proposed modification by filing an objection with the department during~~

normal business hours within 45 days of the mailing of the notice, and that a party who fails to have the objection filed with (received by) the department within the prescribed time period will have waived their right to object.

(10) Notice of Receipt of a Modification Petition Filed Pursuant to Section 403.5315(3), F.S. The department shall provide notice of a modification petition filed pursuant to Section 403.5315(3), F.S., by:

(a) Publication in a newspaper of general circulation as defined in (3)(a), in each county affected by the modification. The public notice shall be no less than 1/2 page in size (one full page in tabloid size newspaper), bearing the heading, "to Transmission Line; Notice of Receipt of Modification Petition" in bold letters. The text of the public notice shall contain substantially the following information:

1. The same as in (9)(a)1-2.

2. A statement that: "A petition to authorize a modification to the previously certified electrical transmission line from Florida to, Florida, is now pending before the Division of Administrative Hearings, Case Number _____, prior to action by the Governor and Cabinet, pursuant to the Transmission Line Siting Act, Chapter 403, Part II, F.S. The modification will pass through the following local governmental jurisdictions." (Here list the Cities and Counties as appropriate).

3. A statement that: "Pursuant to Sections 403.527 and 403.5315(4), F.S., a hearing regarding any disputed issues over the modification of the previously issued certification will be held on at a later date, to be announced in this paper. The Hearing Officer has (or will) established a schedule for processing the Petition which may be shorter than the schedule allowed for the original application. A copy of the schedule is available from. The Hearing Officer will receive testimony and evidence from the parties and the public at the modification hearing. If requested by a local government pursuant to Section 403.527(2), F.S., within the time period set by the hearing officer, a public hearing where members of the public not parties to the modification proceedings may testify under oath as to relevant facts and subject to cross examination by all parties shall be held in each county through which the modification would occur; however, the public should be aware that the majority of the testimony and evidence in the case will be heard at the centrally located modification hearing.

4. "State agencies and local governments will be studying the proposed modification and preparing testimony and evidence for the modification hearing. It is recommended that interested individuals review the proposal and bring matters of concern to the appropriate agency's attention as soon as possible (see below for listing of participating agencies). The petition for modification which more specifically describes the matters of issue is available for public inspection at the following locations:" (Here list the addresses of the main and appropriate district offices of the department serving the area of the proposed modification; the general business office of the

applicant and the local business office of the applicant, if any, in every county through which the proposed modification would occur; and a public library in each county through which the proposed modification would occur.)

5. Where a corridor location change has been proposed, the following: "Consideration may be given in this proceeding to corridors alternate to the route for which the modification is proposed. Persons who become parties to the modification proceeding (see below) may also propose alternate routes for the portion of the corridor at issue. A notice of proposed alternate corridor must be filed with the hearing officer pursuant to Section 403.527(5), F.S., all parties, and any local governments in the jurisdiction of which the alternate is proposed, by no later than (50 days/a time period established by the hearing officer) prior to the modification hearing. The filing must include the most recent United States Geological Survey 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed alternate corridor, and a statement of the reasons the proposed alternate should be certified. Each party proposing an alternate corridor shall have the burden to provide the data necessary for the agencies listed in Section 403.526, F.S., to prepare a supplementary report, and the burden of proof on the certifiability of the alternate corridor at the modification hearing. See Section 403.527(5), F.S., and Florida Administrative Code Rule 62-17.543 for further information and requirements."

6. "Anyone whose substantial interests are affected by the proposed modification and who wishes to become a party to the proceedings should file an appropriate petition pursuant to Florida Admin. Code Rule 28.5.207 with, Hearing Officer, Division of Administrative Hearings, Tallahassee, Florida. Copies of the petition should be sent by mail to all parties."

7. The text shall also include Section 403.527(4), Florida Statutes, in its entirety.

(b) By publication of appropriate notice in the Florida Administrative Weekly.

(c) The department shall mail the same text and map used in the public notice to any person who has requested to be placed on the department's mailing list for notification of transmission line certification hearings.

(11) Notice of Hearing on Modification Petition Filed Pursuant to Section 403.5315(3), F.S. At least 80 days prior to the modification hearing, or as otherwise ordered by the Hearing Officer, public notice shall be provided and shall consist of the following:

(a) Publication in the same newspapers identified pursuant to subsection (10) above. The notice shall also be of the same size, and have the same heading height, as set forth in subsection (10) above. Such public notice shall bear the heading, "to Transmission Line; Notice of Certification Modification Hearing". The public notice shall contain the following information:

1. Same as (9)(a)2. above.

2. Text which substantially states the following:

a. The name of the utility and a brief description of the requested modification.

b. ~~“Pursuant to Sections 403.527 and 403.5315(4), F.S., the modification hearing will be held by the Division of Administrative Hearings on _____, 19____, at _____, in _____, Florida, at m. to determine whether the proposal for modification should be approved in whole, approved with other modifications and conditions, or denied. In making this determination, the hearing officer, and ultimately the Governor and Cabinet, shall consider whether, and the extent to which, the location of the transmission line corridor, and the construction and maintenance of the transmission line will:~~

~~“(a) Ensure electric power system reliability and integrity;~~

~~“(b) Meet the electric energy needs of the state in an orderly and timely fashion;~~

~~“(c) Comply with nonprocedural requirements of agencies;~~

~~“(d) Be consistent with applicable local government comprehensive plans; and~~

~~“(e) Effect a reasonable balance between the need for the transmission line as a means of providing abundant low cost electrical energy and the impact to the public and the environment resulting from the location of the transmission line corridor, and construction, maintenance, and electric and magnetic field effects of the transmission line.~~

~~“Consideration of individual private property rights, equitable compensation for condemnation proceedings which may be necessary to obtain access and use of the right-of-way, and the electrical need for the transmission line will not be heard at this hearing. Need for the transmission line is considered by the Public Service Commission at a separate hearing.”~~

e. Where individual local government hearings have been requested, the public notice for the particular county shall state: “As requested by” (local governments’ names) “a local public hearing where members of the public not a party to the modification hearing may testify under oath as to relevant facts and subject to cross examination by all parties shall be held on _____, 19____, at _____, in _____, Florida.

d. Same as (10)(a)4.

e. Same as (10)(a)5., except that the date by which an alternate corridor must be filed shall be specifically listed.

f. Same as (10)(a)6.-7.

g. Same as (4)(a)2.g.-h.

(b) Publication of an appropriate notice of the hearing in the Florida Administrative Weekly.

(c) Same as (10)(c).

(12) ~~Reminder Notice for Modification Hearing Conducted on Petition Filed Pursuant to Section 403.5315(3), F.S. No more than two weeks prior to the modification hearing,~~

~~the department shall publish a brief notice in the Legal Advertisements section of the newspapers in which the notice of modification hearing was published, reminding the public of the time and the place of the hearing:~~

~~(3) Evidence of Notice Pursuant to Chapter 403, F.S.~~

~~(a) The applicant or alternate proponent, whichever is responsible for the publication of a newspaper notice, shall provide to the Siting Coordination Office:~~

~~1. A newspaper clipping of the actual notice, or a portable document format file of a copy of the actual notice, either of which includes the date of publication and the name of the newspaper in addition to a depiction of the full notice, within five (5) days of actual publication.~~

~~2. Proof of publication of each newspaper notice, within seven (7) days of the applicant’s or alternate proponent’s receipt of the proof of publication.~~

~~(b) Evidence of any notices shall be filed with the Administrative Law Judge.~~

~~Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.527(6)(c), 403.527(1), 403.527(1)(c), 403.5315(2), 403.5363 403.523(9), 403.527(1), (5), 403.535 FS. History–New 11-20-80, Transferred from 17-17.61, Amended 6-26-84, Formerly 17-17.750, Amended _____.~~

~~62-17.760 Evidence of Notice, Additional Notice.~~

~~(1) Evidence of any notice made pursuant to this chapter, together with a copy of the notice, shall be filed with the hearing officer by the Department at the commencement of the hearings held pursuant to the subject of the notice.~~

~~(2) Failure of service on, or to give notice to the public by publication or otherwise or any of the persons entitled to receive such service or notice pursuant to provisions of this chapter, may be cured by an order of the hearing officer designed to afford the public or such persons adequate notice to enable their effective participation in the proceedings.~~

~~(3) The hearing officer may, at any time for good cause shown, require the Department to serve or publish additional notices of hearing and file evidence thereof.~~

~~Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.523(6), (9), 403.527(1), (5), 403.5315 FS. History–New 11-20-80, Transferred from 17-17.62 and Amended 6-26-84, Formerly 17-17.760, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael P. Halpin, PE, Florida Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS 48, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Mike Sole

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.003
 RULE TITLE: Licensure Examination

PURPOSE AND EFFECT: The Board proposes to repeal the rule because the Department no longer gives a practical examination.

SUMMARY: The rule will be repealed due to the fact that the Department no longer gives a practical exam.

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: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.003 Licensure Examination.

~~(1) The Board requires the candidate to pass the practical examination developed by the Department of Health, which measures competency in the following subject areas:~~

~~(a) X-ray interpretation of chiropractic and pathology films. The subject areas and associated approximate weights for the x-ray examination shall be as follows:~~

Congenital anomalies and normal skeletal variants	12-25%
Trauma	15-20%
Arthritic disorders	10-15%
Tumors and tumorlike processes	5-10%
Infection	1-5%
Hematological and vascular disorders	1-5%
Nutritional, metabolic, and endocrine disorders	1-5%
Chest	1-5%
Biomechanics	5-10%
Alternative	1-5%
Technique	5-10%
Anatomy	5-10%

~~(b) Technique, which may include manipulation or adjustment of any of the following anatomical areas: the occiput, cervical, thoracic, lumbar, pelvis, ribs, extremities, soft tissue, and the whole body according to the following approximate weights:-~~

Doctor/patient position	25%
Location of segment	25%
Contact point	25%
Line of drive	25%

~~(c) Physical diagnosis, which may include any of the following: case history, chiropractic examination, general physical examination, orthopedic examination, neurological examination, X-ray technique and diagnosis, laboratory technique and diagnosis, nutrition, differential diagnosis, and clinical judgment according to the following approximate weights:~~

Orthopedic and neurological	30-35%
Diagnostic imaging	20-25%
Case history and physical	15-20%
Laboratory	5-10%
Diagnosis	15-20%
Clinical judgment	5-10%

~~(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, within 24 months of the date of the first failure, after which time the applicant must retake the entire practical examination.~~

~~(3) In addition to the examinations in subsection (1), the Board also requires the candidate to pass the examination developed and administered by the Department of Health, which measures an applicant's knowledge of Chapters 456 and 460, F.S., and the rules promulgated thereunder. A score of 75% shall be necessary to achieve a passing score on this part of the examination.~~

~~(4) Upon written request from an applicant who has been approved for examination, the Department shall provide a translated version of the examination for licensure into a language other than English. If no such translated examination exists however, the Department shall require the applicant to pay the cost of the translation before employing translators to perform the task.~~

Rulemaking Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History-New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02, 5-4-03, 12-28-04, Repealed _____ .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 21, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.007
RULE TITLE: Criteria for the Selection of
Examiner Consultants

PURPOSE AND EFFECT: The Board proposes to repeal the rule because the Department no longer gives practical examination.

SUMMARY: The rule will be repealed due to the fact that the Department no longer gives the practical exam.

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: 456.017, 460.405 FS.

LAW IMPLEMENTED: 456.017(1)(b) 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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.007 Criteria for the Selection of Examiner Consultants.

~~(1) In order to be eligible to act as an examiner consultant for the licensure examination, the prospective examiner must meet the following criteria:~~

~~(a) The prospective examiner must have been actively licensed in the State of Florida as a chiropractor for at least five (5) years.~~

~~(b) The prospective examiner must not have had a chiropractic license or other health care license suspended, revoked, or otherwise acted against. If the prospective examiner has had prior disciplinary actions, he or she may apply to the Board for permission to act as an examiner, and shall provide all information pertinent to that determination.~~

~~(c) The prospective examiner must not be currently under investigation by the Department, or by any state or federal agency;~~

~~(d) Effective February 28, 1996 the prospective examiner must have completed not less than 20 additional hours of post graduate training or education beyond the continuing education required for renewal of licensure during the previous biennium;~~

~~(e) The prospective examiner must submit a current vita including a list of all post graduate education.~~

~~(2) In order to be eligible to act as an examiner consultant for a certification examination, the prospective examiner must meet the criteria established in subsection (1), and in addition, be certified in the area to be examined.~~

~~(3) Individuals who meet the qualifications of subsections (1) and (2) of this rule must be certified pursuant to Rule 64B-1.007, F.A.C. The Department shall select, from the Board's recommended list, a sufficient number of individuals to insure that there will be an adequate pool from which to draw the requisite number of examiners.~~

Rulemaking Specific Authority 460.405, 456.017 FS. Law Implemented 456.017(1)(b) FS. History-New 5-10-87, Amended 10-12-87, 2-1-88, Formerly 21D-11.007, Amended 3-7-94, Formerly 61F2-11.007, Amended 2-20-95, Formerly 59N-11.007, Amended 4-22-98, 7-12-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 21, 2009

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.004
RULE TITLE: Advertising Specialty Services

PURPOSE AND EFFECT: To repeal the rule due to the case of Ducoin v. Board of Dentistry.

SUMMARY: The Board proposes to repeal the rule due to the case of Ducoin v. Board of Dentistry.

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: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d), 466.0282 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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.004 Advertising Specialty Services.

~~(1) The Board recognizes as a specialty only those specialties recognized by the American Dental Association (ADA).~~

~~(2) Any advertisement of specialty services must state whether the service will be performed by a general dentist or a specialist. Only dentists who meet the qualifications of subsection 64B5 4.004(4), F.A.C., may hold themselves out as specialists. Specialty services advertised by a dentist who is not so qualified and who limits his practice to a specialty area must be advertised in the following manner: "General Dentist, Practice limited to (particular specialty area)."~~

~~(3) Specialty services for the purpose of this rule shall include all endodontic procedures (ADA Code # 03000-03999), all orthodontic procedures (ADA Code # 08000-08999), all oral surgery procedures except nonsurgical extraction (ADA Code # 07200-07999), and all periodontal surgical procedures (ADA Code # 04200-04272). Use of terms which generally describe specialty services, i.e. children's dentistry, pediatric dentistry, pedodontics or similar phrases are also considered to be advertisement of specialty services.~~

~~(4) No dentist may hold himself or herself out as a specialist unless such licensee meets one of the following qualifications:~~

~~(a) The dentist is eligible for examination by an ADA recognized national specialty board.~~

~~(b) The dentist is a diplomate of an ADA recognized national specialty board.~~

~~(c) The dentist has continuously held himself out as a specialist since December 31, 1964.~~

~~(d) The dentist has completed a specialty educational program approved by the American Dental Association and the Commission on Dental Accreditation.~~

~~(5) No dentist may advertise a service in a manner which in its form or content would lead a reasonable person to believe that the service is a specialty unless that service is a specialty recognized by the Board. For example, it is misleading for a dentist to advertise that he is a specialist or that he limits his practice to the diagnosis and treatment of temporomandibular joint disorders, facial pain therapy or implantology since these are not Board recognized specialties. However, a dentist may advertise that he diagnoses and treats temporomandibular joint disorders or facial pain and that he places dental implants.~~

~~Rulemaking Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d), 466.0282 FS. History--New 1-11-89, Formerly 21G-4.004, 61F5-4.004, Amended 6-9-96, Formerly 59Q-4.004, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-11.001 Application for Licensure Fee

PURPOSE AND EFFECT: The purpose of this amendment is to modify the Nursing Home Administrators Examination Endorsement/Temporary form, DH-MQA-NHA002.

SUMMARY: The amendment modifies the Application for Nursing Home Administrators Examination Endorsement/Temporary form.

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: 456.033, 468.1685(1), (2), 468.1695(1) FS.

LAW IMPLEMENTED: 456.033, 468.1685(2), 468.1695(1), 468.1075 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.001 Application for Licensure Fee.

Any person desiring to be licensed as a nursing home administrator shall apply to the Board of Nursing Home Administrators. The application shall be made on the Application for Nursing Home Administrators Examination Endorsement/Temporary form DH-MQA-NHA002 (revised ~~6/09~~ 10/07), hereby adopted and incorporated by reference, and can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

Rulemaking Specific Authority 456.033, 468.1685(1), (2), 468.1695(1) FS. Law Implemented 456.033, 468.1685(2), 468.1695(1), 468.1075 FS. History–New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87, 10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-3-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-4-95, 9-4-96, 7-21-97, Formerly 59T-11.001, Amended 5-15-00, 1-7-04, 2-15-06, 11-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.003
RULE TITLE: Reexamination

PURPOSE AND EFFECT: The purpose of this amendment is to modify the Application for Nursing Home Administrators Re-Examination form DH-MQA 1129 (revised 6/09).

SUMMARY: The amendment modifies the revision date on the Application for Nursing Home Administrators Re-Examination form.

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: 456.017(2), 468.1685(1) FS.
LAW IMPLEMENTED: 456.017(2) 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.003 Reexamination.

(1) An applicant must pass both parts of the Nursing Home Administrators Examination (NAB) within one year of the date of application for licensure. If the applicant fails to pass both parts within the stated one-year period, the applicant must reapply and meet current licensing requirements.

(2) An applicant must pass both parts of the examination within one year from first failure; otherwise, the applicant must retake both parts of the examination and pay the full fees. The application shall be made on the Application for Nursing Home Administrators Re-Examination form DH-MQA 1129 (revised 6/09 ~~8/08~~), hereby adopted and incorporated by reference) and can be obtained from the Board of Nursing Home Administrators’ website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

Rulemaking Specific Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History–New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00, 11-6-02, 2-15-06, 4-22-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.012
RULE TITLE: Notification of Change of Address or Employing Facility

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate by reference the Change of Address of Employing Facility form, DH-MQA 1130 (revised 06/09).

SUMMARY: The amendment incorporates by reference the Change of Address of Employing Facility form.

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: 456.035, 468.1685(1), (5), (7), (8) FS.

LAW IMPLEMENTED: 456.035, 468.1685(1), (5), (7), (8) 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.012 Notification of Change of Address or Employing Facility.

(+) Within 48 hours of assuming or leaving a position as a nursing home administrator, assistant nursing home administrator or any change in the identity of the employing facility within the State of Florida, each licensee must inform the Department of Health, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-32574, in writing of the exact date of assuming or leaving the position, or change in the identity of the facility. The notification shall be made on the Change of Address of Employing Facility, Form DH-MQA 1130 (revised 06/09 hereby adopted and incorporated by reference) and can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

~~(2) Each licensee shall notify the board office at the above address, within 48 hours of a change in their mailing address.~~

Rulemaking Specific Authority 456.035, 468.1685(1), (5), (7), (8) FS. Law Implemented 456.035, 468.1685(1), (5), (7), (8) FS. History—New 6-14-82, Formerly 21Z-11.12, 21Z-11.012, Amended 10-26-93, Formerly 61G12-11.012, Amended 10-17-94, 7-27-97, Formerly 59T-11.012, Amended 11-6-02, 12-3-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.002
RULE TITLE: Criteria for Approved Continuing Education

PURPOSE AND EFFECT: The purpose of this amendment is to clarify the criteria for approved continuing education, including clarification that any licensee who acts as a consultant to the Department of Health's Testing Services Unit shall be allowed a maximum of four (4) hours of continuing education credit for that biennium.

SUMMARY: The amendment clarifies that any licensee who acts as a consultant to the Department of Health's Testing Services Unit shall be allowed a maximum of four (4) hours of continuing education credit for that biennium.

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: 468.1685(1), 468.1725(3) FS. LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.002 Criteria for Approved Continuing Education.

(1) To be eligible for credit toward the licensee's continuing education requirement, a course shall be designed to enhance the learning and promote the continued development of knowledge and skills of the individual licensee's professional practice.

(2) Continuing education will be approved for credit if it is in one of the Domains of Practice as defined in Rule 64B10-16.005, F.A.C.

(3) Fifteen hours of continuing education credit shall be granted for each college credit course in the domains of practice successfully completed during the biennium. The college transcript shall be accepted as proof of attendance.

(4) Administrator certification or re-certification by American College of Health Care Administrators may be accepted as satisfying the total continuing education requirement for license renewal for the biennium in which certification is completed. Verification of certification shall be accepted as proof of attendance.

(5) To satisfy the requirements of this rule, in any biennium a licensee shall have a minimum of forty (40) hours of continuing education credit. In any biennium:

(a) A licensee shall have a minimum of twenty (20) hours of continuing education credits that include personal attendance at a live presentation.

(b) A licensee is allowed a maximum of twenty (20) hours of continuing education credits for web-based, video or audio-transmitted, or on-line instruction programs that require the licensee to interact or communicate back and forth with the instructor during the presentation of the program.

(c) A licensee is allowed a maximum of ten (10) hours home-study continuing education credits. Home-study education is independent study and includes pre-recorded programs that were previously classified as live or interactive under paragraphs (5)(a) and (b). A validation form shall be

signed by the vendor and licensee verifying the subject covered and total viewing time. Home-study courses must not exceed five (5) hours per subject.

(6) Providers, and licensees who self-submit continuing education hours earned, shall identify the course type as described in subsection (5).

(7) Any licensee who acts as a consultant to the Department of Health's Testing Services Unit shall be allowed a maximum of four (4) hours of continuing education credit for that biennium.

~~(8)(7)~~ Any licensee who acts as a preceptor for an Administrator-in-Training and completes such preceptorship within any biennium shall be allowed a maximum of ten (10) hours of continuing education credit for that biennium.

~~(9)(8)~~ Any licensee who acts as a preceptor for an internship and completes such preceptorship within any biennium shall be allowed a maximum of five (5) hours of continuing education credit for that biennium.

~~(10)(9)~~ Continuing education courses approved by the National Association of Boards of Examiners of Long Term Care Administrators are accepted as long as the requirements are similar to or more stringent than those required by the Board in subsection 64B10-15.002(1) and Rule 64B10-16.005, F.A.C.

~~(11)(10)~~ The Board shall not accept credit for continuing education programs of less than 1 contact hour.

~~(12)(11)~~ Any subject matter dealing with internal affairs of an organization will not qualify for credit hours.

Rulemaking Specific Authority 468.1685(1), 468.1725(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03, 8-9-04, 2-23-06, 10-24-07, 5-8-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.001
RULE TITLE: General Information

PURPOSE AND EFFECT: The purpose of this amendment is to clarify the administrator-in-training rule, including clarifying that one member of the Board shall function as a Monitor of an AIT program, and that the Monitor shall review the quarterly reports and information.

SUMMARY: The amendment clarifies that one member of the Board shall function as a Monitor of an AIT program, and that the Monitor shall review the quarterly reports and information required by Rule 64B10-16.005, F.A.C.

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

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

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(2) FS.
LAW IMPLEMENTED: 468.1695(2) 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.001 General Information.

(1) An Administrator-in-Training is a supervised internship during which the Administrator-in-Training (AIT) works under the supervision of a preceptor, a licensed administrator meeting the qualifications in Rule 64B10-16.002, F.A.C.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., at the time of application, including completion of an Administrator in Training Application, form DH-MQA-NHA003 (Revised 10/2007), hereby adopted and incorporated by reference, and pay the application fee specified in Rule 64B10-12.013, F.A.C. Form DH-MQA-NHA003 can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa.nurshome/index.html>. The applicant is required to indicate on form DH-MQA-NHA003 (Revised 10/2007) whether the applicant is applying for the AIT 1000-hour program or the AIT 2000-hour program as referenced in Rule 64B10-11.002, F.A.C.

(3) The Board must approve each facility at which the training will take place.

(4) The training must be under the full-time supervision of the preceptor. A preceptor shall supervise only one AIT or intern at any given time; however, if the facility has a minimum of 120 beds and an assistant administrator duly licensed under Chapter 468, Part II, F.S., the preceptor may then supervise a maximum of two AITs or interns, or a combination thereof.

(5) The AIT shall serve his training in a normal work-week, containing a minimum of 30 hours and a maximum of 50 hours, with not less than six hours to be served daily between the hours of 7:00 a.m. and 10:00 p.m., except that during the year a minimum of 40 hours and a maximum of 160 hours are to be served between 10:00 p.m. and 7:00 a.m.

(6) The AIT program shall begin on the first day of the month following the approval of the Board.

(7) The AIT and the Preceptor shall sign an agreement acknowledging to each other and the Board that the training shall be in accordance with these rules. The agreement shall contain any other agreements between the AIT and the Preceptor concerning the training.

(8) The AIT shall be allowed two weeks leave for military training, two weeks leave for vacation, and reasonable sick leave.

(9) The Board may approve a temporary discontinuance of the training for up to 1 year, but the AIT shall only retain credit for those quarters completed and for which reports have been submitted and approved by the monitor.

(10) The Board will approve an interruption of an AIT program for the compulsory service of the AIT in the armed forces of the United States. The AIT may resume his training at any time within one year of his discharge from active duty.

(11) The AIT and the Preceptor must report any discontinuance of training to the Board within 10 days.

(12) A rotation through the various departments and duties in the nursing home is essential to the proper completion of the training. An AIT shall not, during the normal working hours of his program, fill a specific, specialized position in the nursing home.

(13) One member of the Board shall function as a Monitor of ~~an each~~ AIT program. The Monitor shall review the quarterly reports and information required by Rule 64B10-16.005, F.A.C., maintain communication with the AIT and Preceptor, and report to the Board on the progress of the AIT. The Board shall not certify an AIT for examination unless the Monitor notifies the Board that the AIT has satisfactorily completed the AIT program. The Board shall require the AIT to do further work toward meeting objectives or attaining the core of knowledge, or to work with a different Preceptor, if reports and progress in the program are inadequate.

Rulemaking Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History—New 9-24-81, Formerly 21Z-16.01, Amended 12-18-88, 1-22-90, 11-11-92, Formerly 21Z-16.001, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97, 6-5-07, 11-9-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.005
RULE TITLE: Domains of Practice, Objectives, Reports

PURPOSE AND EFFECT: The purpose of this amendment is to clarify the requirements of the Administrator-in-Training goal oriented training plan and to incorporate by reference the Florida AIT Domains of Practice Quarterly Checklist form, DH-MQA 1209 (revised 06/09).

SUMMARY: The amendment clarifies the requirements of the Administrator-in-Training goal oriented training plan and incorporates by reference Florida AIT Domains of Practice Quarterly Checklist form.

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: 468.1685(1), 468.1695(3), (4) FS.

LAW IMPLEMENTED: 468.1695(3), (4) 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.005 Domains of Practice, Objectives, Reports.

(1) A training plan for the Administrator-in-Training Program shall be prepared by the preceptor and the trainee prior to the start of the program. This training plan shall include:

(a) A pre-training assessment of the trainee's background in terms of educational level, pertinent experience, maturity, motivation and initiative. The pre-training assessment should underscore the particular trainee's strengths and weaknesses in the areas to be covered in the program (e.g. a person with a degree in business administration will have strengths in the finance area; a person with a personnel or management background will have strengths in those areas, etc.).

(b) Based on this assessment, the trainee and the preceptor will jointly develop a detailed goal oriented training plan with adequate supporting documentation which relates educational objectives, subject areas of the internship, internship site(s), agencies involved, total hours for the internship, and a breakdown of the number of hours needed to master each area and its objectives.

(c) Supporting documentation for the training plan shall include, but is not limited to, qualifications of the preceptor, the director of nursing in the program site, and such descriptive documentation for the program site and its staff to determine its adequacy for the specific objectives and areas of the program.

(d) The preceptor and administrator in training must file reports with the Board every 90 days. The report shall be made on the State of Florida AIT Domains of Practice Quarterly Checklist, Form DH-MQA 1209 (revised 06/09, hereby adopted and incorporated by reference) which can be obtained from the Board of Nursing Home Administrators' website at: <http://www.doh.state.fl.us/mqa/nurshome/index.html>. Each report shall be co-signed by the preceptor and administrator in training and shall be filed within two weeks after the completion of each reporting period of the program. The reports shall contain a synopsis of the areas covered in the program and a narrative describing relevant learning experiences. The reports shall show how the administrator in training used the following methods to further his or her training:

1. On-the-job experience;
2. Meetings attended;
3. Surveys completed;
4. Written reports;
5. Texts or periodicals;
6. Visits to other facilities;
7. Academic programs, college or continuing education seminars.

(2) The Administrator-in-Training Program shall cover the following domains of practice:

(a)(1) PERSONNEL. Topics in this area should include recruitment, interviewing, employee selection, training, personnel policies, health and safety. Objectives of training are:

- 1.(a) To understand the need and procedures used in training personnel, including interviewing for vacant positions;
- 2.(b) To become familiar with proper human relations regarding management, employees, patients and families;
- 3.(c) To understand the organizational structure of the facility, the functions of each department, and the personnel relations within the facility.
- 4.(d) To display the ability to instruct staff on conducting appraisals.

5.(e) To demonstrate the knowledge of and use of appropriate supervisory techniques.

(b)(2) FINANCE. Topics in this area should include accounting, budgeting, financial planning and asset management. Objectives of training are:

1.(a) To understand accounting procedures, chart of accounts, profit and loss statements, balance sheets, cost reports, accounts receivable, and policies relative to accounts payable and collection of accounts receivable;

2.(b) To understand the preparation of budgets;

3.(c) To be familiar with cash flow preparations and needs;

4.(d) To be familiar with third party payment organizations.

5.(e) To possess the ability to prepare a business plan, a feasibility study, and a return on investment (ROI) proposal.

6.(f) To understand how to develop, plan and manage an interdisciplinary budget.

(c)(3) MARKETING. Topics in this area should include public relations activities and marketing programs. Objectives of training are:

1.(a) To present to the public the essential medical relations and benefits of the facility to the welfare of the local community, the local health agencies, and other organizations such as church groups, social clubs, and service organizations;

2.(b) To know and be able to utilize community volunteer agencies' resources in the care of residents;

3.(c) To be able to relate to a variety of community resources, such as churches, professional organizations and institutional structures that affect the facility.

(d)(4) PHYSICAL RESOURCE MANAGEMENT. Topics in this area should include safety procedures, fire and disaster plans, and building and environment maintenance. Objectives of training are:

1.(a) To develop an effective supply appreciation and supervisory knowledge and ability to keep all medical equipment and appliances necessary, available, and in good working order;

2.(b) To have full knowledge of sanitation, communicable disease control, prevention of accidents and complete physical security for staff and patients, coordinating this information by application to safety codes and fire prevention;

3.(c) To understand routine maintenance needs and procedures for buildings, surrounding grounds, vehicles and other equipment.

4.(d) To use the concepts of disaster preparedness, and to demonstrate an understanding of the facility's roles and vulnerabilities (including how to conduct an evacuation).

(e)(5) LAWS, REGULATORY CODES AND GOVERNING BOARDS. Topics in this area should include federal, state and local rules and regulations. Objectives of training are:

~~1.(a)~~ To learn how to apply the state's codes, rules, regulations, and laws relating to long-term care facilities;

~~2.(b)~~ To integrate current federal regulations pertaining to health care facilities with current state requirements;

~~3.(c)~~ To become familiar with requirements of medicare and medicaid, and to learn to cope with their problems;

~~4.(d)~~ To understand the basic insurance coverages;

~~5.(e)~~ To have a sense of the legal implications of various activities, procedures or decisions routinely taken or performed in the facility.

~~(f)(6)~~ RESIDENT CARE. Topics in this area should include nursing, food, social and recreational services, pharmacy, rehabilitation, physician services and medical records. Objectives of training are:

~~1.(a)~~ To understand the roles of the medical director, the attending physicians, the director of nursing, the charge nurse, the physical therapist, occupational therapist, speech therapist, dietitians, pharmacist, licensed practical nurses and aides who provide the continuing essential medical care and rehabilitation of the patients in the facility;

~~2.(b)~~ To enable the trainee to develop an ability to understand the various components of personal, social, therapeutic and supportive care programs and their application in the total care program of the resident;

~~3.(c)~~ To develop the ability to function as a planner of the social, therapeutic, and supportive care program;

~~4.(d)~~ To study the emotional problems of aging in the lives of patients within the facility and to determine the role of the administrator in alleviating such characteristic feelings as loss, abandonment, dependency, depression, anxiety, or disengagement;

~~5.(e)~~ To determine the role of the administrator in relating to the patient, and the family, who is faced with death;

~~6.(f)~~ To determine the relationship between changes in a patient's behavior and changes in his or her environmental, intrapsychic, and/or physical state;

~~7.(g)~~ To possess the ability to access and interpret facility quality indicators and quality measures;

~~8.(h)~~ To understand the concepts of benchmarking;

~~9.(i)~~ To be able to assess facility performance using self-assessment tools.

~~(3)(7)~~ In order to afford flexibility, and to account for a particular trainee's strengths or weaknesses in any particular area, the following minimum percentages in every area are established.

(a) PERSONNEL. A minimum of 15% of the program should be devoted to this area.

(b) FINANCE. A minimum of 15% of the program should be devoted to this area.

(c) MARKETING. A minimum of 5% of the program should be devoted to this area.

(d) PHYSICAL RESOURCE MANAGEMENT. A minimum of 10% of the program should be devoted to this area.

(e) LAWS, REGULATORY CODES AND GOVERNING BOARDS. A minimum of 10% of the program should be devoted to this area.

(f) RESIDENT CARE. A minimum of 20% of the program should be devoted to this area.

~~(8)~~ A training plan for the program shall be prepared by the preceptor and the trainee, prior to the start of the program. This training plan shall include:

~~(a)~~ A pre training assessment of the trainee's background in terms of educational level, pertinent experience, maturity, motivation and initiative. The pre training assessment should underscore the particular trainee's strengths and weaknesses in the areas to be covered in the program (e.g. a person with a degree in business administration will have strengths in the finance area; a person with a personnel or management background will have strengths in those areas, etc.);

~~(b)~~ Based on this assessment, the trainee and the preceptor will jointly develop a detailed goal-oriented training plan with adequate supporting documentation which relates educational objectives, subject areas of the internship, internship site(s), agencies involved, total hours for the internship, and a breakdown of the number of hours needed to master each area and its objectives.

~~(c)~~ Supporting documentation for the training plan shall include, but is not limited to, qualifications of the preceptor, the director of nursing in the program site, and such descriptive documentation for the program site and its staff to determine its adequacy for the specific objectives and areas of the program.

~~(d)~~ The preceptor and administrator in training must file reports with the Board every 90 days. Each report shall be co-signed by the preceptor and administrator in training and shall be filed within two weeks after the completion of each reporting period of the program. The reports shall contain a synopsis of the areas covered in the program and any relevant learning experiences. The reports shall show how the administrator in training used the following methods to further his or her training:

~~1. On-the-job experience;~~

~~2. Meetings attended;~~

~~3. Surveys completed;~~

~~4. Written reports;~~

~~5. Texts or periodicals;~~

~~6. Visits to other facilities;~~

~~7. Academic programs, college or continuing education seminars.~~

~~(4)(9)~~ Nothing in this rule is intended to preclude any preceptor from requiring any additional areas in the program, objectives, or reports.

Rulemaking Specific Authority 468.1685(1), 468.1695(3), (4) FS. Law Implemented 468.1695(3), (4) FS. History–New 12-18-88, Formerly 21Z-16.005, 61G12-16.005, 59T-16.005, Amended 1-8-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.350
RULE TITLE: Requirements for Pharmacy Technician Registration

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide the requirements for pharmacy technician registration.

SUMMARY: Requirements for pharmacy technician registration will be provided.

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

- It is estimated that up to 51,000 would register to be a pharmacy technician.
- All initial and renewal permit applicants for the registration of pharmacy technicians will increase the number of applications processed under the contract.
- The initial application is a non-recurring transaction cost of \$100. The biennial renewal is a recurring transaction cost of \$50.
- The rule does not require small business to pay the registration fee. If the small business chooses to pay the application and registration fee, then the impact will be \$105.
- The proposed change is not expected to impact small business, small counties or small cities.

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

RULEMAKING AUTHORITY: 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.350 Requirements for Pharmacy Technician Registration.

Applicants who are at least 17 years of age may apply to become a registered pharmacy technician.

(1) All applicants for registration must be made on form DH-MQA PH1183, “Pharmacy Technician Registration Application and Instructions”, effective March 2009, which is incorporated by reference. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595 to request an application or download the application from the board’s website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application must be accompanied with a non-refundable application fee and an initial registration fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) Prior to January 1, 2011, a registered pharmacy technician must submit proof of having met one of the following requirements:

(a) Completed a Board approved training course as outlined in Rule 64B16-26.351, F.A.C.; or

(b) Has worked as a registered pharmacy technician for a minimum of 1500 hours under the supervision of a pharmacist by submitting proof on DH-MQA PH1183, “Pharmacy Technician Work Experience Form”, effective March 2009, which is incorporated by reference. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595 to request an application or download the application from the board’s website at <https://www.doh.state.fl.us/mqa/pharmacy>.

(c) Received certification as a pharmacy technician by a certification program accredited by the National Commission for Certifying Agencies.

(3) Applicants applying for registration after January 1, 2011 must submit proof of having met the following requirement by completing a Board approved training course as outlined in Rule 64B16-26.351, F.A.C.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History–New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.351
 RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide the standards for approval of registered pharmacy technician training programs.

SUMMARY: Standards for approval of registered pharmacy technician training programs will be provided.

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

- Beginning January 1, 2011, an estimated 10,000 persons will be required to complete a pharmacy technician training program approved by a nationally recognized pharmacy technician accrediting agency or by the Board of Pharmacy.
- The agency will incur costs for rulemaking.
- The cost for the applicant attending a required pharmacy technician training program is indeterminate due to the variation in fees charged per credit hour, curriculum, and course description.
- The proposed change is not expected to impact small business, small counties or small cities.

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

RULEMAKING AUTHORITY: 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs.

(1) Pharmacy technician training programs approved by a nationally recognized pharmacy technician accredited agency, American Society of Healthsystem Pharmacists, Accreditation Council of Pharmaceutical Education, United States Uniformed Services, Florida Department of Education, or Florida Commission of Independent Education are deemed approved by the board.

(2) All other pharmacy technician training programs must be pre-approved by the board and shall contain a minimum of 160 hours of training, extending over a period not to exceed 6 months. The period of training must include time allocated for didactic and practical experience. The following objectives must be met:

(a) Program content:

1. Introduction to pharmacy and health care systems:

- a. Confidentiality,
- b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA),

2. Pharmacy law:

- a. Federal law,
- b. State law,
- c. State rules,
- d. Pharmacy technician rules and law.

3. Pharmaceutical – medical terminology, abbreviations, and symbols:

- a. Medication safety and error prevention,
- b. Prescriptions and medication orders,
- 4. Records management and inventory control:
 - a. Pharmaceutical supplies,
 - b. Medication labeling,
 - d. Medication packaging and storage,
 - e. Controlled substances,
 - f. Adjudication and billing.

5. Interpersonal relations, communications, and ethics:

- a. Diversity of communications,
- b. Empathetic communications,
- c. Ethics governing pharmacy practice,
- d. Patient and caregiver communication,
- 6. Pharmaceutical calculations.

(b) Program faculty qualifications:

- 1. The faculty for the training program shall be competent in the subject matter and qualified by experience, and
- 2. An appropriate number of program faculty for each activity shall be utilized.

(c) The program must make provision for evaluation of the participants' attainment of the stated objectives through in-process activities that provide a measurable demonstration of the learner's achievement(s).

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1001
RULE TITLE: Examination and Application Fees
PURPOSE AND EFFECT: The Board proposes the rule amendment to provide an application fee for registered pharmacy technicians.

SUMMARY: An application fee for registered pharmacy technicians will be provided.

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

- It is estimated that up to 51,000 would apply to be a pharmacy technician.
- All initial and renewal permit applicants for the registration of pharmacy technicians will increase the number of applications processed under the contract.
- Initial application will be a non-recurring transaction cost of \$50.
- The rule does not require small business to pay the application fee. If the small business chooses to pay the application fee, then the impact will be \$50 per technician.
- The proposed change is not expected to impact small business, small counties or small cities.

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

RULEMAKING AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.007, 465.0075, 465.009 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1001 Examination and Application Fees.

(1) through (3) No change.

(4) The non-refundable application fee for registered pharmacy technicians shall be \$50, payable to the Board.

Rulemaking Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.007, 465.0075, 465.009 FS. History--New 1-11-05, Amended 10-30-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1002
RULE TITLE: Initial License Fees
PURPOSE AND EFFECT: The Board proposes the rule amendment to provide an initial registration fee for registered pharmacy technicians and a fee for unlicensed activity.

SUMMARY: An initial registration fee for registered pharmacy technicians and an unlicensed activity fee will be provided.

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

- It is estimated that up to 51,000 would apply for initial registration.
- All initial and renewal permit applicants for the registration of pharmacy technicians will increase the number of applications processed under the contract.
- Initial application will be a non-recurring transaction cost of \$50.
- A \$5.00 unlicensed activity fee will be incurred.
- The rule does not require small business to pay the initial registration fee. If the small business chooses to pay the initial registration fee, then the impact will be \$55 per technician.
- The proposed change is not expected to impact small business, small counties or small cities.

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

RULEMAKING AUTHORITY: 465.005, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.013(2), 456.065(3), 465.0125, 465.0126 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1002 Initial License Fees.

(1) through (3) No change.

(4) The initial registration fee for a registered pharmacy technician shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Rulemaking Specific Authority 465.005, 465.0125, 465.0126 FS. Law Implemented 456.013(2), 456.065(3), 465.0125, 465.0126 FS. History–New 1-11-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003 RULE TITLE: Active License Renewal Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a biennial registration renewal fee for registered pharmacy technicians and a fee for unlicensed activity; to provide an update of the biennial license renewal fee for an active pharmacist and the biennial license renewal fee for a consultant pharmacist.

SUMMARY: A biennial registration fee for registered pharmacy technicians and an unlicensed activity fee will be provided. A biennial license renewal fee for active pharmacists and consultant pharmacists will be provided.

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

- It is estimated that up to 51,000 could apply for registration.
- All initial and renewal permit applicants for the registration of pharmacy technicians will increase the number of applications processed under the contract.
- The recurring transaction cost of \$50 would be incurred biennially.
- The rule does not require small business to pay the initial registration fee. If the small business chooses to pay the initial registration fee, then the impact will be \$50 per technician.
- The proposed change is not expected to impact small business, small counties or small cities.

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

RULEMAKING AUTHORITY: 456.036, 465.005, 465.008, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.008, 465.0125, 465.0126 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1003 Active License Renewal Fees.

(1) The biennial license renewal fee for an active pharmacist license shall be ~~\$250~~ ~~\$245~~ plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The biennial license renewal fee for a consultant pharmacist active license shall be ~~\$100~~ ~~\$50~~ plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) No change.

(4) The biennial registration renewal fee for a registered pharmacy technician shall be \$50 plus \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Rulemaking Specific Authority 456.036, 465.005, 465.008, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.008, 465.0125, 465.0126 FS. History–New 1-11-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.797 RULE TITLE: Standards of Practice for Compounding Sterile Preparations (CSPs)

PURPOSE AND EFFECT: The Board proposes the rule amendment to include the standard of practice for radio-pharmaceuticals as compounded sterile products.

SUMMARY: A standard of practice concerning radio-pharmaceuticals as compounded sterile products will be added to the rule.

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

- An estimated 33 nuclear pharmacy permitted facilities will be required to comply with compounding radio-pharmaceuticals.
- The estimated cost of converting compounding areas to meet ISO Class 7 and 8 environments is between \$35,000 to \$100,000.
- The proposed change is not expected to impact small counties or small cities.

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

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.005, 465.0155, 465.022 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.797 Standards of Practice for Compounding Sterile Preparations (CSPs).

(1) through (7) No change.

(8) Radiopharmaceuticals as Compounded Sterile Products.

(a) Upon release of a Positron Emission Tomography (PET) radiopharmaceutical as a finished drug product from a PET production facility, the further manipulation, handling, or use of the product will be considered compounding and will be subject to the rules of this section.

(b) Radiopharmaceuticals compounded from sterile components in closed, sterile containers and with a volume of 100 ml or less for single dose injection or not more than 30 ml taken from a multiple dose container, shall be designated as, and conform to, the standards for low risk compounding.

(c) Radiopharmaceuticals shall be compounded using appropriately shielded vials and syringes in a properly functioning ISO Class 5 PEC (Primary Engineering Control), located in an ISO Class 8 or better buffer area environment in

compliance with special handling, shielding, air flow requirements, and radiation safety programs to maintain radiation exposure as low as reasonably achievable.

(d) Radiopharmaceuticals designed for multi use, compounded with Tc-99m, exposed to an ISO Class 5 environment by components with no direct contact contamination, may be used up until the time indicated by manufacturers recommendations.

(e) Technetium 99/Molybdenum 99 generator systems shall be stored and eluted in an ISO Class 8 or cleaner environment to permit special handling, shielding, and airflow requirements.

(f) Manipulation of blood or blood derived products (e.g. radiolabeling white blood cells) shall be conducted in an area that is clearly separated from routine material handling areas and equipment, and shall be controlled by specific standard operating procedures to avoid cross contamination of products. The buffer area for manipulation of blood or blood derived products shall be maintained as an ISO 7 environment and direct manipulations shall occur in an ISO 5 PEC suitable for these products (e.g. biological safety cabinet).

Rulemaking Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.0155, 465.022 FS. History--New 6-18-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:
 68B-14.0036

RULE TITLES:
 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption
 Recreational Snapper Seasons

68B-14.0038

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to modify the Commission's Reef Fish Rule to become consistent with federal recreational reef fish regulations for vermilion snapper in the South Atlantic. Based on federally established benchmarks, the vermilion snapper stocks in the South Atlantic are undergoing overfishing, it is unknown if they are overfished. The most recent vermilion snapper stock assessment update (2007) indicates overfishing is occurring. This means fish are being removed more quickly

than the stock can replace them such that the maximum sustainable yield cannot be achieved. The South Atlantic Fishery Management Council developed regulatory actions in Amendment 16 to their Snapper Grouper Fishery Management Plan to stop the overfishing of the vermilion snapper stocks. Amendment 16 addresses recreational and commercial harvest of vermilion snapper, and reduces the recreational bag limit, creates a recreational closed season, and lowers the commercial quota. However, the success of the vermilion snapper management plan depends not only upon controlling harvest in federal waters, but also upon the four states in the South Atlantic adopting rules that are consistent with the federal rules in their state waters. Florida plays a particularly important role in the success of the vermilion snapper rebuilding plan because Florida's fishery, which occurs in both state and federal waters, accounts for 43 percent of the recreational and 18 percent of the commercial vermilion snapper catch. The effect of the Commission's rule amendments is that federal and state regulations will be applied consistently. Where practicable, this minimizes confusion with the public, aids enforceability, and contributes to the overall vermilion snapper management effort in the South Atlantic. The Commission approved this rule amendment for Florida state waters at a publicly noticed meeting on September 10, 2009.

Rule 68B-14.0036, F.A.C., (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption) would amend the Commission's Reef Fish Rule governing the recreational vermilion snapper bag limit such that it is consistent with the recreational vermilion snapper bag limit in federally managed waters of the South Atlantic as recently implemented by the National Marine Fisheries Service. The proposed Commission rule would change the recreational vermilion snapper bag limit in the Atlantic from 10 to 5 fish per person to day and would prohibit captain and crew of for-hire vessels from retaining a bag limit of vermilion snapper. Rule 68B-14.0038, F.A.C., (Recreational Red Snapper Season) would amend the Commission's Reef Fish Rule by creating a recreational vermilion snapper fishing closure such that it is consistent with the recreational vermilion snapper fishing season in federally managed waters of the South Atlantic as recently implemented by the National Marine Fisheries Service. The proposed Commission rule would create a recreational vermilion snapper fishing closure from November 1 through March 31 in state waters of the Atlantic.

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 RULES IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

(1) Snapper.

(a) through (c) No change.

(d) Vermilion snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 5 ~~10~~ vermilion snapper per day. On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish in the Atlantic Ocean, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crew member of such vessel. No recreational harvester 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, more than 10 vermilion snapper per day. Such bag and possession shall not be counted for purposes of the aggregate snapper bag and possession limits prescribed in paragraph (a).

(e) through (f) No change.

(2) through (9) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 10-9-09.

68B-14.0038 Recreational ~~Red Snapper Seasons~~ Season.

(1) 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, each year (consistent with the Federal Standard established in 74 Fed. Reg. 21.558). Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from August 15 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.

(2) Recreational Vermilion Snapper Season. In all state waters of the Atlantic Ocean, the season for the recreational harvest and possession of vermillion snapper shall be from April 1 through October 31, each year (consistent with the Federal Standard established in 50 C.F.R. § 622.35). Except for persons harvesting vermillion snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from November 1 through March 31, no person shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, any vermillion snapper.

Rulemaking 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, 8-7-09, 10-9-09.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-24.040
 RULE TITLE: Licensure of Centralized Embalming Facilities

PURPOSE AND EFFECT: The rule was incorrectly noticed with respect to the annual inspection fee to be paid by Centralized embalming facilities.

SUMMARY: The rule was incorrectly noticed with respect to the annual inspection fee to be paid by Centralized embalming facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not impose any indirect transactional costs on small businesses but will increase the fees paid by Centralized Embalming Facilities, many of which are small businesses.

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: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 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-24.040 Licensure of Centralized Embalming Facilities.

(1) through (2) No change.

(3) Centralized embalming facilities shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of ~~\$225 one hundred dollars (\$100)~~ for each year for which the license will be issued.

(4) through (5) No change.

Rulemaking Specific Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History–New 7-14-99, Formerly 61G8-24.040, 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: August 7, 2009

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.021
 RULE TITLE: Revocation of Registration of Political Committees

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. 32, August 14, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

Subsection (1)(b) shall now read:

(b) The committee fails to file the appointment of a successor within 10 days after the death, resignation or removal of the campaign treasurer pursuant to Section 106.021(2), F.S.;

Subsection (1)(c) shall now read:

(c) The committee fails to file the appointment of a successor within 10 days after the death, resignation or removal of the committee chairperson;

Section (2) shall now read:

(2) The filing officer shall send notification to the committee's chairperson ~~treasurer~~ of the filing officer's ~~filing officer's~~ intent to revoke the committee's registration to the most recent address on file with the filing officer for the chairperson of the committee. ~~to the most recent address on file with the filing officer for the chairperson of the committee.~~ If the notification is returned undeliverable after

being sent to address for the chairperson on file with the filing officer, the filing officer shall send the notification to the committee's registered agent at the most recent address on file with the filing officer. Within 30 days of the date receipt of the filing officer's mailing of the preliminary notice of intent to revoke, the committee may provide additional documentation to the filing officer showing that the committee's registration should not be revoked. Upon review of such documentation, if the filing officer determines that the committee's registration should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the filing officer determines that the committee's registration should be revoked, a final notice of intent to revoke the registration of the committee shall be mailed issued by the filing officer to the most recent address on file with the filing officer. If no additional documentation is provided by the committee within 30 days of the date of the filing officer's mailing of receipt of the preliminary notice, the filing officer shall mail issue a final notice of intent to revoke to the most recent address on file with the filing officer the registration of the committee.

Section (3) shall now read:

(3) If the committee objects to such revocation, it must file an appeal within 30 days of the date of the filing officer's mailing receipt of the final notice of intent to revoke. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the filing officer Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. The filing officer Division will forward the appeal to the Florida Elections Commission.

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

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.0010 Examination for Barber Licensure
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.002 Reexamination
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.005 Endorsement
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.007 Examination for Restricted Licensure
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.008 Manner of Application
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.010 Supervised Practice Exception
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 37, September 18, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.002
 RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.0075
 RULE TITLE: Examination Review Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.006
 RULE TITLE: Approved Form; Incorporation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 23, June 12, 2009 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

RULE NOS.: 62-731.030
 RULE TITLES: Small Quantity Generator Assessment, Notification and Verification Program

62-731.060
 Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards

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. 32, August 14, 2009 issue of the Florida Administrative Weekly.

62-731.030 Small Quantity Generator Assessment, Notification and Verification Program.

(1) No change.

(2) Each county small quantity generator assessment, notification and verification program shall be conducted as specified in the "Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program" – ~~September~~ July, 2009; which is here by adopted and incorporated by reference.

(3) If a county declines to perform the small quantity generator assessment, notification and verification program, the county shall make arrangements with its regional planning council or other regional or state government agency to perform the program pursuant to the guidelines incorporated by reference ~~established~~ in subsection 62-731.030(2), F.A.C.

Rulemaking Specific Authority 403.061, 403.721, 403.7225, 403.7226, 403.7234 FS. Law Implemented ~~403.091~~, 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.74 FS. History–New 2-9-84, Amended 1-27-85, Formerly 17-31.03, 17-31.030, Amended 8-8-94, Formerly 17-731.030, Amended.

62-731.060 Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards.

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

(b) A legally binding agreement between the County and the Department that certifies the county will implement its small quantity generator assessment, notification and verification program as specified in the guidelines adopted by reference ~~established~~ in subsection 62-731.030(2), F.A.C.

(c) No change.

Rulemaking Specific Authority 403.061, 403.721, 403.7225, 403.7226, 403.7234 FS. Law Implemented 403.704, 403.7225, 403.7234, 403.7265, 403.74 FS. History–New 2-9-84, Amended 1-27-85, Formerly 17-31.06, 17-31.060, Amended 8-8-94, Formerly 17-731.060, Amended.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-10.001
 RULE TITLE: Governmental Efficiency Program

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. 32, August 14, 2009 issue of the Florida Administrative Weekly.

When adopted, subsection (6) will read:

(6) Each agency is encouraged to ~~shall~~ designate and maintain an email address for a contact person to receive Get Lean suggestions that are submitted to the Chief Financial Officer.

The remainder of the rule remains as published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

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 Family Health Services

RULE NO.:	RULE TITLE:
64FER09-1	Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Influenza, commonly called "the flu" is an infection of the respiratory tract caused by the influenza virus. On June 11, 2009, the WHO Director-General Dr Margaret Chan issued a statement raising the level of pandemic influenza alert to Phase 6, beginning the 2009 Influenza Pandemic, stating: "This particular H1N1 strain has not circulated previously in humans. The virus is entirely new. The virus is contagious, spreading easily from one person to another, and from one country to another. . . Spread in several countries can no longer be traced to clearly-defined chains of human-to-human transmission. Further spread is considered inevitable."

On April 26, 2009, Acting HHS Secretary Charles Johnson determined that a nationwide Public Health Emergency existed, with potential to affect national security. On June 19, 2009 the HHS Secretary further issued a federal PREP Act declaration identifying the pharmaceuticals Tamiflu and Relenza as "covered countermeasures" to address the threat of or actual human influenza that results from the infection of humans with highly pathogenic avian influenza A viruses including the swine H1N1 virus. On June 25, 2009 the HHS Secretary issued a PREP Act declaration similarly identifying the 2009 H1N1 vaccines as a "covered countermeasure" for that same purpose, and, on July 14, 2009 the FDA issued an Emergency Use Authorization letter expanding uses of Tamiflu for treatment and prophylaxis of influenza. Finally, following

her confirmation by the Senate as Secretary of HHS, on July 24, 2009 Secretary Kathleen Sebelius renewed that Public Health Emergency declaration.

On May 6, 2009 CDC released guidance for antiviral treatment of influenza in certain high-risk groups, stating, "A person who is at high-risk for complications of novel influenza (H1N1) virus infection is defined as the same for seasonal influenza at this time."

- Children younger than 5 years old. The risk for severe complications from seasonal influenza is highest among children younger than 2 years old.
- Adults 65 years of age and older.
- Persons with the following conditions:
 - Chronic pulmonary (including asthma), cardiovascular (except hypertension), renal, hepatic, hematological (including sickle cell disease), neurologic, neuromuscular, or metabolic disorders (including diabetes mellitus);
 - Immunosuppression, including that caused by medications or by HIV;
 - Pregnant women;
 - Persons younger than 19 years of age who are receiving long-term aspirin therapy;
 - Residents of nursing homes and other chronic-care facilities.
- On the same date, CDC stated that no person should be denied treatment with antivirals due to inability to pay. The identical position was announced the preceding day, May 5, 2009, by the Florida Department of Health regarding access to treatment.

In May 2009 the Department of Health received 25% of Florida's allocation of Strategic National Stockpile antivirals to treat persons ill with influenza, and another 25% is arriving this week. Dispensing by retail pharmacies is the most expeditious way to get antivirals to ill persons who need them, particularly since the influenza is impacting schoolchildren – many of whom participate in the School Lunch Program, a need-based program.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The normal distribution channel for antiviral prescription drugs is from the manufacturer to a wholesaler to the dispensing retail pharmacy. Current law and rule do not allow the Department of Health to transfer antivirals (received from the Strategic National Stockpile, or, "public health antivirals") from the Department to retail pharmacies, unless there is a shortage of antivirals or a distribution delay. There is no shortage or delay, but at the present time only a barrier arising from the high cost of antivirals (approximately \$100 for a 5-day treatment course). Several major pharmacy chains have agreed to dispense antivirals, without cost, to persons bearing a valid prescription but lacking ability to pay for these antivirals (an effective "shortage" if antivirals are unaffordable).

One exception to the prohibition against the wholesale distribution of prescription drugs is for “emergency medical reasons.” The Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, contains a provision in Section 499.003(53)(b)2., F.S., for the “emergency medical reasons” exemption to the prohibition against the wholesale distribution of prescription drugs by health care entities if the distribution is conducted in accordance with the rules established by the department. Rule authority is found in Section 499.05(1)(i), F.S., to implement an emergency medical reason exemption. The emergency rule provides the mechanism to allow the Department of Health to transfer public health antivirals to licensed Florida retail pharmacies willing to dispense those antivirals without cost to ill persons with a prescription for the same, so that Florida residents and visitors have access to treatment for the novel influenza regardless of inability to pay. County Health Departments are authorized under current rule to accept a patient’s oral representation of inability to pay. Subsection 64F-16.003(3), F.A.C. Department of Health will suggest that licensed retail pharmacies may choose to apply this standard regarding ability to pay.

SUMMARY: This emergency rule authorizes the transfer of public health antivirals from the Department of Health to licensed retail pharmacies, for dispensing to persons unable to pay for antivirals.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Rebecca Poston, R.Ph., Director, Drugs, Devices & Cosmetics Program, Department of Health, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE EMERGENCY RULE IS:

64FER09-1 (64F-12.011) Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized.

(1) The exemption from the definition of wholesale distribution in Section 499.012(1)(a)2.b., F.S., for “emergency medical reasons” includes:

(a) Transfers of a prescription drug between health care entities or from a health care entity to a retail pharmacy to alleviate a temporary shortage of a prescription drug arising from delays in or interruption of regular distribution schedules, and should not occur between the parties so as to amount to the health care entity regularly and systematically supplying that drug;

(b) Transfers of prescription drugs by a health care entity to an emergency transport vehicle which is under the direction of a medical director of an emergency medical service provider licensed under Chapter 401, F.S., for use in the treatment of persons transported to that health care entity to immediately restock a licensed vehicle or an emergency medical kit for prescription drugs used on that person or to immediately restock prescription drugs on the vehicle which have become

unsuitable for use. This exception does not extend to the stocking of supply inventory or for warehousing of prescription drugs used by emergency medical service providers;

(c) Emergency transfers of prescription drugs as authorized in Rule 59A-4.112, F.A.C., for nursing homes or Rule 64B16-28.6021, F.A.C., of the Florida Board of Pharmacy; or

(d) Transfers of prescription drugs by a retail pharmacy to another retail pharmacy or to a health care entity to alleviate a temporary shortage, but not for the regular and systematic supplying of that prescription drug;

(e) Transfers of prescription drugs in an emergency declared pursuant to Section 252.36, F.S., until the state of emergency is lifted, under the following conditions:

1. The manufacturer, wholesaler, or other person supplying the prescription drugs is authorized by Florida law to distribute prescription drugs in or into Florida; and

2. The prescription drugs are delivered to a temporary emergency medical station, officially designated by the state emergency operation center as a Disaster Medical Assistance Team or State Medical Response Team site;

3. The prescription drugs are delivered to a Pharmacy licensed under Chapter 465, F.S.;

(f) Transfers of prescription drugs from a health care entity to a pharmacy or other end-user practitioner for a named patient to treat or prevent a serious medical condition when a shortage of the product is documented by the manufacturer; but does not include regular and systematic sales of prescription drugs to licensed practitioners that will be used for routine office procedures.

(g) Transfers of prescription drugs by or on behalf of the Department of Health to the medical director of an advanced life support service provider, licensed under Chapter 401, Part III, F.S., and for further distribution to an emergency transport vehicle operated by the advanced life support services provider, for use in the treatment of persons in need of emergency medical services;

(h) Transfers of prescription drugs by or on behalf of the Department of Health to a health care entity authorized to purchase prescription drugs, for storage and use in the treatment of persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health;

(i) Transfers of prescription drugs by or on behalf of the Department of Health to the licensed medical director of a government agency health care entity, authorized to purchase prescription drugs, for storage and use in the treatment of persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health.

(j) Transfers of prescription drugs, during the pendency of a declared emergency, by or on behalf of the Department of Health to a community pharmacy authorized to purchase prescription drugs, for dispensing to persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health, provided that the community pharmacy transfers such un-dispensed prescription drugs back to the Department of Health Central Pharmacy as described in a written agreement.

(2) The revocation of a sale or the return of a prescription drug purchased by a hospital or other health care entity, or acquired at a reduced price by or donated to a charitable institution to the manufacturer or the wholesale distributor that sold, donated, or supplied the prescription drug, is not a wholesale distribution prohibited by Section 499.005(21), F.S., provided:

(a) The hospital, health care entity or charitable institution forwards a copy of the documentation for the return to the manufacturer of the product. This documentation must at a minimum comply with the requirements of Rule 64F-12.012, F.A.C.; and

(b) The value of any credit, refund, or exchange for the returned product does not exceed the purchase price or, if a donation, the fair market price of the returned product.

(c) Prescription drugs returned or to be returned to a manufacturer or wholesale distributor must be kept under proper conditions for storage, handling, and shipping as set forth in Section 499.0121, F.S.; and written documentation showing that these conditions were or were not maintained must be provided to the manufacturer or wholesale distributor to which the prescription drugs are returned.

(3) A person authorized to possess non-dispensed prescription drugs can donate prescription drugs that are not misbranded or adulterated to a charitable organization that has been granted an exemption under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that is authorized to possess prescription drugs provided the transfer is not for sale or trade and the donor receives no financial benefit (except for tax benefits related to charitable contributions) either directly or indirectly. Records to document the transfer must comply with Section 499.0121(6), F.S., and paragraph 64F-12.008(2)(c), F.A.C.

(4) A person who uses prescription drugs for lawful research, teaching, or testing may obtain a registration number from the department to authorize acquisition of the requisite prescription drugs for this activity. The person must submit correspondence to the department explaining the conditions of the lawful research, teaching, or testing, along with a statement signed by the individual who will be responsible for the prescription drugs that the drugs will be secured, access will be restricted to authorized individuals, and that the prescription drugs are not for resale. If applicable, this correspondence

should also identify the name in which purchases will be made, the specific prescription drug(s) required for the activity, the quantity which will ordinarily be purchased, the frequency of the purchases, and the name and state permit or license or permit number of suppliers of the prescription drugs. A letter and registration number will be assigned to the person which authorizes the purchase or other acquisition and possession of prescription drugs. This registration number must be included on invoices as required by Section 499.0121(6)(a), F.S.

Rulemaking Specific Authority 499.012, 499.014, 499.03, 499.05 FS. Law Implemented 499.012, 499.014, 499.03 FS. History—New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99, 4-17-01, 1-1-04, 10-4-07, 9-11-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 11, 2009

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on September 8, 2009, the Criminal Justice Standards and Training Commission, received a petition for a waiver of portions of subsections 11B-27.002(4) and 11B-35.002(2), (7), F.A.C., by Joseph Gagliardi. The Petitioner wishes to waive those portions of the rules requiring candidates attending cross-over training to be Commission certified before beginning cross-over training or to have passed basic recruit training and have passed the State Officer Certification Examination prior to entry into the cross-over training program. Copies of the petition may be obtained from: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

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 September 14, 2009, the Southwest Florida Water Management District, received a petition for rule variance from the City of Tampa. The City of Tampa seeks a variance from sub-subparagraphs 40D-80.073(4)(b)3.a. and 40D-80.073(4)(b)3.b., F.A.C., relating to the Lower Hillsborough River MFL Recovery Strategy. The variance would allow a one year time extension for completion of certain weir modifications.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Annette Zielinski, Senior Administrative Assistant, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211.

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the South Florida Water Management District (District) has issued an order.

SFWMD Order No. 2009-222-DAO-ROW was issued to North Springs Improvement District (Application No. 09-0108-4). The petition for waiver was received by the SFWMD on June 22, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 26, on July 2, 2009. No public comment was received. An amended petition for waiver was received by the SFWMD on August 4, 2009. Notice of receipt of the amended petition was published in the Florida Administrative Weekly, Vol. 35, No. 33, on August 21, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the proposed installation of a 48" steel pipe and to allow an existing 48" steel pipe with above-ground control valves through the east right of way of L-36 at Petitioner's Pump Station No. S-38B, located approx. 4.7 miles south of the L-36/L-40 confluence; Section 18, Township 48 South, Range 40 East, Broward County. Specifically, the Order grants a waiver from subsection 40E-6.011(4) and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and which governs the crown elevation for culvert pipe connections within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from a suffering a substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No. 2009-223-DAO-ROW was issued to Albert M. Palmer (Application No. 09-0619-1). The petition for waiver was received by the SFWMD on July 17, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 5, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the temporary utilization of L-28 Canal for traveling to and from property located 1.3 miles from L-28 in Collier County; Section 36, Township 52 South, Range 34 East, Miami-Dade and Collier Counties. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the requirement that, except for private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the temporary use will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from a suffering a substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No. 2009-224-DAO-ROW was issued to Steven Patrick Barreto (Application No. 09-0619-2). The petition for waiver was received by the SFWMD on July 17, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 5, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the temporary utilization of L-28 Canal for traveling to and from property located 1.3 miles from L-28 in Collier County; Section 36, Township 52 South, Range 34 East, Miami-Dade and Collier Counties. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Florida Administrative Code,

and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the requirement that, except for private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the temporary use will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the County from suffering a substantial hardship.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on July 30, 2009, the Agency for Health Care Administration has issued an order.

A Final Order denying the Petition for Waiver from Rule 59A-7.020, F.A.C., filed by DVA Laboratory Services Inc., on June 3, 2009 has been issued. The Agency issued its Order on July 23, 2009, and a Corrected Order on July 30, 2009. The corrected Order informed DVA of the administrative procedures required to challenge the Agency's action only. The Petition was assigned Agency Case Number 2009000045. Subsection 59A-7.020(15), Florida Administrative Code deals with actions by facilities that can be considered kickbacks. The following is a summary of the agency's Order on the petition: The Agency for Health Care Administration has issued a Final Order declaring that DVA's request for waiver did not show that DVA had a substantial hardship.

A copy of the Order may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, MS #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 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 from Gary Glass on behalf of The Inn on the Beach in Longboat Key, FL, License Number 31302-31306, 32333, 32334 & 33440 (VW 2009-394).

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 August 6, 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, from William Snyder on behalf of Library Lakes Condominium, License Number 12402 (VW 2009-395).

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 August 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1, 3.9.1, 3.3.2, 3.10.4(t) 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, normal terminal stopping devices, emergency signaling devices, in car stop switch, platform guards and restriction of doors from William Snyder on behalf of Library Lakes Condominiums, License Number 12402 (VW 2009-396).

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 August 7, 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 from Steven Grekowicz on behalf of Seaplace in Longboat Key, FL, License Number 22641, 22642, 24920, 24921, 25167, 26460, 26461, 26765 & 26766 (VW 2009-397).

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 August 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 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 from Marilyn Ward on behalf of Beau Monde in St. Petersburg Beach, FL, License Number 10018-10019 (VW 2009-398).

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 August 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unspecified codes requiring the gate valves be replaced from Richard Nickerson on behalf of Tamberlane Condominium (License Numbers 4625 and 4859 (VW 2009-400).

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 August 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unspecified rules from Chuck O'Grady on behalf of FIMC in Sarasota, FL, License Numbers 917 & 37578 (VW 2009-401).

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 August 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 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 restricted door openings from Sandra J. Ballestra on behalf of One Tampa City Center in Tampa, FL, License Numbers 30239-30246, 30379-30388, 30391-30393 (VW 2009-404).

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 August 12, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a petition for a variance from Rules 2.20.1, 2.20.9 & 2.24.2, ASME A171, 2005 edition as adopted by Chapter 3001.2, Florida Building Code as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires steel ropes, specific wedge shackles with non welded terminations and grooved sheaves of a minimum pitch. The request was received from Patricia J. Serley on behalf of National Flight Academy in Pensacola, FL, (VW 2009-409).

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 August 13, 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 from John T. Coleman on behalf of Terraces Condominium Association, Inc. in Naples, FL, License Number 36963-36965 (VW 2009-416).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from unknown sections of ASME A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., from Rodney Vick on behalf of Jupiter Cove Condominium in Jupiter, FL, License Numbers: 28202-20205, 35637 & 35638 (VW 2009-417).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1 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 car emergency signaling devices and restriction of doors from William Snyder on behalf of Park at Barrington Apartments, License Numbers 10632 & 10689 (VW 2009-418).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, 3.11.1, 3.10.3, 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 I and II, two-way communication, platform guards, top of car operating devices and restriction of doors from William Snyder on behalf of Park at Barrington Apartments, License Numbers 22529-22532 (VW 2009-419).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1, 3.10.3, 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 two-way communication, platform guards, top

of car operating devices and restriction of doors from William Snyder on behalf of Park at Barrington Apartments, License Numbers 22529-22532 (VW 2009-420).

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 August 13, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 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 from Robert Magrath on behalf of Horizons Office Center in West Palm Beach License Number 36182 & 36183 (VW 2009-421).

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 August 14, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1 and 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 and two-way communication from Keith Rogers on behalf of City of Tampa, FL, License Numbers: 24625 & 24626 (VW 2009-422).

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 August 14, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 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 from Christie L. Crosby on behalf of 901 Maitland Building in Maitland, FL, License Number 36570-36573 (VW 2009-423).

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 August 28, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 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 from Karen J. Cochran on behalf of The Islander Condominium Association in Clearwater, FL, License Number 10852 & 10886 (VW 2009-449).

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 August 31, 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 from William Snyder on behalf of The Mirosol Apartments in Tampa, FL, License Numbers 17798 & 17800 (VW 2009-450).

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 September 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from unspecified rules in A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., from John Nolan on behalf of Emerald Beach Apartment Condominium in Marco Island, FL (VW 2009-451).

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 September 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.3.2, 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, platform guards and restriction of doors from William Snyder on behalf of Lido Surf and Sand Condominium License Numbers 23191 and 23192 (VW 2009-452).

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 September 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Rules 2.20.1, 2.20.9 & 2.24.2, ASME A171, 2005 edition as adopted by Chapter 3001.2, Florida Building Code as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which requires steel ropes, specific wedge shackles with non welded terminations and grooved sheaves of a minimum

pitch. The request was received from Colleen Ansell on behalf of First United Methodist Church of Orlando, FL (VW 2009-453).

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 September 2, 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 from Oslec B. Fernandez on behalf of Tampa General Hospital in Tampa, FL, License Number 21435, 11259, 10315, 10316, 10317, 24552 & 24551 (VW 2009-454).

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 September 3, 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 from John McNaughton on behalf of Cove Cay Village I Condominium Association, Inc. in Clearwater License Number 10713-10716, 10333 & 10745 (VW 2009-456).

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 September 15, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Sunnibunni Frozen Yogurt & Organic Fruit Smoothies located in Lakewood Ranch, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within 300 feet in an adjacent business located within the same strip mall.

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

NOTICE IS HEREBY GIVEN THAT on September 15, 2009, the Construction Industry Licensing Board, received a petition for waiver or variance from Timothy P. Atkinson, Esq., on behalf of Henry J. Free, of subsection 61G4-15.001(2), F.A.C.,

dealing with qualifications for certification, and verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing, or a licensed building official.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, P. O. Box 5257, Tallahassee, FL 32399-5257, 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 August 21, 2009, the Board of Chiropractic Medicine, received a petition for Dr. Heather Beckett, D.C., seeking a variance or waiver of subsection 64B2-13.004(2), Florida Administrative Code, which requires that only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on August 27, 2009, the Board of Massage Therapy, received a petition for waiver or variance, of Rule 64B7-29.002, F.A.C., filed by Kristin Farrell 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: Kaye Howerton, Executive Director, at the above-referenced address, or at (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on September 9, 2009, the Department of Health, received a petition for variance from Daniel Hernandez, Esq., representing Infiltrator Systems, Inc. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), Florida Administrative Code, which requires innovative system testing to be completed before alternative

system component and design approval is granted and that the request for approval include the results of the innovative testing.

A copy of the Petition for Variance or Waiver 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.

NOTICE IS HEREBY GIVEN THAT on September 8, 2009, the Department of Health, received a petition for Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Nova Southeastern University New Lower School, located at 3301 College Avenue, Fort Lauderdale, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on September 8, 2009, the Department of Children and Families, received a petition for waiver, of subsection 65C-15.017(2), Florida Administrative Code, from Rene J. Bowen, assigned Case No. 09-031W. Subsection 65C-15.017(2), F.A.C., require agency staff responsible for supervision shall have a master's or bachelor's degree in social work or a related area of study from accredited college or university.

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

NOTICE IS HEREBY GIVEN THAT on September 10, 2009, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(5)(j)3., F.A.C., from Scott Michael Whitmire, assigned Case No. 09-032W. Paragraph 65C-13.030(5)(j)3., F.A.C., states the licensed out-of-home caregiver shall not have driving violations less than 5 years old on file with the Department of Motor Vehicles, which relate to driving under the influence of alcohol or drugs.

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on April 13, 2009, the Department of Financial Services, Division of Agent and Agency Services, received a petition for received from Jason Velez a petition for variance from subparagraph 69B-211.042(10)(a)6., Florida Administrative Code, which rule implements Section 626.621, et seq., Florida Statutes. The petition requested a variance with regard to the "other mitigating factors" provision of this rule which sets forth restrictions on the licensure of persons who have been found guilty of or have pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of one year or more. The petitioner contended that strict application of the rule would produce an inequitable result without taking into account that the petitioner can demonstrate reformation of character and rehabilitation, based on the probability that the propensity to commit illegal conduct has been overcome.

A copy of the Petition for Variance or Waiver may be obtained by contacting: DFS Agency Clerk, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0390, within 14 days of publication of this notice.

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

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
- Office of Insurance Regulation
- Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The Agency for Enterprise Information Technology will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking

agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The Department of Environmental Protection will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

DEPARTMENT OF STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 9, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: R. A. Gray Building, 1st Floor, 500 S. Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History at (850)245-6400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Elyse Cornelison, Museum of Florida History at (850)245-6400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Elyse Cornelison, Museum of Florida History at (850)245-6400.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority**, Long Range Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Florida State Fairgrounds, Tampa, FL

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

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

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

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

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

DATE AND TIME: October 6, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Florida State Fairgrounds, Tampa, FL

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

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

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

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

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

DATE AND TIME: October 6, 2009, 10:30 a.m. – 12:30 p.m.

PLACE: Florida State Fairgrounds, Tampa, FL

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

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

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

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

The **Florida State Fair Authority**, Finance Committee announces a public meeting to which all persons are invited.
DATE AND TIME: October 6, 2009, 11:00 a.m. – 1:00 p.m.
PLACE: Florida State Fairgrounds, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

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

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

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

The **Florida State Fair Authority**, Nominating Committee announces a public meeting to which all persons are invited.
DATE AND TIME: October 6, 2009, 12:30 p.m. – 2:30 p.m.
PLACE: Florida State Fairgrounds, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

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

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

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

The **Florida State Fair Authority Board** announces a public meeting to which all persons are invited.
DATE AND TIME: October 6, 2009, 1:00 p.m. – 4:00 p.m.
PLACE: Florida State Fairgrounds, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kathleen Fisher at (813)627-4221. If you are

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

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

The Florida **Alligator Marketing and Education Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 6, 2009, 10:00 a.m.
PLACE: Florida Fruit and Vegetable Association Building, 500 N. W. 3rd Street, Winter Haven, FL 33881, (863)291-5820
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Alligator Marketing and Education Committee, and to discuss marketing and education initiatives for the current and next fiscal year.

A copy of the agenda may be obtained by contacting: John Easley or Martin May at (850)488-0163.

The **Department of Agriculture and Consumer Services, Division of Consumer Services**, Board of Professional Surveyors and Mappers announces a public meeting to which all persons are invited.

DATES AND TIMES: October 13, 2009, 1:00 p.m., Probable Cause Panel (Although this meeting is open to the public, portions may be closed consistent with law.); October 14, 2009, 8:30 a.m., Committee Meetings and General Session if time allows.; October 15, 2009, 8:30 a.m., General Session

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review and General Board Business.

A copy of the agenda may be obtained by contacting: Leon M. Biegalski, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500, (850)410-3833.

Pursuant to the provisions of 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: Leon M. Biegalski at (850)410-3833. If you are 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: Leon M. Biegalski, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500, (850)410-3833.

The Florida **Department of Agriculture and Consumer Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 16, 2009, 10:00 a.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss: proposed legislation for the 2010 Florida session addressing issues of interest to consumers; and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

Pursuant to the provisions of 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: LuAnn F. Stiles at (850)922-2966. If you are 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 **Aquaculture Interagency Coordinating Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 19, 2009, 10:30 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301 or access through telephone conference number 1(888)808-6959 and enter 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.

Pursuant to the provisions of 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).

The **Clam Industry Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2009, 10:30 a.m. – 1:00 p.m.

PLACE: Cedar Key Community Center, 809 6th Street, Cedar Key, FL 32625

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the Florida clam industry.

A copy of the agenda may be obtained by contacting: Anne Cerwin at (850)488-4033.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Anne Cerwin 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).

For more information, you may contact: Mark Berrigan or Anne Cerwin at (850)488-4033.

DEPARTMENT OF EDUCATION

The **Florida State College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: October 6, 2009, 12:00 Noon – 2:00 p.m.

PLACE: North Campus, Room E-121, 4501 Capper Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint meeting with Florida State College at Jacksonville Foundation Board of Directors.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: October 6, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: North Campus, Room E-235, 4501 Capper Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: October 6, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: North Campus, Room E-225, 4501 Capper Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, September 29, 2009, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida State College at Jacksonville, on or before October 6, 2009. All

legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of October and November, 2009, the Board will hold informal meetings each Thursday, 12:00 Noon – 4:00 p.m., Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, “the Commission” announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2009, 10:00 a.m. – Until Completion

PLACE: Meeting to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion regarding equivalency between the newest version of E1300-09a and referenced version in standard, E1300-04e01 and adopted by the Florida Building Code.

A copy of the agenda may be obtained by contacting: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

The Energy Technical Advisory Committee

DATE AND TIME: October 5, 2009, 1:30 p.m. – Until Completion

PLACE: Meeting to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statement, report on equivalence of the 2009 Supplement to the 2007 Florida Energy Code with ASHRAE 90.1 – 2004, and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

The Electrical Technical Advisory Committee

DATE AND TIME: October 5, 2009, 1:30 p.m. – Until Completion

PLACE: Meeting to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public point of access: Room 210L, 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: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

The Code Administration Technical Advisory Committee

DATE AND TIME: October 5, 2009, 3:00 p.m. – Until Completion

PLACE: Meeting to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statement and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

Product Approval/manufactured Building Program Oversight Committee (POC)

DATE AND TIME: October 8, 2009, 9:30 p.m. – Until Completion

PLACE: Meeting to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider and decide on approval of products and product approval entities, provide comments to the workshop on the proposed revision on Rule 9B-72.130, F.A.C., receive the Structural TAC recommendation for equivalency of standards and request opening Rule 9B-72.180, F.A.C., for including the standard equivalency, update on implementation of Commission’s decision relating to fees and program expenses, and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, Website: www.floridabuilding.org.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 20, 2009, 2:00 p.m. (EST) – Until Conclusion of Business

PLACE: Florida Department of Transportation, 605 Suwannee Street, MS #9, Room 176, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subcommittee on Authorities' Oversight – Jacksonville Transportation Authority Performance Measures.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS #9, Room 176, Tallahassee, Florida 32399-0450, (850)414-4105.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

The Florida **Department of Citrus**, Citrus Harvesting Research Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 6, 2009, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to hear reports on mechanical harvesting, robotics and CMNP registration, and to discuss any other matters which might relate to this council.

A copy of the agenda may be obtained by contacting: Sandy Barros at (863)295-5932.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2499. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sandy Barros at (863)295-5932.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its October 6, 2009, Agenda Conference, Docket No.: 090425-GU, Application by Florida Public Utilities Company (FPUC or Company) for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt, short-term notes, and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an incremental amount not to exceed \$45,000,000, excluding retained earnings during the calendar year 2010.

DATE AND TIME: Tuesday, October 6, 2009, Agenda Conference, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 090425-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call: Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel at (850)413-6218.

The Florida **Public Service Commission** will consider at its October 6, 2009, Agenda Conference, Docket No.: 090439-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an amount not to exceed in the aggregate \$950 million, during the twelve month period, ending December 31, 2010. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities with the maximum amount of short-term debt outstanding at any one time being \$900 million, during the twelve month period, ending December 31, 2010. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, October 6, 2009, Agenda Conference, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 090439-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call: Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel at (850)413-6218.

The Florida **Public Service Commission** announces two public customer meetings to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2009, 6:00 p.m.

PLACE: Winter Haven Chamber of Commerce, 401 Avenue B, N. W., Winter Haven, FL 33881

DATE AND TIME: Thursday, October 15, 2009, 10:00 a.m.

PLACE: Plantation Inn Golf Resort & Spa, 9301 W. Fort Island Trail, Crystal River, FL 34429

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 090125-GU – Petition for increase in rates by Florida Division of Chesapeake Utilities Corporation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these customer meetings is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. Commission Staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the Utility may also be in attendance. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the customer meeting. All persons who wish to comment are urged to be present at the beginning of the meeting, since the meeting may be adjourned early if no customers are present.

A copy of the agenda may be obtained by contacting: Ms. Cheryl Bulecza-Banks at (850)413-6642.

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 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.

Pursuant to the provisions of 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: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 080278-TL – Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

DATE AND TIME: Thursday, October 15, 2009, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No.: 090009-EI

DATE AND TIME: Friday, October 16, 2009, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the nuclear cost recovery clause.

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

A copy of the Agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendation are also accessible on the PSC Website, at <http://www.floridapsc.com> at no charge.

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

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

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No.: 090001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No.: 090002-EG – Energy conservation cost recovery clause

Docket No.: 090003-GU – Purchased gas adjustment (PGA) true-up

Docket No.: 090004-GU – Natural gas conservation cost recovery

Docket No.: 090007-EI – Environmental cost recovery clause

DATE AND TIME: October 20, 2009, 9:30 a.m. (EST)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call: Office of the Commission Clerk, (850)413-6770 at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

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

DATE AND TIME: October 22, 2009, 6:00 p.m.

PLACE: Cypress Lakes Clubhouse, 1000 US Hwy. 98 North, North Lakeland, FL 33809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 090349-WS – Application for limited proceeding rate increase in Polk County by Cypress Lake Utilities, Inc. The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions contact: Commission staff, Curt Mouring at (850)413-6427

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 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.

A copy of the agenda may be obtained by contacting: Court Mouring at (850)413-6427.

Pursuant to the provisions of 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: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 080278-TL – Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

DATES AND TIME: October 29-30, 2009, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP, and for such other purposes as the Commission may

deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on Thursday, October 15, 2009. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No.: 090001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor

Docket No.: 090002-EG – Energy conservation cost recovery clause

Docket No.: 090003-GU – Purchased gas adjustment (PGA) true-up

Docket No.: 090004-GU – Natural gas conservation cost recovery

Docket No.: 090007-EI – Environmental cost recovery clause
DATES AND TIME: November 2-4, 2009, 9:30 a.m. (EST)
The starting times on November 3 and 4, 2009, will be announced at the conclusion of the hearing on November 2 and 3, 2009, respectively. The hearing may be adjourned early if all testimony is concluded.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2010 through December 2010.
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2009 through December 2009.
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2008 through December 2008, which are to be based on actual data for that period.
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2010 through December 2010.

5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2008 through December 2008.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2010 through December 2010, including nuclear costs.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2009 through December 2009, including nuclear costs.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2008 through December 2008, which are to be based on actual data for that period, including nuclear costs.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2010 through December 2010.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2009 through December 2009.
11. Determination of the Final Conservation True-up Amounts for the period January 2008 through December 2008 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2010 through December 2010.
13. Determination of Actual/Estimated Purchased Gas True-Up Amounts for the period January 2009 through December 2009.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2008 through December 2008.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2010 through December 2010.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2009 through December 2009.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2008 through December 2008, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapters 28-106 and 25-22, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call: Office of the Commission Clerk, (850)413-6770 at least 48 hours prior to

the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Suicide Prevention** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 30, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Capitol Building, Room 2103, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suicide Prevention Coordinating Council.

A copy of the agenda may be obtained by contacting: Erin MacInnes at (850)922-0498.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Erin MacInnes at (850)922-0498. If you are 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: Erin MacInnes at (850)922-0498.

The **Volunteer Florida Foundation** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Monday through Friday, October 5-6, 2009, 8:00 a.m. – 5:00 p.m.; October 7, 2009, 8:00 a.m. – 10:00 a.m.; October 8-9, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Please contact Frances Rhodes at (850)410-0696 for call in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Foundation Board 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 **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 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, 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: October 14, 2009, 9:30 a.m.
PLACE: Highlands County Health Department, 7205 South George Boulevard, Sebring, Florida 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or it's Executive Committee.

A copy of the agenda may be obtained by contacting: Kathryn Hall, Program Coordinator at (863)534-7130, ext. 129, email: khall@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: October 21, 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 Transportation and Land Use 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, 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 **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 9, 9:00, 10:00 a.m.
PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ms. Wren Krahl. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Wren Krahl.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 9, 2009, 11:30 a.m.
PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl at (727)570-5151, ext. 22.

Pursuant to the provisions of 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: Wren Krahl at (727)570-5151, ext. 22. If you are 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: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 12, 2009, 9:00 a.m.
PLACE: 4000 Gateway Centre Blvd., Pinellas Park, FL 33782
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are 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: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Local Emergency Planning Committee (LEPC) District VIII** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 18, 2009, 10.30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Planning and Community Right-to-Know Act (EPCRA) pertaining to facilities with hazardous materials within the Florida LEPC District VIII. A copy of the agenda may be obtained by contacting: John Meyer, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext. 29, www.tbrpc.org/lepc/lepc.shtml.

A copy of the agenda may be obtained by contacting: John Meyer at (727)570-5151, ext. 29.

Pursuant to the provisions of 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: John Meyer at (727)570-5151, ext. 29. If you are 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 Meyer at (727)570-5151, ext. 29.

The **Tampa Bay Regional Planning Committee**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 23, 2009, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are 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: Wren Krahl at (727)570-5151, ext. 22.

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

DATE AND TIME: Monday, October 5, 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: Development of Regional Impact Assessment for Lauderhill City Center – City of Lauderhill; 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. Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendment for Miami Springs; Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Proposed Local Government Comprehensive Plan Amendment for Miami; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting. Adopted Public Education Facilities (PEFE)/Capital Improvements Element (CIE) Amendment for Margate; Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Adopted Local Government Comprehensive Plan Amendments for Miami Springs, North Miami and Golden Beach. Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting. Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location. 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 the 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.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch, Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2009, 7:00 p.m.

PLACE: R. O. Ranch Morgan Fieldstation Office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Mrs. Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mrs. Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

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

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Bradford Board of County Commissioner's Room, Bradford County Courthouse, North Wing, 945 North Temple Avenue, Starke, Florida 32091

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Proposed rule amendments to Chapter 40B-2, F.A.C., as noticed in Florida Administrative Weekly on August 21, 2009, and a request for Governing Board authorization to publish a Notice of Change in response to the filing of a lower cost regulatory alternative and a rule challenge petition, both of which concern Section 1.8, Water Use Permitting Guide, incorporated by reference at proposed rule subsection 40B-2.301(3), F.A.C., and in response to comments received from the Joint Administration Procedures Committee. A workshop will follow the Governing Board meeting.

A copy of the agenda may be obtained by contacting: Lisa Cheshire or Kristel Callahan at (386)362-1001, by emailing kjc@srwmd.org or on the District's website: www.my suwanneeriver.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: Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida Only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lisa Cheshire at (386)362-1001.

The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

Governing Board Workshop

DATE AND TIME: Tuesday, October 13, 2009, following adjournment of the Governing Board Meeting

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational workshop update on Preparation of 2010 District Water Supply Plan.

NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, Florida 32177, (386)329-4101, or by visiting the District's website at 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 public meeting to which all persons are invited.

DATE AND TIME: October 6, 2009, 9:00 a.m. – 11:00 a.m. unless business concludes earlier

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL 34604

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 water use permits and individual environmental resource permits.

Permit No./Project Name

43008387.054 HCAA – Taxiway B. Rehabilitation and Bridge & North Terminal Stormwater Site Development and Related Work

20011732.003 Tampa Bay Water – Brandon Urban Dispersed Wellfield

49018888.022 Waterset South

43034174.000 William's Property

43029149.004 Hopewell Strawberry Farm

20005676.009 Lykes Brothers

43034734.000 Honore Avenue Phase V

43033144.002 Peace River Island

43034786.000 Waterside Lake Excavation

20013370.000 Doe Hill Citrus

43032206.000 Yankeetown Projects

20008639.011 Timber Pines Community

A copy of the agenda may be obtained by contacting: PMO (Performance Management Office), Southwest Florida Water Management District, Attention: Patty McLeod, 2379 Broad Street, Brooksville, FL 34609, (352)796-7211, or by visiting the District's website: www.watermatters.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 23609-6899, (352)796-7211, ext.

4702 or 1(800)423-1476 (FL Only), ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Water Resources Advisory Commission (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

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

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

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

DATE AND TIME: Water Resource Study to Address Surface Water in St. Lucie and Indian River Counties, October 9, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: University of Florida, IFAS Center, 2199 South Rock Road, Room 100, Ft. Pierce, FL 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the revised alternatives analysis results and the costing of the preferred alternatives.

A copy of the agenda may be obtained by contacting: Moysey Ostrovsky at (561)682-6525 or by email: mostrovs@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: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Moysey Ostrovsky at (561)682-6525 or by email: mostrovs@sfwmd.gov.

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

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

PLACE: South Florida Water Management District, Building B1 Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of public hearing regarding amendments to year-round landscape irrigation conservation measures in Rules 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-24.501, 40E-20.091 and 40E-20.331, F.A.C. District staff is proposing to amend the landscape irrigation measures currently in place in Lee, Collier and portions of Charlotte County and to expand those conservation measures throughout the region of the South Florida Water Management District. District staff is also proposing to adopt amendments to create a general permit by rule for landscape irrigation use and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C. Lastly, the District is proposing to adopt amendments to the water conservation measures in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

A copy of the agenda may be obtained by contacting: South Florida Water Management District Clerk at 1(800)432-2045, ext. 2087 or (561)682-2087.

Pursuant to the provisions of 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 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Jesus Rodriguez, Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov for procedural issues contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Communities for a Lifetime announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 8, 2009, 10:00 a.m. – 12:00 Noon (EDT)

PLACE: Central Florida Community College Ocala Campus, 3001 Southwest College Road, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panel discussion on life-long learning opportunities for seniors.

A copy of the agenda may be obtained by contacting: Janine R. Harris, Community Relations Manager, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, 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, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, email: 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, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, email: harrisj@elderaffairs.org.

The **Department of Elder Affairs**, Communities for a Lifetime announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2009, 9:30 a.m. – 12:00 Noon (EDT)

PLACE: Tampa Lighthouse for the Blind, 1106 West Platt Street, Tampa, Florida 33606

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panelist to discuss Home Repair Fraud and Minor Home Repairs.

A copy of the agenda may be obtained by contacting: Janine R. Harris, Community Relations Manager, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, 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, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, email: 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, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, email: harrisj@elderaffairs.org.

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

DATE AND TIME: October 6, 2009, 11:15 a.m. – 1:30 p.m. (EST)

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

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

A copy of the agenda may be obtained by contacting: Ann Proie, Department of Elder Affairs, 2295 Victoria Avenue, Room 135, Ft. Myers, FL 33901, (239)338-2563 or email: prioed@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 days before the workshop/meeting by contacting: Ann Proie, Department of Elder Affairs, 2295 Victoria Avenue, Room 135, Ft. Myers, Florida 33901, (239)338-2563 or email: prioed@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: Ann Proie, Department of Elder Affairs, 2295 Victoria Avenue, Room 135, Ft. Myers, FL 33901, (239)338-2563 or email: prioed@elderaffairs.org.

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

DATE AND TIME: October 8, 2009, 9:00 a.m. – 10:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9382152028

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Advocacy Committee business.

A copy of the agenda may be obtained by contacting: Aubrey Posey, Department of Elder Affairs, 4040 Esplanade Way, Ste. 280P, Tallahassee, FL 32399, (850)414-2323, email: poseya@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: Aubrey Posey, Department of Elder Affairs, 4040 Esplanade Way, Ste. 280P, Tallahassee, FL 32399, (850)414-2323, email: poseya@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: Aubrey Posey, Department of Elder Affairs, 4040 Esplanade Way, Ste. 280P, Tallahassee, FL 32399, (850)414-2323, or email: poseya@elderaffairs.org.

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

DATE AND TIME: October 8, 2009, 10:00 a.m. – 12:00 Noon (EST)

PLACE: St. Anne Byzantine Catholic Church, 7120 Massachusetts Avenue, New Port Richey, FL 34653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lynn Penley, Department of Elder Affairs, 2435 US Hwy. 19, Ste. 330, Holiday, Florida 34691, (727)943-4955 or email: penleyl@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: Lynn Penley, Department of Elder Affairs, 2435 US Hwy. 19, Ste. 330, Holiday, FL 34691, (727)943-4955 or email: penleyl@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: Lynn Penley, Department of Elder Affairs, 2435 US Hwy. 19, Ste. 330, Holiday, Florida 34691, (727)943-4955 or email: penleyl@elderaffairs.org.

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

DATE AND TIME: October 8, 2009, 10:00 a.m. – 12:00 Noon (EST)

PLACE: Rath Senior CoNEXTions and Education Center, 1350 E. Main Street, Ste. 200, Bartow, FL 33830

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

A copy of the agenda may be obtained by contacting: Tresa Johnston, Department of Elder Affairs, 200 N Kentucky Avenue, #224, Lakeland, Florida 33801, (863)413-2764 or email: johnstont@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: Tresa Johnston, Department of Elder Affairs, 200 North Kentucky Avenue, #224, Lakeland, Florida 33801, (863)413-2764 or email: johnstont@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: Tresa Johnston, Department of Elder Affairs, 200 North Kentucky Avenue, #224, Lakeland, Florida 33801, (863)413-2764 or email: johnstont@elderaffairs.org.

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

DATE AND TIME: October 8, 2009, 10:30 a.m. – 11:45 a.m. (EST)

PLACE: North Miami Beach Public Library, 1601 N. E. 164th Street, North, North Miami Beach, FL 33162

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

A copy of the agenda may be obtained by contacting: Ramon Keppis, Department of Elder Affairs, 7270 N. W. 12th Street, Suite 550, Miami, FL 33126, (786)336-1418 or email: keppisra@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: Ramon Keppis, Department of Elder Affairs, 7270 Northwest 12th Street, Suite 550, Miami, FL 33126, (786)336-1418 or email: keppisra@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: Ramon Keppis, Department of Elder Affairs, 7270 N. W. 12th Street, Suite 550, Miami, Florida 33126, (786)336-1418 or email: keppisra@elderaffairs.org.

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

DATE AND TIME: October 8, 2009, 12:00 Noon – 1:45 p.m. (EST)

PLACE: Mayor William Beardall Senior Center, 800 South Delaney Avenue, Orlando, FL 32801

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

A copy of the agenda may be obtained by contacting: Lashea Heidelberg, Department of Elder Affairs, 988 Woodcock Road, Suite 198, Orlando, Florida 32803, (407)228-7752 or email: heidelbergl@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: Lashea Heidelberg, Department of Elder Affairs, 988 Woodcock Road, Suite 198, Orlando, FL 32803, (407)228-7752 or email: heidelbergl@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: Lashea Heidelberg, Department of Elder Affairs, 988 Woodcock Road, Suite 198, Orlando, FL 32803, (407)228-7752 or email: heidelbergl@elderaffairs.org.

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

DATE AND TIME: October 9, 2009, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: First Presbyterian Church of Brandon, 121 Carver Avenue, Room D, Brandon, FL 33510

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

A copy of the agenda may be obtained by contacting: Robin Baker, Department of Elder Affairs, 701 W Fletcher Avenue, Ste. C, Tampa, FL 33612, (813)558-5591 or email: baker@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: Robin Baker, Department of Elder Affairs, 701 West Fletcher Avenue, Ste. C, Tampa, FL 33612, (813)558-5591 or email: baker@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: Robin Baker, Department of Elder Affairs, 701 W. Fletcher Avenue, Ste. C, Tampa, Florida 33612, (813)558-5591 or email: baker@elderaffairs.org.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** (DMS) announces a weekly public meeting to which all persons are invited.

DATE AND TIME: Thursdays, 3:30 p.m. – 5:00 p.m. Check for status of DMS Broadband-ARRA meetings at: www.dms.myflorida.com/SUNCOM

PLACE: Building 4030, 4030 Esplanade Way, Room 225A, Capital Circle Office Center, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Weekly meeting to facilitate discussion on the deployment of Broadband to maximize the potential receipt of federal Stimulus funding for the State of Florida.

A copy of the agenda may be obtained by contacting: Bill Price at (850)410-0709, bill.price@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Linda Collins at (850)487-9971, linda.collins@dms.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: Bill Price at (850)410-0709, bill.price@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Home Inspectors** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2009, 9:00 a.m.

PLACE: University of Florida (UF/IFAS), Orange County Extension Education Center, 6021 South Conway Road, Orlando, FL 32812-3604

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive input regarding grandfathering, criminal history background checks and examinations.

A copy of the agenda may be obtained by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, 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 48 hours before the workshop/meeting by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Mold-Related Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2009, 1:30 p.m.

PLACE: University of Florida (UF/IFAS), Orange County Extension Education Center, 6021 South Conway Road, Orlando, FL 32812-3604

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive input regarding grandfathering, criminal history background check and examinations.

A copy of the agenda may be obtained by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, 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 48 hours before the workshop/meeting by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Home Inspectors** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2009, 9:00 a.m.

PLACE: Margate Commission Chambers, Margate City Hall Complex, 5790 Margate Blvd., Margate, FL 33063

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and receive input regarding grandfathering, criminal history background checks and examinations.

A copy of the agenda may be obtained by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, 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 48 hours before the workshop/meeting by contacting: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bruce Grant, Home Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Mold Related Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2009, 1:30 p.m.

PLACE: Margate Commission Chambers, Margate City Hall Complex, 5790 Margate Blvd., Margate, FL 33063

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather and receive input regarding grandfathering, criminal history background checks and examinations.

A copy of the agenda may be obtained by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, 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 48 hours before the workshop/meeting by contacting: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bruce Grant, Mold-Related Services, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 8, 2009, 2:00 p.m. (Eastern Time)

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Contact: 1(888)808-6959, Conference Code: 4879597, to participate in the Telephone Conference Call.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

Pursuant to the provisions of 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 Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751. If you are 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 Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)487-1395.

The **Florida Barbers' Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 9, 2009, 10:00 a.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 1940 N. Monroe St., 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 48 hours before the workshop/meeting by contacting: Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2009, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062

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 **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 5, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808.6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

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

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

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

The **Board of Professional Geologists** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 22, 2009, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Professions' Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review and general board business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, 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 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399. If you are 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: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399.

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

DATE AND TIME: Monday, October 19, 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.

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

DATES AND TIME: Tuesday, October 20, 2009; Wednesday, October 21, 2009, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

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

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

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

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, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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

DATE AND TIME: November 13, 2009, 10:00 a.m.

PLACE: Spring Hill Suites Tampa Westshore Airport, 4835 W. Cypress Street, Tampa, Florida 33607, Conference Call: 1(888)808-6959, Conference Code: 4137430#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business.

A copy of the agenda may be obtained by contacting: Mary Horne at (850)488-8500.

Pursuant to the provisions of 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: Mary Horne at (850)488-8500. If you are 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: Mary Horne at (850)488-8500.

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 6, 2009, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Road, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of 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: Janet Garrett at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047 Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

DATE AND TIME: Tuesday, October 13, 2009, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Northeast District Office, Conference Room A, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public workshop on a new Chapter 62-306, F.A.C., regarding water quality credit trading. The public workshop will address a pilot water quality trading program for the Lower St. Johns River Basin. The rule will establish the procedures for water quality credit trading, including the process to determine how credits are generated, quantified, and validated; the process for tracking credits, trades, and prices paid; limitations on the use of credits, including eligible pollutants, minimum water quality requirements, and any adjustments for uncertainty or location; the timing, duration, and transfer of credits; and the mechanisms for determining compliance with trade provisions.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@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: Eric Shaw at (850)245-8429. If you are 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 Eric Shaw at the above address or phone number. A copy of the draft rule language is also available from Eric Shaw.

The **Southwest District, Air Resource Management Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: All Nonmetallic Mineral Processing Plants (NMMP) and affected Asphalt Plants operating in Citrus, Desoto, Hardee, Hernando, Manatee, Marion, Pasco, Pinellas and Polk counties are invited to a workshop hosted by the SWD Air Resource Management staff. The goal of the workshop is to assist affected facilities in understanding permit requirements to ensure compliance and minimize any impact of the environment. Information will be provided on the NMMP General Permit, the requirements of Asphalt Plants that permit NMMP's at their facilities, the

revised New Source Performance Standards (NSPS) Subpart OOO, and, the potential solid waste permit requirements for these facilities.

A copy of the agenda may be obtained by contacting: Ms. Patricia Prickett at (813)632-7600, ext. 102 or patricia.prickett@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mr. Mike Zavosky at (813)632-7600, ext. 437. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Patricia Prickett at (813)632-7600, ext. 102 or patricia.prickett@dep.state.fl.us.

DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 16, 2009, 2:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/clinlab/index.html.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are 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 Nursing** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 9, 2009, 8:00 a.m.

PLACE: Radisson Worldgate Resort, 3011 Maingate Lane, Kissimmee, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to address whether Rule 64B9-8.005, F.A.C. is necessary. Notice of the above-referenced proposed rule was originally published in Vol. 35, No. 25, of the July 2, 2009, Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, 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: the Board's Executive Director. If you are 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 **Board of Nursing** announces a public meeting to which all persons are invited.

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

PLACE: Radisson Worldgate Resort, 3011 Maingate Lane, Kissimmee, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to discuss Rule 64B9-2.016, F.A.C. Notice of the rule development for Rule 64B9-2.016, F.A.C. was originally published in Vol. 35, No. 31, of the August 7, 2009, Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, 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: the Board's Executive Director. If you are 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 **Board of Nursing Home Administrators** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 23, 2009, 8:30 a.m., may also be held by telephone conference call if necessary

PLACE: The Renaissance, 1617 S. E. 17th Street, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing: www.doh.state.fl.us/mqa/nurshome/index.html.

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

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

NOTICE OF CHANGE – The **Department of Health, Board of Occupational Therapy** announces a meeting of the board to which all interested persons are invited.

DATE AND TIME: November 2, 2009, 8:00 a.m. or soon thereafter

PLACE: NEW LOCATION: Capital Circle Office Center, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)488-0595. If you are 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 Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2009, 9:00 a.m.

PLACE: Residence Inn, Tallahassee Universities at the Capitol, 600 W. Gaines Street, Tallahassee, FL 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous meeting, review various rules in progress under Rules 64B16-26, 64B16-28 and 64B16-29, 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, (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 workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2009, 1:00 p.m. – 2:00 p.m. or as soon thereafter as can be heard

PLACE: Residence Inn Marriott, 600 W. Gaines Street, Tallahassee, Florida 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Pharmacy to discuss the language for Rule 64B16-28.301, F.A.C.

A copy of the agenda may be obtained by contacting: Rebecca Poston, Executive Director, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Pursuant to the provisions of 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: Rebecca Poston, Executive Director, at the address listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: October 13, 2009, 2:15 p.m.

PLACE: Residence Inn, Tallahassee Universities at the Capitol, 600 W. Gaines Street, Tallahassee, FL 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Negative Drug Formulary Committee Reports, Board Reports, and Board member computer training.

The public agenda will be available one week prior to the meeting date at: www.doh.state.fl.us/mqa/pharmacy

For more information, you may contact: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, FL 32399-3254, (850)245-4292.

The **Council of Licensed Midwifery** announces a telephone conference call cancellation to which all persons were invited.

DATE AND TIME: Friday, October 2, 2009, 9:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454594

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

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256.

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** (DCF), is hosting town hall meetings open to the general public, inviting all interested people to participate.

Miami-Dade County

Families / Consumers Meeting

DATE AND TIME: September 29, 2009, 5:00 p.m. – 8:00 p.m.

PLACE: NORTH: North Dade Regional Library, Auditorium, 2455 N. W. 183 Street, Miami Gardens, FL 33056

Families / Consumers Meeting

DATE AND TIME: September 30, 2009, 9:00 a.m. – 11:30 a.m.

PLACE: CENTRAL OFFICE: Rohde Bldg., 401 N. W. 2nd Avenue, N-425, Miami, FL 33128

Providers / Stakeholders Meeting

DATE AND TIMES: October 2, 2009, 10:00 a.m. – 12:00 Noon, Children Providers; 1:30 p.m. – 3:30 p.m., Adult Providers

PLACE: CENTRAL OFFICE: Rohde Bldg. – District Administration Conference Room, 401 N. W. 2nd Avenue, N-1007, Miami, FL 33128

Families / Consumers Meeting

DATE AND TIME: October 5, 2009, 5:00 p.m. – 8:00 p.m.

PLACE: SOUTH: South Dade Regional Library, Auditorium, 10750, S. W. 221st Street, Cutler Bay, FL 33189

Families / Consumers / Providers / Stakeholders Meeting

DATE AND TIME: October 6, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: MONROE COUNTY: Marathon Government Center Conference Room, 2798 Overseas Highway (Route US 1), Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is asking the community to give constructive feedback and voice their opinions on Substance Abuse and

Mental Health issues. This will help the Department determine how to better address issues and concerns in shaping the future treatment and service needs in our community. The open forums will also provide a better understanding from the communities, consumers and family's point of view as the Department strives to continue to improve the administration, management, support and oversight of Department funded behavioral health services and increase access for those in need of care.

For additional information the public can call: Michele Wyatt-Sweeting at (305)377-5029.

EDITOR'S NOTE: The Department's Regional Director, Jacqui Colyer, is available for interview in the days leading up to the events.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2009, 10:00 a.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee Meeting will be to evaluate, score and rank the proposals submitted in response to Florida Housing Finance Corporation's Request for Proposals #2009-05 for Real Estate Brokerage Services. This meeting was originally scheduled for October 6, 2009, 2:00 p.m.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2009, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: #1374197

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from Public Housing Authorities and other interested parties related to the strategy

and methodology to be used regarding the appropriation of \$1,000,000 from the Local Government Housing Trust Fund for a Public Housing Mitigation Initiative.

A copy of the agenda may be obtained by contacting: Karla Brown at (850)488-4197 or karla.brown@floridahousing.org.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

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

DATE AND TIME: October 6, 2009, 6:30 p.m. – 8:00 p.m. (CDT)

PLACE: Blackwater River State Forest, Bear Lake Recreation Area, and 2914 Bear Lake Road, Milton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recently, the Florida Fish and Wildlife Conservation Commission (FWC) developed a proposal to establish a Quail Enhancement Area (QEA) on a portion of Blackwater Wildlife Management Area in Okaloosa and Santa Rosa counties. Harvest recommendations for the QEA, set forth in this proposal, are designed to compliment habitat management efforts being conducted on this area. Details of the proposal were mailed to individuals who actively quail hunt on Blackwater WMA and their comments were requested. The purpose of this meeting is to present a summary of the responses received and to provide the public with an opportunity to discuss the issue with FWC staff.

A copy of the agenda may be obtained by contacting: Chuck McKelvy at (850)342-0256.

Pursuant to the provisions of 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: 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: Chuck McKelvy at (850)342-0256.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 9:00 a.m.
PLACE: Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926
GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.
A copy of the agenda may be obtained by contacting: Donald Rollins, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3628.
Pursuant to the provisions of 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: Donald Rollins at (850)413-3628. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.
DATE AND TIME: October 13, 2009, during a regular meeting of the Financial Services Commission
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-137.001, Florida Administrative Code, published on August 14, 2009 in Vol. 35, No. 32, of the Florida Administrative Weekly.
A copy of the agenda may be obtained by contacting: Kerry Krantz at e-mail: Kerry.Krantz@flor.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: Kerry Krantz at e-mail: Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Kerry Krantz at e-mail: Kerry.Krantz@flor.com.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.
DATE AND TIME: October 13, 2009, during a regular meeting of the Financial Services Commission
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-138.001, Florida Administrative Code, published on August 14, 2009 in Vol. 35, No. 32, of the Florida Administrative Weekly.
A copy of the agenda may be obtained by contacting: Kerry Krantz at e-mail: Kerry.Krantz@flor.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: Kerry Krantz at e-mail: Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Kerry Krantz at e-mail: Kerry.Krantz@flor.com.

SOIL AND WATER CONSERVATION DISTRICT

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.
DATE AND TIME: October 7, 2009, 5:00 p.m.
PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.
A copy of the agenda may be obtained by contacting: (954)584-1306, Mail@BrowardSWCD.org or www.BrowardSWCD.org.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@BrowardSWCD.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).

ASSOCIATION OF FLORIDA CONSERVATION DISTRICTS

The **Volusia SWCD** announces a workshop to which all persons are invited.
DATE AND TIME: October 8, 2009, 3:00 p.m.
PLACE: 101 Heaven's Gate Road, Suite F, Deland, FL 32720
GENERAL SUBJECT MATTER TO BE CONSIDERED: Funding and Supervisor Training.
A copy of the agenda may be obtained by contacting: Michelle Thatcher at (407)310-1744.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a hearing to which all persons are invited.

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

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: You are hereby notified that on the 9th day of October, 2009, at 9:00 a.m. (or as soon thereafter as the same may be heard), a public hearing (the "Hearing") will be held at the offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, with respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes, Series B (Bank of America Program) (the "Notes") on the proposed issuance by the Manatee County Port Authority (the "Port Authority") Revenue Note, Draw No. B-1-1 (Bank of America Program) in the principal amount of not exceeding \$10,000,000 and the loan of the proceeds thereof (the "Port Loan") to the Authority. The Hearing will be conducted by Counsel to the Issuer.

The Port Authority now owns, operates and maintains a navigable port of entry known as the "Port Manatee" including storage, dockage and terminal facilities, an administrative building, warehouses, docks, jetties, quaywalls, slips, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line businesses are conducted (herein collectively, the "Port Facilities"). The Port Facilities are located in the northwestern portion of the County at Port Manatee whose headquarters are located at 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221, on approximately 1,150 acres of land being bounded on the East by CSX railroad tracks, on the West by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line. The Port Authority owns all improvements to the Port Facilities to be refinanced with the Notes.

The proceeds of the Notes in the amount of \$10,000,000 will be loaned to the Port Authority and applied to refinance an existing loan of the Port Authority, the proceeds of which were used to finance a portion of the cost of any of the following capital improvements:

Intermodal Transit Warehouse. Construct an intermodal transit warehouse of approximately 145,000 square feet to be located east of Berth 9 and north of South Dock Street at Port Manatee. Channel and Harbor Dredging. Dredging the Port Manatee basin or harbor and the Port Manatee approach channel from the eastward end of the basin or harbor westward to the intersection of the approach channel with Tampa harbor channel, dredging a vessel turning basin and adjacent to the approach channel, and the construction and enlargement of the

dredged or excavated material disposal facilities at Port Manatee in cooperation with the U.S. Army Corps of Engineers.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Port Authority to the Issuer pursuant to the Port Loan. The Port Loan is payable from and secured by revenues of the Port Authority and will also be secured by a covenant of the County to budget and appropriate non-ad valorem revenues whenever the other sources are insufficient or unavailable. The Port Loan will not be or constitute an indebtedness of the Port Authority, the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to: John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Office of Management and Budget, 3301 E. Tamiami Trail, Naples, Florida 34112, and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

ALL PERSONS FOR OR AGAINST SAID PROPOSAL CAN BE HEARD AT SAID TIME AND PLACE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ISSUER WITH RESPECT TO SUCH HEARING OR MEETING, (S)HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF SUCH HEARING OR MEETING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Steven E. Miller, Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding at the address given in this notice.

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 9, 2009, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are

comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Elizabeth Newberry, Florida Association of Counties, 100 South Monroe Street, Tallahassee, Florida 32301.

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.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Information Systems Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 9, 2009, 10:00 a.m. (EDT)

PLACE: 1(866)765-5861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, key projects, Proposal for Data Center Strategy and an update on the Core Systems Strategic Project.

A copy of the agenda may be obtained by contacting: Citizens website at <https://www.citizensfla.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephanie Martin at 1(888)685-1555, extension 3751. If you are 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 WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association**, Producer Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 5, 2009, 9:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items will include the Agency Producer Agreement and agency revocation/suspension rules.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

The **Florida Workers' Compensation Joint Underwriting Association**, Operations Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 9, 2009, 11:30 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda item will relate to employee benefits, specifically severance.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

The **Florida Workers' Compensation Joint Underwriting Association**, Rates & Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 21, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items may include review of rates, rating plans & policy forms and associated matters to include application forms; Operations Manual; and forms associated with the agency authorization process.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408, or from the FWCJUA's website: www.fwcjua.com.

The **Florida Workers' Compensation Joint Underwriting Association**, Board of Governors announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 26, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include approval of minutes; legislative update; Bylaws; and committee reports on: Agency Producer Agreement; revocation/suspension rules; review of rates, rating plans and policy forms and associated matters to include application forms; Operations Manual; forms associated with the agency authorization process; compliance review of the current investment portfolio; review of policy and guidelines for the investment of assets and associated matters; and employee benefits.

A copy of the agenda may be obtained by contacting: Kathy Coyne, at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Donald Eckstein, Petitioner/Unit Owner, In Re: Huntington Lakes Five Condominium Association, Inc. on June 9, 2009. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because no reference was made to a statute, rule or order to which a statement could be directed; nor can the division issue a statement regarding an action that has already occurred; or where there are owners who will be affected by the decision and who are not parties to the petition; nor does the division have jurisdiction to resolve association disputes over unclear provisions in a declaration.

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

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

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 August 4, 2009, the Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Lucinda Olivio on

behalf of Florida Blood Services, Inc. The petition seeks the agency's opinion as to the applicability of Rule 64B3-10.005, F.A.C., as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B3-10.005, F.A.C., concerning the type of license that a Medical Technologist must have in order to perform the tests listed in the petition and also if a "Blood Bank" specialty license can be substituted for the required license.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on September 1, 2009, the Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Linda Valdes on behalf of Florida Hospital Laboratory. The petition seeks the agency's opinion as to the applicability of subsection 64B3-2.003(19), F.A.C., as it applies to the petitioner.

The petition seeks the Board's interpretation of subsection 64B3-2.003(19), F.A.C., asking if laboratory assistants can create a slide for cytology procedures or FNA's at the patient's bedside.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

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 STATE

The Department of State purchasing office, in accordance with Section 120.525 F.S., hereby notices interested parties that procurement related public meeting notices, formal solicitations and request for information shall be posted within the Vendor Bid System (VBS) and not by re-advertised in the Florida Administrative Weekly. Amendments, addenda and meeting notice timeline changes shall also post with the VBS. The VBS may be accessed at: http://vbs.dms.state.fl.us/vbs/main_menu.

DEPARTMENT OF EDUCATION

CALL FOR QUALIFICATIONS
MARITIME MUSEUM DESIGN SERVICES
09/PQSCI-07/ES

The University of West Florida Board of Trustees is soliciting sealed Professional Qualifications submittals for architectural design services for the construction of a Maritime Museum in Pensacola, FL.

Professional design services are required to develop plans, specifications, drawings, and related documents for the project. Exhibit programming, design, and associated construction administration will be procured separate and apart from this solicitation. Solicitation documents may be downloaded from the University's Procurement and Contracts' website at <http://uwf.edu/procurement>.

Interested firms are required to attend a mandatory pre-submittal meeting to participate in this solicitation. The mandatory meeting is scheduled for Thursday, October 8, 2009, 2:00 p.m., Bldg. 92, Training Room, University of West Florida, 11000 University Parkway, Pensacola, FL. Access Campus Map: <https://nautical.uwf.edu/campusmap/main.cfm>.

Sealed submittals will be received until 2:00 p.m. (Central Time), October 27, 2009, Office of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 09/PQSCI-07/ES must be marked on outside of sealed submittal. The University will not be responsible for unopened submittals when the package is not properly identified.

All inquiries should be submitted in writing to Elaine Smith at esmith@uwf.edu.

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Bldg. 79 Renovation

A Mandatory Pre-Solicitation Conference will be held on October 14, 2009, 2:00 p.m. (Central Time), Bldg. 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until October 28, 2009, 2:00 p.m. (Central Time), Department of Procurement and Contracts, Bldg. 90, Room 134, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 09/ITBCI-06/ES must be marked on outside of bid package. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Department of Procurement and Contracts' website at <http://uwf.edu/procurement>. All plans and specifications may be downloaded from this site. All questions should be directed to Elaine Smith at esmith@uwf.edu.

NOTICE TO PROFESSIONAL CONSULTANTS

Request for Qualifications – RFQ 10-07 – A/E
Science & Engineering Building Repairs

The University of North Florida – Board of Trustees, a public body corporate, announces that Professional Services in the discipline of forensic Architecture and Engineering plus design services for envelope remedial work is required for the existing Science and Engineering Building (Bldg. 50) – University of North Florida, Jacksonville, FL.

The scope of work will include the use and evaluation of previously prepared analyses of the building envelope to determine the cause(s) of water infiltration. This building is approximately 139,000GSF building on three floors and was built in 2003. The intent is for the consultant to build upon the information and analyses previously prepared to present options, prepare construction documents and develop a phasing plan to implement the remedial work.

The University of North Florida also intends to engage the services of a CM firm to participate in the strategy planning, costing the work and then later to provide the necessary pre-construction services. After the university selects a remediation option, the design professional will prepare construction documents for the corrective work and provide construction administrative services.

The preliminary tentative schedule for this RFQ:

Advertisement	September 25, 2009
Submissions due	October 20, 2009, 2:00 p.m.
Evaluation/Short listing	November 2009
Interviews/Award	November/December 2009

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with all of the appropriate documents from RFQ 10-07 A/E – Science and Engineering Building Repairs.

The letter of application should have attached:

1. The most recent version of the “Professional Qualifications Supplement,” completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit four (4) complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions will be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as part of the Basic Services (each, aggregate and per occurrence).

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplemental forms, descriptive project information, and selection criteria 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 North Florida	angela.dyal@unf.edu
(904)620-1731	Purchasing Dept.	(904)620-1733
	Bldg. 53, Suite 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit four (4) complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. (Local Time), October 20, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

NOTICE FOR PROFESSIONAL SERVICES
Request for Qualifications – RFQ 10-08
ENHANCED COMMISSIONING SERVICES
Science and Humanities Building

The University of North Florida – Board of Trustees, a public body corporate, announces that Professional Services for Enhanced Building Commissioning will be required for the new Science and Humanities Building located at the University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The project consists of approximately 118,000 gross square feet. This facility is to be sited just north of the existing Social Sciences Building in an area currently designated as parking. The project is currently in the early Schematic Design Phase. Interior spaces to be provided include 16 teaching and 20 research laboratories, preparation rooms for the laboratories, offices and administrative support spaces, classrooms, and a roof-top greenhouse. The building is expected to meet or exceed the USGBC LEED Silver certification. The estimated construction budget for this project is \$30,000,000.

The scope of services for this project shall include design phase peer review, development of the Commissioning Plan and Specifications, review of contractor submittals applicable to systems being commissioned, develop systems manual for commissioned systems, verification of training requirements, construction phase pre-functional, functional, and performance testing for HVAC, Lighting and Daylighting Controls, and Domestic Hot Water systems, and review of building operation within 10 months after substantial completion.

Firms shall be completely independent of the design and construction teams for this project.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with the appropriate documents from RFQ 10-08:

The letter of application should have attached:

1. The "UNF Professional Qualifications Supplement Form," completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Florida Licenses from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor 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 vendor 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.

The UNF Professional Qualifications Supplement form and additional information may be obtained electronically online at the UNF Purchasing Department website: <http://www.unf.edu/dept/purchasing/bids.html> or by emailing:

Evelyn Jenkins Burton	AND	Angela Dyal
e.jenkins@unf.edu	University of North	angela.dyal@unf.edu
(904)620-1732	Florida	
	Purchasing Dept.	(904)620-1733
	Bldg. 53 Suite 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit five (5) copies of the application to: University of North Florida, Purchasing Department, Attn.: Evelyn Jenkins Burton, Building 53, 1 UNF Drive, Jacksonville, Florida 32224. Application packages must be received no later than 2:00 p.m. (Local Time), October 22, 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."

REGIONAL PLANNING COUNCILS

REQUEST FOR PROPOSALS

"CONTRACT FOR BICYCLE PEDESTRIAN MASTER PLAN"

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, October 9, 2009. Lee County MPO reserves the right to reject any or all proposals.

SCOPE OF SERVICES: The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one consulting firm to be retained under a contract from the execution date through December 31, 2010. The firm shall be responsible for knowledge of the compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing the services described in the scope. The project includes the development of a Bicycle/Pedestrian Master Plan that will identify the bicycle and pedestrian improvements that are needed on all of the arterials and collectors in Lee County. The project will include the identification of all of the existing bicycle/pedestrian facilities and determine recommendations on developing consistent policies and procedures for developing the facilities that are needed. The study will also recommend what the MPO should be doing to encourage walking and biking to reduce congestion. Finally, the study will identify a prioritized bicycle/pedestrian project list that includes all of the costs necessary to develop a safe interconnected system of bicycle and pedestrian facilities throughout the County.

INVITATION TO PROPOSE: The program hereby solicits proposals for selection of a Consultant to propose a Bicycle Pedestrian Master Plan to the Lee County MPO. Award will be made to respondent whose proposal is deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:

(HOW TO APPLY): A Request for Proposals document may be obtained by contacting, in writing: Ms. Meghan Marion, Lee MPO Designee, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 219, Fax: (239)338-2560 or by email: mmarion@swfrpc.org. Materials will be sent by email or standard mail to the requestor within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m. September 29, 2009. Proposals must then be received by: Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, October 9, 2009.

This public notice was posted in the lobby of the offices of: Southwest Florida Regional Planning Council and Lee County MPO at 1926 Victoria Avenue, Fort Myers, Florida 33901, on Friday, September 4, 2009. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF INVITATION TO BID BID NO. BDC 29-09/10

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from certified or registered contractors licensed to work in the jurisdiction for the project listed below:

PROJECT NAME: Sebastian Inlet State Park-New Concession Building

SCOPE OF WORK: The Contractor shall furnish all labor, material, equipment and supervision to construct a new two story concession building. The work will also include all associated demolition, site work and utilities.

Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$1,100,000.00

PARK LOCATION: Sebastian Inlet, 9700 South A1A, Melbourne Beach, Florida in Brevard County

PROJECT MANAGER: Hubert Baxter, Architect, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, (850)488-5372, Fax: (850)488-3537.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring a Project Manual for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on September 25, 2009, Sebastian Inlet State Park, 9700 South A1A, Melbourne Beach, Florida 32951, Attention: Terence Coulliette, Park Manager at (321)984-4852, Fax: (321) 984-4854.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, October 27, 2009 to the below address: Florida Department of Environmental, Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction at (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, November 3, 2009 unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

AREA AGENCY ON AGING FOR NORTH FLORIDA, INC.

Older Americans Act

National Family Caregiver Support Program

Area Agency on Aging for North Florida, Inc. announce grant opportunities for sources interested in providing services to caregivers under the Federal Older Americans Act Title III-E National Family Caregiver Support Program in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and/or Washington Counties. Prospective sources must be established and have current or previous experience in providing services to older adults and caregivers. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc. anticipates duration of not more than one year with two, one- year renewal options pending continued funding availability. Programs must be capable of providing new, innovative, or continuing services to caregivers meeting the following eligibility criteria:

- (1) Family caregivers.
- (2) Grandparents or older individuals, age 55 or older, who are relative caregivers of children not more than 18 years of age, or individuals with disabilities.

All services must be provided in accordance with established guidelines set forth by the State of Florida Department of Elder Affairs Programs and Services Manual, dated July 2009, and contracts between the Area Agency on Aging for North Florida, Inc. and State of Florida Department of Elder Affairs.

Interested parties may request a proposal package in writing by contacting Lisa Bretz, Planning Administrator, via U.S. Mail at 2414 Mahan Drive Tallahassee, Florida 32308, or via email at bretzl@elderaffairs.org. Only written requests will be accepted.

Written proposals are due to the Area Agency on Aging for North Florida, Inc. no later than 3:00 p.m. (EST), October 22, 2009. The Area Agency on Aging for North Florida, Inc. reserves the right to reject any and all proposals.

BALFOUR BEATTY CONSTRUCTION LLC.

Lowell Correctional Institution Phase II – Ancillary Buildings Balfour Beatty Construction LLC (BBC) is accepting bids for the site work portion only for the above referenced project no later than Tuesday, October 27, 2009, 2:00 p.m., in the Keeneland Ballroom, The Hilton of Ocala, 3600 S. W. 36th Avenue, Ocala, Florida 34474 The bids will be opened immediately following the 2:00 p.m., bid close at the same location.

Bids are being accepted at this time for the sitework (div. 2) scope of work only.

The Bid Package will be available at NGI on Friday, October 2, 2009.

SEALED BIDS AND PREQUALIFICATION FORMS RECEIVED PRIOR TO BID DAY ARE TO BE SENT TO:

Attn: Mike Miller/Project Manager
Balfour Beatty Construction LLC.
*11650 N. W. Gainesville Road
Ocala, Florida 34482
(352)369-6183

*Bids will only be accepted at this address up to the day prior to bid day. All bids received on bid day must be hand delivered to the Keeneland Ballroom, The Hilton of Ocala as listed above.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location. Estimated cost of a full set of Bidding Documents is \$50. CD's with bidding documents will also be available. All bidders must follow the bidding requirements listed in the instructions to bidders available at:

NGI
304A S. W. Broadway St.
Ocala, FL 34474
(352)622-5039

A pre bid conference will be held at:

The Hilton of Ocala
3600 S. W. 36th Ave.
Ocala, FL 34474
(352)854-1400

On October 7, 2009, 9:00 a.m.

Balfour Beatty Construction does not discriminate on the basis of race, color, religion, age, sex, national origin, marital status, handicap or other reason prohibited by law.

LICENSE CGC 05623.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

Notice of Bid/Request for Proposal

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of a Request for Proposals (RFP). Copies of the RFP can be downloaded for the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301 or calling (850)488-4180, 1(800)580-7801 (Toll Free), 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future RFPs, please visit our website (www.fddc.org).

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2010-IP-100) is released in order to respond to the need demonstrated by the numerous requests received by the Council for funds to support workshops, training sessions and conferences. The Council believes that individuals with developmental disabilities should be included in all aspects of life – school, community, work, and play. Appropriate supports and services are needed to ensure full participation in the community. Successful inclusion and attainment of services and supports requires advocacy by individuals with developmental disabilities and their families. Such advocacy necessitates knowledge of disabilities, available supports and services, program requirements, best practices, federal and state laws, and numerous other aspects of the issues and systems for disability services. Advocates who are more informed are better equipped to obtain the supports they need to live successful lives in the community. Advocates need training and access to information to help them navigate the complex disability system and empower them to obtain the support they need. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Interested parties should obtain a copy of RFP #2010-IP-100 for specific information related to funding amounts. Individuals, not-for-profit agencies and for-profit agencies may submit proposals in response to this RFP.

Proposals should be submitted according to the appropriate quarterly deadlines to ensure they are received at least six (6) months prior to the date of the training or conference for which the proposer is requesting funding. Submission of written questions is encouraged of all prospective proposers. The first quarter deadline for submitting written questions for this RFP is Monday, October 12, 2009 by 4:00 p.m. (EST). Written questions will only be accepted by fax, mail, or hand delivery. Questions submitted by email will not be accepted. All answers to first quarter written questions will be posted on the FDDC website during the week of October 26, 2009. The deadline for submitting proposals for this RFP for first quarter to FDDC is Monday, November 16, 2009 by 2:00 p.m. (EST). The second quarter deadline for submitting written questions for this RFP is Monday, January 4, 2010 by 4:00 p.m. (EST).

All answers to second quarter written questions will be posted on the FDDC website during the week of January 18, 2010. The deadline for submitting proposals for this RFP for second quarter to FDDC is Monday, February 8, 2010 by 2:00 p.m. (EST). The third quarter deadline for submitting written questions for this RFP is Monday, April 5, 2010 by 4:00 p.m. (EST). All answers to third quarter written questions will be posted on the FDDC website during the week of April 19, 2010. The deadline for submitting proposals for this RFP for third quarter to FDDC is Monday, May 10, 2010 by 2:00 p.m. (EST). The fourth quarter deadline for submitting written questions for this RFP is Thursday, July 8, 2010 by 4:00 p.m. (EST). All answers to fourth quarter written questions will be posted on the FDDC website during the week of July 19, 2010. The deadline for submitting proposals for this RFP to FDDC is Monday, August 9, 2010 by 2:00 p.m. (EST).

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS AND GENERAL CONTRACTORS

Design-Build services will be required for the following project:

CARGO SERVICE ROAD, TUNNEL AND RELATED WORK – HCAA PROJECT NO. 8505 09 SRT

A mandatory pre-bid conference will be held in the Marriott Airport Hotel Ballroom, located at Tampa International Airport, Landside Terminal, third level, on September 30, 2009, 1:30 p.m.

Sealed bids will be received in the Service Building front office located on the second level/red side, Tampa International Airport, until 3:00 p.m., October 22, 2009, at which time all bids received will be publicly opened and read aloud in the Authority Boardroom, located in the Landside Terminal, Third Level/Blue Side.

For more information and to receive automated e-mail notifications of future business opportunities, please visit our website at www.tampaairport.com; Quick Links, Airport Business.

SCHOOL BOARD OF PASCO COUNTY

Construction, Kraft Roll, Art Tissue, and Drawing Papers “As Needed” Basis/FEPC

On behalf of the following school districts: Alachua, Brevard, Charlotte, Collier, Desoto, Escambia, Leon, Pasco, and Volusia Counties, notice is hereby given that sealed bids will be received and publicly opened thereafter at: office of the Purchasing Department, District School Board of Pasco County, 20430 Gator Lane, Land O’ Lakes, FL 34638 on or until October 12, 2009. Bids will be accepted and publicly opened on October 12, 2009 if date/time stamped 2:30 p.m. or earlier; date/time stamped of 2:30:01 or later will be rejected.

NAME OF PROJECT: Bid #10-049-KG
 Construction, Kraft Roll, Art Tissue,
 and Drawing Papers
 "As Needed" Basis/FEPC

AVAILABLE: <http://purchasing.Pasco.k12.fl.us>
 (under "Vendor Bid")

INSURANCE: Standard Workman's Comprehensive,
 Public Liability,
 Automobile Liability and Property
 Damage

The District School Board of Pasco County reserves the right to waive minor formalities in any bid, to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Awards will be made to the lowest and best responsive and responsible bidder, in the opinion and at the option of the District School Board of Pasco County. Their decision shall be final and conclusive.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.31777(2), FLORIDA STATUTES
 DCA DOCKET NO. 32-04

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Jackson County School Board and the Town of Campbellton, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Campbellton, 5283 Highway 231, Post Office box 38, Campbellton, Florida 32426.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Jackson County School Board and the Town of Campbellton. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections

120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Richard Kohler, a private airport, in Volusia County, at Latitude 28° 49' 50" and Longitude 81° 6' 55", to be owned and operated by Mr. Richard A Kohler, 1035 Tifford Lane, Osteen, FL 32764.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative

hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Zini America, LLC, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of low-speed vehicles manufactured by Zini America, LLC (ZINI) at 9050A Navarre Parkway, Navarre (Santa Rosa County), Florida, 32566, on or after September 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC are dealer operator(s): Jerry Rogers, 6 Indian Bayou Drive, Destin, Florida 32541, principal investor(s): Jerry Rogers, 6 Indian Bayou Drive, Destin, Florida 32541.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Art Morton, Zini America, LLC, 2401 East 32nd Street, Suite 10-325, Joplin, Missouri 64804.

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 Snyder Computer Systems Inc. d/b/a Wildfire Motors intends to allow the establishment of Rich Fetter Enterprises Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 7332 Omega Street, Winter Park (Orange County), Florida 32792, on or after October 9, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rich Fetter Enterprises Inc. are dealer operator(s): Richard Fetter, 3005 Buck Hill Place, Orlando, Florida 32817; principal investor(s): Richard Fetter, 3005 Buck Hill Place, Orlando, Florida 32817.

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: Kim Conrad, Snyder Computer Systems Inc., d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 QLink, L.P., intends to allow the establishment of Power And Play Warehouse Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Motorcycle

Manufacturing Co. Ltd. (JIAJ) at 550 North Flagler Avenue, Pompano Beach (Broward County), Florida 33060, on or after September 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Power And Play Warehouse Inc. are dealer operator(s): Thomas McMahan, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahan, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

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: Johnny Tai, President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

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 Cobra Scooters LLC, intends to allow the establishment of Scooter Superstore of America Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after September 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America Inc. are dealer operator(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020.

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: Robert Bates, Cobra Scooters LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Carolina Import & Distribution, Inc., intends to allow the establishment of Sun Sports Cycle and Watercraft Inc., as a dealership for the sale of motorcycles manufactured by JI-EE Industry Co. Ltd. (JIEE) at 3441 Colonial Boulevard, Suite 1, Fort Myers (Lee County), Florida 33966, on or after September 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Sun Sports Cycle and Watercraft Inc. are dealer operator(s): Iain Johnstone, 16541 South Oleander Drive, Fort Myers, Florida 33908-6018; principal investor(s): Iain Johnstone, 16541 South Oleander Drive, Fort Myers, Florida 33908-6018.

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: Doug Mahan, Carolina Import & Distribution Inc., 350 Seminole Drive, Spartanburg, South Carolina, 29303.

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."

STATE BOARD OF ADMINISTRATION

Notice of 2009-2010 Florida Prepaid

College Plan Advance Payment Contract Prices

The Florida Prepaid College Board hereby gives notice of the adoption at a duly called meeting on September 2, 2009, of the 2009-2010 advance payment contract prices for the Florida Prepaid College Plan.

**PREPAID TUITION CONTRACT
STATE UNIVERSITY – FOUR YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$13,234.27	\$1,894.47	
11	2011	\$13,658.37	\$724.76	
10	2012	\$13,982.86	\$459.20	
9	2013	\$14,201.94	\$340.95	
8	2014	\$14,371.27	\$274.33	\$274.33
7	2015	\$14,523.11	\$231.87	\$277.23
6	2016	\$14,649.43	\$202.45	\$279.64
5	2017	\$14,733.56	\$180.66	\$281.25
4	2018	\$14,809.60	\$164.04	\$282.70
3	2019	\$14,874.26	\$150.92	\$283.93
2	2020	\$14,953.69	\$140.67	\$285.45
1	2021	\$15,058.91	\$132.56	\$287.46
K	2022	\$15,202.65	\$126.16	\$290.20
Age 4	2023	\$15,381.02	\$121.06	\$293.61
Age 3	2024	\$15,591.34	\$117.05	\$297.62
Age 2	2025	\$15,865.63	\$114.09	\$302.86
Age 1	2026	\$16,129.89	\$111.52	\$307.90
Infant	2027	\$16,382.96	\$109.23	\$312.73

Newborn	2028	\$16,647.74	\$107.35	\$317.79
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**PREPAID TUITION CONTRACT
TWO YEAR COMMUNITY COLLEGE
PLUS TWO YEARS STATE UNIVERSITY
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$11,765.54	\$1,684.22	
11	2011	\$12,103.22	\$642.24	
10	2012	\$12,354.34	\$405.71	
9	2013	\$12,512.07	\$300.38	
8	2014	\$12,628.07	\$241.06	\$241.06
7	2015	\$12,738.27	\$203.37	\$243.16
6	2016	\$12,825.73	\$177.25	\$244.83
5	2017	\$12,862.55	\$157.72	\$245.53
4	2018	\$12,894.10	\$142.82	\$246.13
3	2019	\$12,933.49	\$131.22	\$246.89
2	2020	\$12,986.35	\$122.16	\$247.90
1	2021	\$13,048.25	\$114.86	\$249.08
K	2022	\$13,145.52	\$109.09	\$250.93
Age 4	2023	\$13,287.41	\$104.58	\$253.64
Age 3	2024	\$13,452.98	\$101.00	\$256.80
Age 2	2025	\$13,662.00	\$98.24	\$260.79
Age 1	2026	\$13,859.11	\$95.82	\$264.56
Infant	2027	\$14,046.53	\$93.65	\$268.13
Newborn	2028	\$14,248.86	\$91.88	\$272.00

**PREPAID TUITION CONTRACT
COMMUNITY COLLEGE – TWO YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT**

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$4,908.54	\$702.65	
11	2011	\$5,093.36	\$270.27	
10	2012	\$5,228.48	\$171.70	
9	2013	\$5,319.99	\$127.72	
8	2014	\$5,382.66	\$102.75	\$102.75
7	2015	\$5,407.25	\$86.33	\$103.22
6	2016	\$5,421.72	\$74.93	\$103.49
5	2017	\$5,460.02	\$66.95	\$104.23
4	2018	\$5,488.52	\$60.79	\$104.77
3	2019	\$5,461.76	\$55.42	\$104.26

2	2020	\$5,438.25	\$51.16	\$103.81	4	2018	\$16,900.49	\$187.20	\$322.61
1	2021	\$5,461.07	\$48.07	\$104.25	3	2019	\$17,184.12	\$174.35	\$328.03
K	2022	\$5,490.97	\$45.57	\$104.82	2	2020	\$17,337.84	\$163.09	\$330.96
Age 4	2023	\$5,493.56	\$43.24	\$104.87	1	2021	\$17,519.51	\$154.22	\$334.43
Age 3	2024	\$5,516.19	\$41.41	\$105.30	K	2022	\$17,745.31	\$147.26	\$338.74
Age 2	2025	\$5,590.22	\$40.20	\$106.71	Age 4	2023	\$18,010.97	\$141.76	\$343.81
Age 1	2026	\$5,666.01	\$39.17	\$108.16	Age 3	2024	\$18,313.75	\$137.49	\$349.59
Infant	2027	\$5,735.35	\$38.24	\$109.48	Age 2	2025	\$18,691.12	\$134.41	\$356.79
Newborn	2028	\$5,794.22	\$37.36	\$110.61	Age 1	2026	\$19,056.75	\$131.76	\$363.77
					Infant	2027	\$19,409.17	\$129.40	\$370.50
					Newborn	2028	\$19,775.66	\$127.52	\$377.50

PREPAID TUITION CONTRACT
COMMUNITY COLLEGE – TWO YEARS
FOUNDATION SCHOLARSHIP
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

TUITION DIFFERENTIAL CONTRACT
TWO YEAR COMMUNITY COLLEGE
PLUS TWO YEARS STATE UNIVERSITY
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$5,890.25	\$843.18	
11	2011	\$6,112.03	\$324.33	
10	2012	\$6,274.18	\$206.04	
9	2013	\$6,383.99	\$153.26	
8	2014	\$6,459.19	\$123.30	\$123.30
7	2015	\$6,488.70	\$103.60	\$123.86
6	2016	\$6,506.06	\$89.91	\$124.19
5	2017	\$6,552.02	\$80.34	\$125.07
4	2018	\$6,586.22	\$72.95	\$125.72
3	2019	\$6,554.11	\$66.50	\$125.11
2	2020	\$6,525.90	\$61.39	\$124.57
1	2021	\$6,553.28	\$57.69	\$125.10
K	2022	\$6,589.16	\$54.68	\$125.78
Age 4	2023	\$6,592.27	\$51.89	\$125.84
Age 3	2024	\$6,619.43	\$49.70	\$126.36
Age 2	2025	\$6,708.26	\$48.24	\$128.05
Age 1	2026	\$6,799.21	\$47.01	\$129.79
Infant	2027	\$6,882.42	\$45.89	\$131.38
Newborn	2028	\$6,953.06	\$44.83	\$132.73

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$2,940.57	\$420.94	
11	2011	\$3,751.31	\$199.06	
10	2012	\$4,632.51	\$152.13	
9	2013	\$5,566.14	\$133.63	
8	2014	\$6,580.91	\$125.62	\$125.62
7	2015	\$7,636.05	\$121.91	\$145.76
6	2016	\$8,344.42	\$115.32	\$159.29
5	2017	\$8,520.91	\$104.48	\$162.65
4	2018	\$8,556.07	\$94.77	\$163.33
3	2019	\$8,663.21	\$87.90	\$165.37
2	2020	\$8,781.77	\$82.61	\$167.63
1	2021	\$8,856.30	\$77.96	\$169.06
K	2022	\$8,963.53	\$74.39	\$171.10
Age 4	2023	\$9,154.67	\$72.05	\$174.75
Age 3	2024	\$9,350.22	\$70.20	\$178.49
Age 2	2025	\$9,536.44	\$68.58	\$182.04
Age 1	2026	\$9,706.53	\$67.11	\$185.29
Infant	2027	\$9,872.72	\$65.82	\$188.46
Newborn	2028	\$10,069.12	\$64.93	\$192.21

TUITION DIFFERENTIAL CONTRACT
STATE UNIVERSITY – FOUR YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

PREPAID LOCAL FEE CONTRACT
STATE UNIVERSITY – FOUR YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$4,466.47	\$639.37	
11	2011	\$5,947.88	\$315.62	
10	2012	\$7,573.08	\$248.70	
9	2013	\$9,317.45	\$223.68	
8	2014	\$11,213.42	\$214.05	\$214.05
7	2015	\$13,202.20	\$210.78	\$252.02
6	2016	\$14,925.33	\$206.26	\$284.91
5	2017	\$16,156.96	\$198.12	\$308.42

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$3,756.71	\$537.77	
11	2011	\$3,823.16	\$202.87	
10	2012	\$3,859.34	\$126.74	
9	2013	\$3,865.09	\$92.79	
8	2014	\$3,856.30	\$73.61	\$73.61
7	2015	\$3,842.16	\$61.34	\$73.34

6	2016	\$3,820.90	\$52.80	\$72.94	8	2014	\$626.40	\$11.96	\$11.96
5	2017	\$3,789.14	\$46.46	\$72.33	7	2015	\$629.26	\$10.05	\$12.01
4	2018	\$3,755.22	\$41.59	\$71.68	6	2016	\$630.95	\$8.72	\$12.04
3	2019	\$3,718.36	\$37.73	\$70.98	5	2017	\$635.41	\$7.79	\$12.13
2	2020	\$3,685.18	\$34.67	\$70.35	4	2018	\$638.72	\$7.07	\$12.19
1	2021	\$3,659.02	\$32.21	\$69.85	3	2019	\$635.61	\$6.45	\$12.13
K	2022	\$3,641.81	\$30.22	\$69.52	2	2020	\$632.87	\$5.95	\$12.08
Age 4	2023	\$3,632.40	\$28.59	\$69.34	1	2021	\$635.53	\$5.59	\$12.13
Age 3	2024	\$3,629.83	\$27.25	\$69.29	K	2022	\$639.01	\$5.30	\$12.20
Age 2	2025	\$3,641.73	\$26.19	\$69.52	Age 4	2023	\$639.31	\$5.03	\$12.20
Age 1	2026	\$3,650.32	\$25.24	\$69.68	Age 3	2024	\$641.94	\$4.82	\$12.25
Infant	2027	\$3,655.47	\$24.37	\$69.78	Age 2	2025	\$650.56	\$4.68	\$12.42
Newborn	2028	\$3,662.13	\$23.61	\$69.91	Age 1	2026	\$659.38	\$4.56	\$12.59
					Infant	2027	\$667.45	\$4.45	\$12.74
					Newborn	2028	\$674.30	\$4.35	\$12.87

PREPAID LOCAL FEE CONTRACT
TWO YEAR COMMUNITY COLLEGE
PLUS TWO YEARS STATE UNIVERSITY
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$2,491.12	\$356.60	
11	2011	\$2,527.85	\$134.14	
10	2012	\$2,547.91	\$83.67	
9	2013	\$2,549.09	\$61.20	
8	2014	\$2,543.25	\$48.55	\$48.55
7	2015	\$2,541.44	\$40.58	\$48.51
6	2016	\$2,535.00	\$35.03	\$48.39
5	2017	\$2,512.36	\$30.81	\$47.96
4	2018	\$2,489.90	\$27.58	\$47.53
3	2019	\$2,477.01	\$25.13	\$47.28
2	2020	\$2,466.88	\$23.21	\$47.09
1	2021	\$2,453.15	\$21.59	\$46.83
K	2022	\$2,446.81	\$20.31	\$46.71
Age 4	2023	\$2,454.09	\$19.32	\$46.85
Age 3	2024	\$2,463.97	\$18.50	\$47.03
Age 2	2025	\$2,477.50	\$17.82	\$47.29
Age 1	2026	\$2,487.66	\$17.20	\$47.49
Infant	2027	\$2,495.97	\$16.64	\$47.65
Newborn	2028	\$2,508.14	\$16.17	\$47.88

PREPAID LOCAL FEE CONTRACT
COMMUNITY COLLEGE – TWO YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$571.23	\$81.77	
11	2011	\$592.74	\$31.45	
10	2012	\$608.46	\$19.98	
9	2013	\$619.11	\$14.86	

PREPAID LOCAL FEE CONTRACT
COMMUNITY COLLEGE – TWO YEARS
FOUNDATION SCHOLARSHIP

PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$685.48	\$98.13	
11	2011	\$711.29	\$37.74	
10	2012	\$730.15	\$23.98	
9	2013	\$742.93	\$17.84	
8	2014	\$751.68	\$14.35	\$14.35
7	2015	\$755.11	\$12.06	\$14.41
6	2016	\$757.14	\$10.46	\$14.45
5	2017	\$762.49	\$9.35	\$14.56
4	2018	\$766.46	\$8.49	\$14.63
3	2019	\$762.73	\$7.74	\$14.56
2	2020	\$759.44	\$7.14	\$14.50
1	2021	\$762.64	\$6.71	\$14.56
K	2022	\$766.81	\$6.36	\$14.64
Age 4	2023	\$767.17	\$6.04	\$14.64
Age 3	2024	\$770.33	\$5.78	\$14.70
Age 2	2025	\$780.67	\$5.61	\$14.90
Age 1	2026	\$791.26	\$5.47	\$15.10
Infant	2027	\$800.94	\$5.34	\$15.29
Newborn	2028	\$809.16	\$5.22	\$15.45

PREPAID DORMITORY CONTRACT
ONE YEAR

PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$4,870.39	\$697.19	
11	2011	\$5,086.48	\$269.91	

10	2012	\$5,245.30	\$172.25		11	2011	\$15,692.35	\$832.69	
9	2013	\$5,360.57	\$128.69		10	2012	\$16,036.81	\$526.65	
8	2014	\$5,430.94	\$103.67	\$103.67	9	2013	\$16,279.19	\$390.82	
7	2015	\$5,487.68	\$87.61	\$104.75	8	2014	\$16,399.44	\$313.05	\$313.05
6	2016	\$5,480.82	\$75.74	\$104.62	7	2015	\$16,485.54	\$263.20	\$314.69
5	2017	\$5,517.04	\$67.65	\$105.31	6	2016	\$16,556.38	\$228.80	\$316.04
4	2018	\$5,558.52	\$61.57	\$106.11	5	2017	\$16,650.40	\$204.17	\$317.84
3	2019	\$5,574.85	\$56.56	\$106.42	4	2018	\$16,637.60	\$184.29	\$317.59
2	2020	\$5,504.23	\$51.78	\$105.07	3	2019	\$16,606.24	\$168.49	\$317.00
1	2021	\$5,527.16	\$48.66	\$105.51	2	2020	\$16,581.91	\$155.98	\$316.53
K	2022	\$5,550.52	\$46.06	\$105.95	1	2021	\$16,665.50	\$146.71	\$318.13
Age 4	2023	\$5,587.82	\$43.98	\$106.67	K	2022	\$16,694.11	\$138.54	\$318.67
Age 3	2024	\$5,555.78	\$41.71	\$106.05	Age 4	2023	\$16,777.32	\$132.05	\$320.26
Age 2	2025	\$5,633.72	\$40.51	\$107.54	Age 3	2024	\$16,895.43	\$126.84	\$322.52
Age 1	2026	\$5,705.93	\$39.45	\$108.92	Age 2	2025	\$17,127.12	\$123.16	\$326.94
Infant	2027	\$5,787.47	\$38.59	\$110.48	Age 1	2026	\$17,339.99	\$119.89	\$331.00
Newborn	2028	\$5,846.59	\$37.70	\$111.61	Infant	2027	\$17,540.94	\$116.95	\$334.84
					Newborn	2028	\$17,713.51	\$114.22	\$338.13

PREPAID DORMITORY CONTRACT
TWO YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

PREPAID DORMITORY CONTRACT
FOUR YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$9,956.88	\$1,425.32	
11	2011	\$10,331.79	\$548.24	
10	2012	\$10,605.87	\$348.30	
9	2013	\$10,791.50	\$259.07	
8	2014	\$10,918.62	\$208.42	\$208.42
7	2015	\$10,968.50	\$175.12	\$209.38
6	2016	\$10,997.85	\$151.99	\$209.94
5	2017	\$11,075.56	\$135.81	\$211.42
4	2018	\$11,133.37	\$123.32	\$212.52
3	2019	\$11,079.08	\$112.41	\$211.49
2	2020	\$11,031.39	\$103.77	\$210.58
1	2021	\$11,077.68	\$97.52	\$211.46
K	2022	\$11,138.33	\$92.43	\$212.62
Age 4	2023	\$11,143.60	\$87.71	\$212.72
Age 3	2024	\$11,189.50	\$84.01	\$213.60
Age 2	2025	\$11,339.65	\$81.54	\$216.46
Age 1	2026	\$11,493.40	\$79.47	\$219.40
Infant	2027	\$11,634.06	\$77.56	\$222.08
Newborn	2028	\$11,753.47	\$75.79	\$224.36

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$20,562.75	\$2,943.53	
11	2011	\$21,123.29	\$1,120.88	
10	2012	\$21,524.49	\$706.86	
9	2013	\$21,760.01	\$522.39	
8	2014	\$21,916.48	\$418.36	\$418.36
7	2015	\$22,044.06	\$351.95	\$420.80
6	2016	\$22,131.22	\$305.84	\$422.46
5	2017	\$22,154.64	\$271.66	\$422.91
4	2018	\$22,164.76	\$245.51	\$423.10
3	2019	\$22,156.76	\$224.80	\$422.95
2	2020	\$22,169.73	\$208.55	\$423.20
1	2021	\$22,221.28	\$195.61	\$424.18
K	2022	\$22,327.84	\$185.29	\$426.21
Age 4	2023	\$22,483.25	\$176.96	\$429.18
Age 3	2024	\$22,682.90	\$170.29	\$432.99
Age 2	2025	\$22,973.71	\$165.21	\$438.54
Age 1	2026	\$23,246.87	\$160.73	\$443.76
Infant	2027	\$23,500.97	\$156.68	\$448.61
Newborn	2028	\$23,768.45	\$153.26	\$453.71

PREPAID DORMITORY CONTRACT
THREE YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$15,202.18	\$2,176.17	

PREPAID DORMITORY CONTRACT
FIVE YEARS
PRICE SCHEDULE FOR 2009-2010 ENROLLMENT

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2010	\$25,993.69	\$3,720.97	
11	2011	\$26,610.97	\$1,412.08	
10	2012	\$27,005.31	\$886.85	
9	2013	\$27,277.04	\$654.84	
8	2014	\$27,475.00	\$524.47	\$524.47
7	2015	\$27,618.91	\$440.95	\$527.22
6	2016	\$27,635.45	\$381.91	\$527.53
5	2017	\$27,681.80	\$339.43	\$528.42
4	2018	\$27,715.28	\$306.99	\$529.05
3	2019	\$27,744.58	\$281.50	\$529.61
2	2020	\$27,725.51	\$260.81	\$529.25
1	2021	\$27,855.00	\$245.21	\$531.72
K	2022	\$28,033.77	\$232.65	\$535.13
Age 4	2023	\$28,270.72	\$222.51	\$539.66
Age 3	2024	\$28,529.49	\$214.19	\$544.60
Age 2	2025	\$28,880.59	\$207.68	\$551.30
Age 1	2026	\$29,206.90	\$201.94	\$557.53
Infant	2027	\$29,555.92	\$197.05	\$564.19
Newborn	2028	\$29,917.14	\$192.91	\$571.09

NOTICE OF 2009-2010 CONTRACT FILING AND
PAYMENT DUE DATES FOR THE FLORIDA PREPAID
COLLEGE PLAN

The Florida Prepaid College Board hereby gives notice that the enrollment period and contract filing dates for the 2009-2010 year are as follows for the Florida Prepaid College Plan:

October 19, 2009 – Beginning of 2009-2010 enrollment period.

January 31, 2010 – Last day of 2009-2010 enrollment period.

March 31, 2010 – Last day of contract change period.

Purchasers of Florida Prepaid College Plan advance payment contracts must have their application postmarked on or before January 31, 2010. All applications must be submitted to the following address: Florida Prepaid College Board, P. O. Box 6448, Tallahassee, Florida 32314-6448.

Applications for the Florida Prepaid College Plan must include one of the following non-refundable application fees:

- \$80, if the application is for the Florida Prepaid College Plan and the Florida College Investment Plan.
- \$50, if the application is only for the Florida Prepaid College Plan.
- \$30, if the purchaser named on the application has a Florida College Investment Plan for the same beneficiary.

Payments for the Florida Prepaid College Plan

For Florida Prepaid College Plan applications received during the 2009-2010 enrollment period, payments may be made under any one of the following schedules:

- (a) Lump-sum payments due in full on April 20, 2010;
- (b) Monthly payments, beginning on April 20, 2010, and due on the 20th of each and every month thereafter until October of the anticipated enrollment year of the qualified beneficiary, as indicated on the application; or
- (c) Fifty-five (55) month payment option beginning on April 20, 2010, and due on the 20th of each and every month thereafter for 55 continuous months.

An implied interest rate of 3.88 percent (weighted average using spot yield curve based on the July 31, 2009, U.S. Treasury curve) for the purchasers of the Florida Prepaid College Plan advance payment contracts during the 2009-2010 enrollment period has been calculated for the installment payment plans indicated above.

Persons whose substantial interests are affected by the 2009-2010 notice on contract filing and payment due dates may request an administrative hearing within 21 days of publication of this notice pursuant to Chapter 120 F.S.

WATER MANAGEMENT DISTRICTS

NOTICE OF INTENDED AGENCY ACTION

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit No. 08-00004-S-05 (Application No. 070330-5) Babcock Property Holdings LLC; Babcock Ranch Community Independent Special District; and MSKP Town and Country Utility LLC (The Babcock Ranch Community) 17837 Murdock Circle, Port Charlotte, FL 33948, for issuance of an Environmental Resource Permit to authorize construction and operation of a surface water management system to serve a 6283.1 acre project, part of a 22,363.1 acre mixed use development, and Conceptual Approval for the surface water management system serving the remaining 16,080 acres of the development with discharge to the Caloosahatchee via Owl Creek, Trout Creek, and Telegraph Creek via direct discharge, onsite wetlands, and onsite conveyance systems. The project is located in Charlotte County, S29,31-33/T41S/R26E, S4-10,15-17,19-36/T42S/R26E and Lee County, S1-7,9/T43S/R26E.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, by telephone at (561)682-6911, by e-mail:

permits@sfwmd.gov or by accessing the Staff Report directly from the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1), and 120.60(3), F.S., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, F.S. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, F.S.; or 2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), F.S. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To

ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.

- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8) and (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree

to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD’s final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF BATCHED APPLICATION RECEIPT AND
NOTICE OF TENTATIVE PUBLIC HEARING**

The Agency for Health Care Administration has received and accepted the following Certificate of Need application for review in the batched Hospital Beds and Facilities review cycle with an application due date of September 9, 2009.

County: Duval District: 4
 CON # 10059 Application Receipt Date: 9/8/2009
 Facility/Project: West Jacksonville Medical Center, Inc.
 Applicant: West Jacksonville Medical Center, Inc.
 Project Description: Establish an acute care hospital of up to 150 beds

Also, IF REQUESTED, a tentative public hearing has been scheduled as follows:

PROPOSAL: West Jacksonville Medical Center, Inc.
 District: 4
 DATE: Thursday, October 29, 2009
 TIME: 1:00 p.m. – 4:00 p.m.
 PLACE: Health Planning Council of Northeast Florida, Inc.
 644 Cesery Blvd., Suite 210 Conference Room
 Jacksonville, Florida 32211

Public hearing requests must be in writing and be received at: Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28,

Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., October 9, 2009. In lieu of requesting and attending a public hearing, written comments submitted to the agency relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by October 14, 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.”

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance [#0133996-014, MOS-KC-VA (2007)] under Section 378.212(1)(d), Florida Statutes (F.S.), to Mosaic Fertilizer, LLC (Mosaic), Post Office Box 2000, Mulberry, Florida, from the provisions of Rule 62C-16.0051, Florida Administrative Code (F.A.C.), which provides minimum reclamation standards for mandatory phosphate mine reclamation, in order to allow reclamation of the mandatory portions of its New Wales phosphogypsum stack to industrial use to accommodate specific phosphate mining, processing or chemical plant uses that otherwise would be inconsistent with the requirements of this part. The variance will be permanent. The Department’s file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 E. Paul Dirac Dr., Tallahassee, FL 32310, (850)488-8217. A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the: Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is

timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the: Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 378.212(3), F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b)

the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the: Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

NOTICE OF RECEIPT OF APPLICATIONS FOR PERMIT
COVERAGE UNDER THE GENERIC PERMIT FOR
STORMWATER DISCHARGE FROM PHASE II
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

The Department of Environmental Protection announces the receipt of the applications listed below for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane, Tallahassee, Florida 32301, (850)523-1449. Any comments related to the noticed applications or objections to the use of the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received May 13-June 12, 2009

1. City of Lake Helen – FLR04E125
2. Orange City – FLR04E126
3. City of Brooksville – FLR04E119

Comments may be mailed to the following address:

Steven Kelly
NPDES Stormwater Program
2600 Blair Stone Road, MS #2500
Tallahassee, Florida 32399-2400

FLORIDA STATE CLEARINGHOUSE

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

DEPARTMENT OF HEALTH

On September 11, 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 Kacey A. Breach, L.M.T. License #MA 56437. 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 September 11, 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 Kami Kaleen Hedrick, R.N. License #RN 2886912. 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 September 16, 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 George C. Russ, L.P.N. License #LPN 1048531. 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 September 9, 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 Nathan W. Moy, R.Ph., License #PS 34644. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for

inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 16, 2009):

**APPLICATION AND PLAN FOR THE PURCHASE OF
CERTAIN ASSETS AND ASSUMPTION OF CERTAIN
LIABILITIES**

Acquiring Entity: Floridian Community Bank, Inc., Davie, Florida

Selling Entity: Valley Bank, Fort Lauderdale, Florida

Received: September 11, 2009

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.flofr.com/banking/cufm.asp>

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063

Expansion Includes: Geographic based

Received: September 14, 2009

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 8, 2009
and September 11, 2009

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

9B-3.047	9/11/09	10/1/09	35/19	35/31
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DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

11B-18.004	9/8/09	9/28/09	35/25	
11B-20.001	9/8/09	9/28/09	35/25	
11B-20.0014	9/8/09	9/28/09	35/25	
11B-21.002	9/8/09	9/28/09	35/25	
11B-21.005	9/8/09	9/28/09	35/25	
11B-27.00212	9/8/09	9/28/09	35/25	
11B-27.00213	9/8/09	9/28/09	35/25	
11B-27.013	9/8/09	9/28/09	35/25	
11B-30.007	9/8/09	9/28/09	35/25	
11B-35.001	9/8/09	9/28/09	35/25	
11B-35.002	9/8/09	9/28/09	35/25	
11B-35.0021	9/8/09	9/28/09	35/25	
11B-35.0023	9/8/09	9/28/09	35/25	
11B-35.0024	9/8/09	9/28/09	35/25	
11B-35.003	9/8/09	9/28/09	35/25	
11B-35.006	9/8/09	9/28/09	35/25	
11B-35.007	9/8/09	9/28/09	35/25	

Division of Criminal Justice Information Systems

11C-6.010	9/8/09	9/28/09	35/25	
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WATER MANAGEMENT DISTRICTS
South Florida Water Management District

40E-1.607	9/11/09	11/1/09	35/27	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF MANAGEMENT SERVICES
Division of Purchasing

60A-1.044	9/11/09	10/1/09	35/25	
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DEPARTMENT OF HEALTH
Division of Medical Quality Assurance

64B-1.001	9/10/09	9/30/09	35/13	35/25
64B-1.002	9/10/09	9/30/09	35/13	35/25
64B-1.003	9/10/09	9/30/09	35/13	35/25
64B-1.004	9/10/09	9/30/09	35/13	35/25
64B-1.005	9/10/09	9/30/09	35/13	35/25
64B-1.006	9/10/09	9/30/09	35/13	35/25
64B-1.007	9/10/09	9/30/09	35/13	35/25
64B-1.008	9/10/09	9/30/09	35/13	35/25
64B-1.009	9/10/09	9/30/09	35/13	35/25
64B-1.011	9/10/09	9/30/09	35/13	35/25
64B-1.013	9/10/09	9/30/09	35/13	35/25
64B-1.017	9/10/09	9/30/09	35/13	
64B-9.002	9/10/09	9/30/09	35/28	

Board of Physical Therapy Practice

64B17-4.001	9/8/09	9/28/09	35/23	
64B17-4.003	9/8/09	9/28/09	35/23	

Division of Family Health Services

64F-1.0015	9/10/09	9/30/09	35/26	
64F-17.001	9/10/09	9/30/09	35/28	

DEPARTMENT OF FINANCIAL SERVICES
OIR Insurance Regulation

69O-163.0075	9/10/09	9/30/09	35/20	
69O-163.009	9/10/09	9/30/09	35/20	
69O-163.011	9/10/09	9/30/09	35/20	
69O-164.040	9/10/09	9/30/09	35/20	35/28