

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

| RULE NOS.: | RULE TITLES:                                                                                                  |
|------------|---------------------------------------------------------------------------------------------------------------|
| 6A-6.0902  | Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners |
| 6A-6.09021 | Annual English Language Proficiency Assessment for English Language Learners                                  |
| 6A-6.09022 | Extension of Services in English for Speakers of Other Languages Program                                      |
| 6A-6.0903  | Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners      |
| 6A-6.09031 | Post Reclassification of English Language Learners                                                            |

**PURPOSE AND EFFECT:** The purpose of this rule development is to disaggregate Rules 6A-6.0902 and 6A-6.0903, F.A.C., into five separate rules for finer clarity regarding the requirements for identification and placement of an English language learner (ELL), exit criteria of an ELL, the provisions of the annual English language proficiency assessment, requirements of extension of services, and post reclassification of an ELL. It is proposed that the time period for completing an initial assessment of English language proficiency in Reading and Writing be shortened. The requirement for former English language learners to be assessed on the annual English language proficiency assessment is clarified. The timing and requirements for extension of ESOL services beyond three years are clarified. Parental rights with respect to removal of a student from a language arts instructional program are clarified and the Standards for Student Exit from the ESOL Program are modified.

**SUBJECT AREA TO BE ADDRESSED:** Identification, assessment, and classification of English language learners; Extension of ESOL services; Annual English language assessment of English language learners; Exiting students from the ESOL program; and post-reclassification monitoring of English language learners.

**RULEMAKING AUTHORITY:** 1001.02, 1003.56 FS.

**LAW IMPLEMENTED:** 1003.56, 1011.62 FS.

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

**DATE AND TIME:** October 29, 2010, 10:00 a.m.

PLACE: Miami Dade College, InterAmerican Campus, Room 3103, 627 S.W. 27th Ave., Miami, FL 33135

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Suite 444, Tallahassee, FL 32399, (850)245-0417. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

| RULE NOS.: | RULE TITLES:                                                                  |
|------------|-------------------------------------------------------------------------------|
| 6A-25.001  | Federal Regulations Adopted by Reference                                      |
| 6A-25.002  | Definitions                                                                   |
| 6A-25.003  | Informed Choice                                                               |
| 6A-25.004  | Referral and Application Process                                              |
| 6A-25.005  | Assessment for Determining Eligibility and Priority for Services              |
| 6A-25.006  | Extended Evaluation                                                           |
| 6A-25.007  | Ability to Serve All Eligible Individuals and Order of Selection for Services |
| 6A-25.008  | Individualized Plan for Employment                                            |
| 6A-25.009  | Authorization for Services                                                    |
| 6A-25.010  | Scope of Vocational Rehabilitation Services                                   |
| 6A-25.011  | Comparable Services and Benefits                                              |
| 6A-25.012  | Division Determinations, Review Procedures                                    |
| 6A-25.013  | Confidentiality and Release of Consumer Information/Records                   |
| 6A-25.014  | Physical and Mental Restoration Services                                      |
| 6A-25.015  | Vocational and Other Training Services                                        |
| 6A-25.016  | Rehabilitation Technology Services                                            |
| 6A-25.017  | Case Closure                                                                  |
| 6A-25.018  | Recovery from Third Parties                                                   |
| 6A-25.019  | Forms and Documents                                                           |

**PURPOSE AND EFFECT:** The purpose of this rule development is to comply with the requirements in Sections 413.22 and 413.445, Florida Statutes, to adopt rules necessary to carry out the purposes of Chapter 413, Part II, Florida Statutes. The effect will be rules that accurately reflect all current requirements related to the provision of vocational rehabilitation services.

**SUBJECT AREA TO BE ADDRESSED:** The provision of vocational rehabilitation services.

**RULEMAKING AUTHORITY:** 413.22, 413.445 FS.

**LAW IMPLEMENTED:** 257.36(6), 413.22, 413.24, 413.28, 413.30, 413.32, 413.341, 413.445, 413.72, 413.731 FS.

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

**DATE AND TIME:** November 17, 2010, 1:00 p.m. – 3:30 p.m.

**PLACE:** Coral Gables Branch Public Library, 3443 Segovia Street, Coral Gables, FL 33134

Pursuant to the provisions of 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: Melinda Cupp, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32301, 1(800)451-4327, ext. 53325 or 1(850)245-3325. If you are 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:** Brent McNeal, Assistant General Counsel, Department of Education, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32301-4962, (850)245-3327

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

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>                                           |
| 6B-11.009        | Documentation of Mitigation, Aggravation, and Legal Argument |

**PURPOSE AND EFFECT:** The Board proposes the promulgation and adoption of the new rule to clarify procedures for documentation of mitigation, aggravation and legal arguments.

**SUBJECT AREA TO BE ADDRESSED:** Documentation of mitigation, aggravation and legal arguments.

**RULEMAKING AUTHORITY:** 1012.79(7), 1012.796 FS.

**LAW IMPLEMENTED:** 1012.79(7), 1012.796 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:** Kathleen Richards, Executive Director, Education Practices, Turlington Building, Suite 224, 325 West Gaines Street, Tallahassee, Florida 32399

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

**DEPARTMENT OF TRANSPORTATION**

|                   |                                       |
|-------------------|---------------------------------------|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                   |
| 14-20.0025        | Definitions                           |
| 14-20.0032        | Placement of Benches                  |
| 14-20.005         | Accessibility on Public Rights of Way |

**PURPOSE AND EFFECT:** This rule chapter is being amended to allow for benches to be located at areas other than bus stops, revise definitions, and promulgate a new rule regarding accessibility on public rights of way.

**SUBJECT AREA TO BE ADDRESSED:** The criteria for the placement of benches at locations other than bus stops and accessibility on public rights of way are addressed.

**RULEMAKING AUTHORITY:** 334.044(2), 337.408(4) FS.

**LAW IMPLEMENTED:** 334.044(13), 337.408 FS.

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

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

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**COMMISSION ON ETHICS**

|                  |                                |
|------------------|--------------------------------|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>             |
| 34-7.010         | List of Forms and Instructions |

**PURPOSE AND EFFECT:** These amendments to Rule 34-7.010, F.A.C., are intended to satisfy the requirements of Section 120.55(1)(a)4., Florida Statutes, which requires agencies to adopt their forms in substantive rules. Thus, CE Form 1, CE Form 6, CE Form 1F, CE Form 6F, CE Form 1X, and CE Form 6X are being transferred to Chapter 34-8, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The financial disclosure forms that local officers, state officers, and specified state employees are required to file are affected by this rulemaking.

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

**LAW IMPLEMENTED:** Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

Pursuant to the provisions of 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: Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics. If you are 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:** Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics

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

**COMMISSION ON ETHICS**

| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                                                       |
|-------------------|---------------------------------------------------------------------------|
| 34-8.002          | General Rule for Filing Full and Public Disclosure of Financial Interests |
| 34-8.008          | Final Filing                                                              |
| 34-8.009          | Amended Filing                                                            |
| 34-8.202          | General Rules for Filing a Statement of Financial Interests               |
| 34-8.208          | Final Filing                                                              |
| 34-8.209          | Amended Filing                                                            |

**PURPOSE AND EFFECT:** These amendments to Chapter 34-8, F.A.C., are intended to satisfy the requirements of Section 120.55(1)(a)4., Florida Statutes, which requires agencies to adopt their forms in substantive rules. Thus, CE Form 1, CE Form 6, CE Form 1F, CE Form 6F, CE Form 1X, and CE Form 6X are being transferred to the appropriate rules in Chapter 34-8, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The financial disclosure forms that local officers, state officers, and specified state employees are required to file are affected by this rulemaking.

**RULEMAKING AUTHORITY:** Art. II, Section 8, Fla. Const., 112.3144, 112.3144(6), 112.3144(7), 112.3145(9), 112.3147, 112.322(9) FS.

**LAW IMPLEMENTED:** Art. II, Section 8, Fla. Const., 112.3144, FS., 112.3144(5), 112.3144(6), 112.3144(7), 112.3145, 112.3145(2)(b), 112.3145(9) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics. If you are 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:** Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

**RULE NO.:** 40B-9.081  
**RULE TITLE:** Disposition of Surplus Real Property  
**PURPOSE AND EFFECT:** The purpose of the proposed rule is to clarify the criteria the Governing Board uses when considering whether to classify any District-owned real property as surplus lands, and to set forth the process to be followed when disposing of any District-owned real property classified as surplus land.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule will set forth the requirements for classifying real property as surplus lands and the procedures for disposing of surplus lands.  
**RULEMAKING AUTHORITY:** 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 270.11, 373.089, 373.103, 373.139, 373.59 FS.

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

**DATE AND TIME:** November 16, 2010, 1:30 p.m.  
**PLACE:** Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Joe Flanagan, Director of Land Acquisition and Management at (386)362-1001

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

**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. pursuant to Section 373.042, Florida Statutes, to establish Minimum Flows for the upper and middle Withlacoochee River.

**SUBJECT AREA TO BE ADDRESSED:** Establishment of minimum flows for the upper and middle Withlacoochee River. Members of the District’s Governing Board and Basin Board may attend the scheduled Rule Development Workshop.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.171 FS.

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

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

**DATE AND TIME:** November 3, 2010, 6:30 p.m.  
**PLACE:** Southwest Florida Water Management District headquarters, 2379 Broad St., Brooksville, FL 34604

Pursuant to the provisions of 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: Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to: 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jason Hood, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4192

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

**RULE NO.:** 60A-1.002 **RULE TITLE:** Purchase of Commodities or Contractual Services

**PURPOSE AND EFFECT:** To update Chapter 60A-1, Florida Administrative Code with needed updates, and to incorporate changes from Chapter 2010-151, Laws of Florida, and to clarify these rules and incorporate additional information regarding current practices and procedures related to purchases made by state offices.

**SUBJECT AREA TO BE ADDRESSED:** Incorporating changes regarding purchases made by state offices into Chapter 60A-1, Florida Administrative Code, and corresponding forms related to conflicts of interest.

**RULEMAKING AUTHORITY:** 287.042(3), 287.042(12) FS.

**LAW IMPLEMENTED:** 287.057, 287.058 FS., Chapter 2010-151, Laws of Florida.

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

**DATE AND TIME:** November 10, 2010, 2:00 p.m. – 4:00 p.m.  
**PLACE:** Department of Management Services, 4050 Esplanade Way, Suite 360, Room 101, Tallahassee, Florida 32399-0950

Pursuant to the provisions of 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: Karen Armstrong, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, Karen.armstrong@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).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Karen Armstrong, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, Karen.armstrong@dms.myflorida.com

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

**RULE NOS.:** 61G6-5.003 **RULE TITLES:** Application for Examination for Certification  
 61G6-5.004 Requirement for Business Organizations

**PURPOSE AND EFFECT:** The Board proposes the rule amendment in order to eliminate the requirement that a licensee sign his/her financial statement in the presence of a notary; to eliminate irrevocable letter of credit option.

SUBJECT AREA TO BE ADDRESSED: Application for Examination for Certification; Requirement for Business Organizations.

RULEMAKING AUTHORITY: 489.507(3), 489.515(1), 489.521 FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511(2), 489.515(1), 489.521 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 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**

**Electrical Contractors' Licensing Board**

|            |                                          |
|------------|------------------------------------------|
| RULE NO.:  | RULE TITLE:                              |
| 61G6-9.006 | Approval of Continuing Education Courses |

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate a new form and eliminate the need to contact the board office at least seven days prior to receive CE credit for attending a board meeting.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.

RULEMAKING AUTHORITY: 489.507(3), 489.517(3) FS.

LAW IMPLEMENTED: 489.517(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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 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**

**Electrical Contractors' Licensing Board**

|             |                                                              |
|-------------|--------------------------------------------------------------|
| RULE NOS.:  | RULE TITLES:                                                 |
| 61G6-12.001 | Requirements for Burglar Alarm System Agent Training Courses |
| 61G6-12.002 | Requirements for Fire Alarm System Agent Training Courses    |

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate a new form and allow provision of on-line course instruction.

SUBJECT AREA TO BE ADDRESSED: Requirements for Burglar Alarm System Agent Training Courses; Requirements for Fire Alarm System Agent Training Courses.

RULEMAKING AUTHORITY: 489.507(3), 489.517, 489.518(1)(b), 489.5185, 489.521 FS.

LAW IMPLEMENTED: 489.507(3), 489.518(1)(b), 489.5185, 489.521 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

|           |                                           |
|-----------|-------------------------------------------|
| RULE NO.: | RULE TITLE:                               |
| 64B-7.003 | Counterfeit-Resistant Prescription Blanks |

PURPOSE AND EFFECT: This rule will implement new provisions in the law regarding pain-management clinic controlled substance prescriptions.

SUBJECT AREA TO BE ADDRESSED: Counterfeit-Resistant Prescription Blanks.

RULEMAKING AUTHORITY: 456.004, 456.079, 458.3265(4), 459.0137(4) FS.

LAW IMPLEMENTED: 456.0635, 459.0137, 893.065 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: Larry McPherson, Executive Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-8.018  
RULE TITLE: Voluntary Relinquishment of License  
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify voluntary relinquishment of license.

SUBJECT AREA TO BE ADDRESSED: Voluntary relinquishment of license.

RULEMAKING AUTHORITY: 458.309, 120.53 FS.

LAW IMPLEMENTED: 458.331 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.: 64B17-3.001  
RULE TITLES: Licensure as a Physical Therapist by Examination

64B17-3.003 Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes for initial licensure application and the English language proficiency requirement.

SUBJECT AREA TO BE ADDRESSED: Changes for initial licensure application and the English language proficiency requirement language.

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.: 64B17-4.001  
RULE TITLES: Licensure as a Physical Therapist Assistant by Examination

64B17-4.003 Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes for initial licensure application and the English language requirement.

SUBJECT AREA TO BE ADDRESSED: Changes for initial licensure application and the English language proficiency requirement language.

RULEMAKING AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NOS.: 64B21-501.003  
RULE TITLES: Biennial Renewal Fee  
64B21-501.005 Application Fees  
64B21-501.0065 Change of Status Fee  
64B21-501.009 Initial Licensure Fee

PURPOSE AND EFFECT: The Department determined that it needs to reduce fees and to update the rules.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee; Application Fees; Change of Status Fee; and Initial Licensure Fee.

RULEMAKING AUTHORITY: 456.013, 490.007(1), 490.015, 490.015(2) FS.

LAW IMPLEMENTED: 456.013, 456.036, 456.036(4), 490.005, 490.006 490.007(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Library and Information Services

|            |                                                                       |
|------------|-----------------------------------------------------------------------|
| RULE NOS.: | RULE TITLES:                                                          |
| 1B-30.002  | Style and Form for Filing Rules; Certification Accompanying Materials |
| 1B-30.005  | Materials Incorporated by Reference                                   |

PURPOSE AND EFFECT: Subsections 1B-30.002(1) and 1B-30.002(3), F.A.C., are amended to clarify the process for submitting a rule certification packet for adoption. Subsections 1B-30.002(7) and 1B-30.002(8), F.A.C., are amended to clarify the process for submitting an emergency rule that constitutes a new rule or is superseding or changing the effect of an existing rule. Subsection 1B-30.005(5), F.A.C., is amended and subsections 1B-30.005(6) and 1B-30.005(7), F.A.C., are created to comply further with legislative changes to Chapter 120, Florida Statutes, triggered by the Open Government Act (particularly ss. 1-9 of Chapter 2008-104, Laws of Florida). Agencies will now be required to submit electronically all materials incorporated by reference into rule, except under certain circumstances.

SUMMARY: Revisions to rule adoption procedures including new electronic submission requirements for materials incorporated by reference in administrative rules.

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

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

RULEMAKING AUTHORITY: 20.10(3), 120.54(1)(i)6, 120.54(1)(j), 120.55(1)(d) FS.

LAW IMPLEMENTED: 120.54(1)-(4), (6), 120.55, 403.8055 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: November 8, 2010, 9:00 a.m. – 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Counsel, Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: General Counsel, Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

1B-30.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) An agency shall file a complete rule certification packet when filing a rule for adoption with the Administrative Code and Weekly Section.

(a) A complete rule certification packet for all rules, except emergency rules shall consist of the following:

1. through 2. No change.

3. If materials incorporated are filed electronically in accordance with Rule 1B-30.005, F.A.C., the submitting agency shall provide a copy of the email approval confirmation with the certification form required by this rule. If the agency determines that filing incorporated materials electronically would violate federal copyright laws, then the agency shall file one original certified copy of the materials incorporated by reference in accordance with, if applicable. Material incorporated by reference shall be certified pursuant to the requirements of Rule 1B-30.005, F.A.C.

4. No change.

(b) For emergency rules, a complete rule certification packet filed with the Administrative Code and Weekly Section shall consist of the following:

1. through 2. No change.

3. If materials incorporated are filed electronically in accordance with Rule 1B-30.005, F.A.C., the submitting agency shall provide a copy of the email approval confirmation with the certification form required by this rule. If the agency determines that filing incorporated materials electronically will violate federal copyright laws, then the agency shall file one original certified copy of the materials incorporated by reference in accordance with, if applicable. Material incorporated by reference shall be certified pursuant to the requirements of Rule 1B-30.005, F.A.C.

4. through (2) No change.

(3) An agency adopting a rule shall file the original and two copies of the rule certification form as specified in paragraphs (3)(a) through (e) of this rule. More than one rule may be listed on a rule certification form so long as the rules are from the same rule chapter, and so long as the adoption packet includes the rules as they were noticed in the Florida Administrative Weekly. A separate rule certification form shall be filed for each rule chapter affected.

(a) through (e) No change.

(4) An agency adopting a new rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two coded copies of the new rule with the Administrative Code and Weekly Section. The text of the new rule shall be coded by underlining the rule number, rule title, rule text, legal citations and history notes. Each page shall be numbered.

(5) No change.

(6) An agency repealing an existing rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two copies of the existing rule with the Administrative Code and Weekly Section. Rules that repeal existing rules shall contain the words, "The following rules are hereby repealed:" followed by the rule number and title of the rule or rules being repealed and the complete text of each repealed rule with a diagonal line drawn through the entire text of the rule. The text of repealed rules shall be provided by making a copy of the rule text as it appears in the Florida Administrative Code. Each page shall be numbered.

(7) An agency adopting an emergency rule pursuant to Section 120.54(4), F.S., shall file the original and two coded copies of the emergency rule with the Administrative Code and Weekly Section. Each page shall be numbered. The text of the emergency rule shall be coded as follows:

(a) When aAn emergency rule's requirements createing a new rule, the emergency rule shall be coded as described in subsection (4) of this rule.

(b) When aAn emergency rule for the period in effect changes the requirements or text of amending an existing rule, it shall be coded in the same manner as an existing rule is coded pursuant to as described in subparagraph 1B-30.003(3)(c)2., F.A.C. The emergency rule shall cross-reference the existing rule number. If the change to the

existing rule is substantial, it shall be coded in the same manner If the amendment substantially rewords the existing rule, coding shall be as described in subparagraph 1B-30.003(3)(c)(b)3., F.A.C.

(c) When aAn emergency rule for the period in effect supersedes or suspends in its entirety the effect or text of that repeals an existing rule, it shall be coded in the same manner as a repeal of an existing rule pursuant to subparagraph 1B-30.003(3)(c)4., F.A.C., and as described in subsection (6) of this rule. The emergency rule shall cross-reference the existing rule number.

(8)(a) If the effective date of a rule is later than 20 days after being filed, the effective date shall be stated in the rule text immediately following the final text, as set forth in subsection 1B-30.001(3), F.A.C. The effective date shall be preceded by the words, "PROPOSED EFFECTIVE DATE:". The effective date shall also be provided on the rule certification form if the effective date of the rule is later than 20 days after being filed. The effective date of the rule will not be published in the Florida Administrative Code as part of the rule text, but will appear in the history note.

(b) If the effective date of an emergency rule is other than immediately upon filing, the effective date of the emergency rule shall be stated in the rule text immediately following the text, as set forth in subsection 1B-30.001(2), F.A.C. The effective date shall be preceded by the words, "PROPOSED EFFECTIVE DATE:". The effective date shall also be provided on the rule certification form if the effective date of the emergency rule is other than immediately upon filing.

(9) through (10) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2011.

Rulemaking Authority 20.10(3), 120.54(1)(i)6, 120.54(1)(j), 120.55(1)(d) FS. Law Implemented 120.54(1)-(4), (6), 120.54(3)(e)4, (6); 120.55(4)(e), 403.8055 FS. History—New 5-29-80, Formerly 1-1-02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98, 8-23-99, 6-20-02, Formerly 1S-1.002, Amended 3-8-09, 1-1-11.

1B-30.005 Materials Incorporated by Reference.

(1) through (4) No change.

(5)(a) Unless prohibited by federal copyright law as determined by the submitting agency, the submitting agency shall electronically file a complete and correct copy of all materials incorporated by reference in its rules through the Department of State's e-rulemaking website at [www.flrules.org](http://www.flrules.org), no later than three (3) business days prior to the deadline for rule adoption. Electronically filed materials may not exceed 10MB per submission. An agency may file material in parts to comply with the 10MB file size requirement, if the volume of material requires such partial submissions. Referenced materials may be submitted in any format. At the time the agency submitting its rule certification package for adoption in accordance with Rule 1B-30.002, F.A.C., the agency shall also provide a paper copy of the



~~Certification of Materials Incorporated by Reference form, as provided in this rule, stating that the materials incorporated were filed electronically, but shall not provide a paper copy of the materials incorporated. The agency incorporating material by reference shall file with the Administrative Code and Weekly Section a correct and complete copy of the referenced material with an attached certification form which shall describe the referenced material and specify the rule to which the referenced material relates. Materials incorporated by reference may be filed in any printed format and are not required to be published in the Florida Administrative Weekly or Florida Administrative Code. The following form shall be used for certification of material incorporated by reference:~~

~~(b) The submitting agency is responsible for ensuring that all incorporated materials filed electronically comply with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. s. 794d., Federal Electronic and Information Technology Accessibility and Compliance Act).~~

~~(c) A submitting agency that determines that the posting of incorporated material on the Internet for public viewing would constitute a violation of federal copyright law, shall indicate this using the form for the certification of materials incorporated by reference, provided in this rule, at the time of submitting its rule certification package for adoption. The adopting agency shall also provide the addresses or locations and the manner in which a person may obtain from the agency a copy of the electronically filed materials incorporated by reference in the rule. Incorporated materials that are not filed electronically shall be submitted with the paper certification form as part of the rule certification package for adoption.~~

~~(d) The following form shall be used for certification of materials incorporated by reference:~~

~~CERTIFICATION OF MATERIALS INCORPORATED  
BY REFERENCE IN RULES FILED WITH THE  
DEPARTMENT OF STATE~~

~~I hereby certify pursuant to Rule 1B-30.005, Florida Administrative Code:~~

~~(1) That materials incorporated by reference in Rule \_\_\_\_\_ have been electronically filed with the Department of State.~~

~~(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].~~

~~List form number(s) and form title(s), or title of document(s) below:~~

~~Pursuant to Rule 1B-30.005, Florida Administrative Code, I hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule \_\_\_\_\_: Under the provisions of Section 120.54(3)(e)6.,~~

F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

~~(List form number(s) and form title(s), or title of document(s) (Specify electronic or print format))~~

\_\_\_\_\_  
Signature, Person Authorized to Certify Rules

\_\_\_\_\_  
Title

~~(6) When incorporated materials are filed electronically through the Department of State's e-rulemaking Internet website, the Department shall make the full text of incorporated materials available free for public access through an electronic hyperlink from the rule that references the material, directly to the material incorporated. Hyperlinks from rules in the Florida Administrative Code to any material other than incorporated materials are prohibited.~~

~~(7) Although incorporated materials will be made available electronically on the Department of State's e-rulemaking Internet website, incorporated materials shall not be published in the Florida Administrative Code or Administrative Weekly.~~

~~PROPOSED EFFECTIVE DATE JANUARY 1, 2011.~~

~~Rulemaking Authority 20.10(3), 120.54(1)(j)6., 120.54(1)(i)6., 120.55(1)(d) FS. Law Implemented 120.54(1)(i), 120.55 FS. History--New 5-29-80, Formerly 1-1.04, Amended 9-13-98, Formerly 1S-1.005, Amended 3-8-09, 1-1-11.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE:  
Liz Cloud, Program Administrator, Administrative Code and Weekly Section, Division of Library and Information Services, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-2100, (850)245-6600~~

~~NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dawn K. Roberts, Interim Secretary of State~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2010~~

~~DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2010~~

~~DEPARTMENT OF COMMUNITY AFFAIRS~~

~~Division of Housing and Community Development~~

~~RULE NO.: 9B-62.003  
RULE TITLE: Building Permit Surcharge Collection and Remittance~~

~~PURPOSE AND EFFECT: To review the provisions of the rule regarding means of calculating the surcharge transmitted to the Operating Trust Fund and account for the electronic remittance of the surcharge.~~

**SUMMARY:** Increases the portion of building permit surcharge fees to be retained by local governments, adopts by reference surcharge submittal forms, and establishes the dates building departments are required to submit fees to the Department.

**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:** 553.721 FS.

**LAW IMPLEMENTED:** 553.721 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:** November 8, 2010, 10:00 a.m.

**PLACE:** Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 210L, Tallahassee, Florida 32399-2100

Pursuant to the provisions of 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, Tallahassee, Florida 32399-2100; (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; (850)487-1824

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

9B-62.003 Building Permit Surcharge Collection and Remittance.

(1) Remittance of the Operating Trust Fund Surcharge Fees. All municipalities and counties that collect fees for the operating trust fund pursuant to Section 553.721, F.S., shall remit and report those funds, less 10% ~~5%~~ to be retained by the collecting agency, to the Department of Community Affairs no later than 30 days after the calendar quarter. Reports shall be submitted using the Building Code Information System website located, as specifically related to surcharge collection, at [www.floridabuilding.org/sc/sc\\_default.aspx](http://www.floridabuilding.org/sc/sc_default.aspx).

(2) Form number DCA-SUR-001 ~~9B-62.003~~, Surcharge Detail, effective December 31, 2010 ~~July 1, 2009~~, a screen shot from the Building Code Information System, is adopted by

reference for use in conjunction with remittance of the surcharge. A paper copy of the screen shot is available by writing to the Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

Rulemaking Authority 553.721 FS. Law Implemented 553.721 FS. History—New 11-19-95, Amended 8-19-09, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; (850)487-1824

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Thomas G. Pelham

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 5, 2010

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 13, 2010

**DEPARTMENT OF TRANSPORTATION**

| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>               |
|-------------------|-----------------------------------|
| 14-51.010         | Purpose                           |
| 14-51.011         | Definitions                       |
| 14-51.012         | Trailblazers                      |
| 14-51.013         | Sign Evaluation Process           |
| 14-51.014         | General Criteria                  |
| 14-51.020         | Supplemental Guide Signs          |
| 14-51.021         | General Service Signs             |
| 14-51.030         | Destination Guide Signs           |
| 14-51.031         | General Services Signs            |
| 14-51.040         | Exclusions                        |
| 14-51.041         | Criteria for Unincorporated Areas |
| 14-51.042         | Sign Characteristics              |
| 14-51.043         | Customized Place Name Signs       |
| 14-51.051         | Standards                         |
| 14-51.052         | Design                            |
| 14-51.053         | Pedestrian Wayfinding Signs       |
| 14-51.054         | Informational Guide Signs         |
| 14-51.061         | Program Implementation            |
| 14-51.062         | General Criteria                  |
| 14-51.063         | Location and Placement            |
| 14-51.064         | Trailblazers                      |
| 14-51.065         | Design                            |

**PURPOSE AND EFFECT:** Rule Chapter 14-51, F.A.C., is being amended to clarify sign eligibility criteria, incorporate federal changes, and restructure the chapter for better organization.

**SUMMARY:** The overall structure and clarity of the rule chapter is addressed.

**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: 316.0745, 334.044(2), 479.02(4), 479.262 FS.

LAW IMPLEMENTED: 316.03, 316.0745, 479.02(4), 479.262 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

#### PART I GENERAL

##### 14-51.010 Purpose.

(1) This rule ~~provides chapter will provide~~ ~~supplemental~~ guide signing that will perform the following functions:

- (a) Inform and guide motorists to the needed signed facilities and motorist services.
- (b) Improve traffic flow at interchanges or intersections near destinations that generate a large volume of traffic.
- (c) Establish criteria for the erection of guide signs and general service signs.

(2) This rule ~~chapter~~ applies the requirements for guide signs, excluding principle destination signs, general service signs, community wayfinding guide signs, and tourist-oriented directional signs as stated in the applicable sections of the Manual on Uniform Traffic Control Devices, incorporated herein by reference under Rule 14-15.010, F.A.C.

Rulemaking Specific Authority 316.0745, 334.044(2), 479.02(4) FS. Law Implemented 316.0745, 479.02(4) FS. History—New 3-27-05, Amended 6-24-08, \_\_\_\_\_.

##### 14-51.011 Definitions.

As used in this rule ~~chapter~~, the following words and phrases shall have the following meanings:

(1) “Applicant” means the person or entity seeking authorization permission for a sign under this rule chapter.

(2) “Attraction” means an establishment, site, facility, or landmark that is open a minimum of 5 days a week for 52 weeks a year; which has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and which is publicly recognized as a bona fide tourist attraction.

(3) “Community Wayfinding Guide Sign” means a directional guide sign that is part of a coordinated and continuous system of signs directing tourists and other road users to key civic, cultural, visitor, and recreational attractions, within a city or a local urbanized area.

(4) “Community Wayfinding Guide Sign System Plan” means the system boundaries, installation location, sign panel design, engineering, sign assembly specifications, and adopted criteria submitted to the Department for approval.

(5)(2) “Department” means the Florida Department of Transportation.

(6)(3) “Enhancement Marker” means a sign or portion of a sign where shape, color, or pictograph is used as a visual ~~an~~ ~~aesthetic~~ identifier for a community wWayfinding guide sSign.

(7)(4) “FHWA” means the Federal Highway Administration.

(8)(5) “Guide Sign” means a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

(9)(6) “Limited Access Facility” means as defined in Section 334.03(13), F.S.

(10)(7) “Local Government” means the county or city having jurisdiction in the subject area, including the area involving the sState hHighway sSystem.

(11)(8) “Manual on Uniform Traffic Control Devices (MUTCD)” means the is a federal publication, which is incorporated by reference under Rule 14-15.010, F.A.C., and is used to establish the uniformity of traffic control devices, such as sign placement, color of sign backgrounds and letters, and sign messages. The Department has adopted the use of this manual in order to provide a uniform system of traffic control devices on the State Highway System.

(12)(9) “Non-Limited Access Facility” means an arterial or collector road as ~~these terms are defined in Section Sections~~ 334.03(1) and (4), F.S., respectively, and which is not a limited access facility.

(13) “Non-traffic Control Sign” means an authorized highway sign that does not have any traffic control purpose, is not intended for use by road users in general, and is not considered to be a traffic control device, such as highway service signs and the associated sponsorship.

(14) “Official Traffic Control Devices” means as defined in Section 316.003, F.S.

(15) “Pari-mutuel Facility” means a racetrack, fronton, or other facility used by a permit holder of the Florida Department of Business and Professional Regulation for the conduct of pari-mutuel wagering as defined in Section 550.002, F.S. These facilities may include cardrooms only when authorized by Section 849.086, F.S.

(16) “Permit System” and “Permitted” means as defined in Rule 14-20.010, F.A.C.

~~(17)~~(10) "Pictograph" means the distinctive use of color(s), symbol(s), or copy as a brand identifier for community wayfinding guide sign system areas and attractions. They are non-commercial graphics as opposed to commercial logos.

~~(11)~~ "Official Traffic Control Devices" means as defined in Section 316.003(23), F.S.

~~(18)~~(12) "Place Name Sign" means a sign identifying the geographic boundary of a municipality city or county, lying on or along a road on the State Highway System.

~~(19)~~ "Recreational Attractions" means facilities located within 15 miles of the limited access facility that provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing or boating. Examples include public recreational facilities, state forest recreation areas, and wildlife refuges.

~~(20)~~(13) "Rural Interchange" means a grade separated intersection between streets or roadways outside the limits of any urban or urbanized area, as ~~such areas are defined both in Section Sections 334.03(32) and (36), F.S.~~ Where either the immediate right of way of a limited access facility or the right of way of an intersecting roadway is within the boundary of an urban or urbanized area, the interchange or intersection shall be considered urban.

~~(21)~~(14) "Sign" means any traffic control device ~~that is~~ intended to communicate specific information to road users through a word or symbol legend. They Signs do not include traffic control signals, pavement markings, delineators, or channelization devices.

~~(22)~~(15) "Supplemental Guide Sign" means a sign placed or erected to provide information regarding destinations, other than the principle destinations displayed on the exit directional sign, accessible from the an interchange, other than places shown on the standard interchange signing. The standard guide signs are called "exit direction" signs. These signs usually contain information about the route number, nearest cities, and sometimes the local street name. The purpose of a supplemental guide sign is to provide direction to destinations for motorists unfamiliar with the local area.

~~(23)~~(16) "Tourist Attraction" means facilities that principally provide recreation, amusement, or leisure activities to the general public, with the majority of its visitors ~~not residing in the immediate area of the attraction, and traveling over 100 miles to visit enjoy what the facility, and with offers.~~ Tourist attractions are publicly or privately owned, but derive the major portion of their income from these non-resident visitors.

~~(24)~~(17) "Tourist-Oriented Directional Signs" or "TODS" means are guide sign assemblies with that display individual sign panels displaying the providing business identity of and directional information for a business, service, or and activity facilities.

~~(25)~~(18) "Trailblazers" means signs erected at strategic locations, ~~usually along major urban arterials in conjunction with the signing of a major destination, tourist attraction, or general service facility on a limited access facility.~~

~~(26)~~(19) "Unincorporated Area" means all lands outside of the boundaries of municipalities within a county boundary as defined in Section 153.53(1), F.S.

~~(20)~~ "Wayfinding Sign" means a directional guide sign that guides the traveling public to key civic, cultural, visitor, and recreational destinations within a specific region.

~~(21)~~ "Wayfinding Sign System Plan" means the location area, design, engineering, and sign plan submitted to the Department for approval.

Rulemaking Specific Authority 316.0745, 334.044(2), 479.02 FS. Law Implemented 316.03, 479.01 ~~316.0745~~ FS. History—New 3-27-05, Amended 5-8-06, 6-24-08, \_\_\_\_\_.

14-51.012 Trailblazers Trailblazing Signs.

(1) Trailblazers shall be used ~~The use of a distance "countdown" system on trailblazer signs for destinations which are five miles or more from the interchange or intersection and is highly recommended. The use of the distance "countdown" system for destinations five miles or less from the exit is to be considered when a motorist could drive through highly developed areas, or through a "Y" intersections intersection, or multiple strip developments to reach the destination.~~

~~(2) A~~ The use of the "countdown" distance system to national and state park sites shall will be based upon specific site/area conditions, and installed by the park agency through the Department's permit system.

~~(3)~~(2) Local governments shall have all trailblazers in place on their road system prior to installing the corresponding destination sign on the state highway system. The purpose of trailblazer signs is to provide direction and confirmation to the motorist that the right decision has been made.

~~(4)~~(3) Trailblazers These signs shall provide the distance and/or direction to the nearest or most convenient point of access.

~~(5) Trailblazers~~ These signs shall match the color scheme or symbol of its corresponding sign as found on the state highway system limited access facility.

Rulemaking Specific Authority 316.0745, 334.044(2) FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended \_\_\_\_\_.

14-51.013 Sign Evaluation Process.

(1) Sign requests must shall be evaluated according to the following criteria. Requests originate from state agencies, city or county resolution, official representatives of schools or universities, or and representatives of tourist attractions or businesses.

(2) Upon receiving a written request, the Department will determine whether:

(a) The written request concerns an eligible destination or motorist service.

(b) The trip generation meets or exceeds the minimum criteria.

(c) ~~Are there~~ are seasonal considerations.

(d) ~~or is there~~ is significant rapid growth is projected.<sup>2</sup>

(e)~~(e)~~ The intersection or interchange approach may accommodate existing guide and supplemental guide signing contain adequate space for additional destination sign legend without exceeding the mandatory space limitations for either existing sign panels, or an additional sign structure. If a request for destination guide signing is received, but the intersection or interchange has the maximum number of destinations, then the request will be denied.

(f)~~(d)~~ The addition of the sign will ~~for the subject destination or service provides a benefit to the safety of the~~ motoring public.

(3) ~~The~~ Written requests request shall provide data to support the trip generation of the proposed destination. It shall also provide data to support the function of the facility (e.g., tourist attraction, ~~shopping center~~) to determine which set of criteria from Table 1, Criteria for Signing Destinations on Limited Access Facilities, and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, will apply. If additional support data is needed ~~not supplied~~, the Department will require an engineering study to validate the ~~written~~ request.

(4) If the written request complies with these criteria, the District Traffic Operations Engineer shall review ~~approve~~ the sign location for installation ~~subject to~~ space availability.

(5) Supplemental guide sign destinations are subject to a four year review cycle to verify that the trip generation characteristics are consistent with Department signing criteria. The review will confirm that mid-way through the life of the sign panel (approximately seven to eight years) an opportunity will exist to make sign changes. The Department will not replace a signed destination with a new destination, regardless of annual trips, as long as the signed destination remains in operation. If a request for supplemental guide signing is received, but the interchange has the maximum number of destinations, then the request shall be denied. So long as the signed destination is in business, the Department will not replace it with a new destination, even if it has a higher number of annual trips.

~~(6) Occasionally, simultaneous applications for guide signing are received. Recalling that the intent of guide signing is to provide guidance for motorists who are not familiar with the route or area, the following shall be considered when developing a guide sign system:~~

(a) Highest preference will be given to destinations that ~~would~~ attract a larger number of trips from distances greater than 100 miles.

(b) The likelihood that the destination will continue to generate a high number of trips or if there is ~~are~~ seasonal characteristics.

(c) Local government recommendations.

(d) ~~The development of a regional signing plan, with the cooperation of local government and the tourism industry with the development of a regional signing plan organizations.~~

(e) When concurrence can be reached by all affected parties, changes to the Department's supplemental guide sign system may be approved through the permit system.

~~(7) Supplemental guide sign destinations are subject to a four year review cycle to verify that the trip generation characteristics are consistent with Department signing goals. This review will confirm that at least mid-way through the life of the sign panel (approximately seven to eight years) an opportunity will exist to make sign changes.~~

~~(7)(8) Table 2 4, Criteria for Signing Destinations on Limited Access Facilities, and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, are mandatory criteria for guide signs installed under this rule chapter. The criteria will assist the District Traffic Operations Engineer in when determining which destination will be signed for on both limited and non-limited access facilities.~~

(8) Destinations signed prior to the implementation of this rule chapter shall not be subject to the requirements of this rule chapter.

(9) Signs may be approved by the Department for installation for research and evaluation purposes only. If the Department evaluation of the temporary installation is that to allow same on a permanent basis would be appropriate then the rule will be revised accordingly.

| Type of Destination                                                                                                                                 | Criteria                                        | Guidelines                     |                          |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------|--------------------------|--------------------------|
|                                                                                                                                                     |                                                 | Major Metro Areas <sup>1</sup> | Urban Areas <sup>2</sup> | Rural Areas <sup>3</sup> |
| State and National Parks, and State Forest Recreational Areas                                                                                       | Miles from Interchange                          | 15                             | 15                       | 15                       |
| Private Colleges and Universities                                                                                                                   | Number of Trips Generated Annually <sup>e</sup> | 900,000 <sup>a</sup>           | 550,000 <sup>a</sup>     | 300,000 <sup>a</sup>     |
|                                                                                                                                                     |                                                 | 1,200,000 <sup>b</sup>         | 750,000 <sup>b</sup>     | 450,000 <sup>b</sup>     |
|                                                                                                                                                     | Miles from Interchange                          | 15                             | 15                       | 15                       |
| Military Bases                                                                                                                                      | Number of Trips Generated Annually <sup>e</sup> | 5,000,000                      | 4,000,000                | 3,000,000                |
|                                                                                                                                                     | Miles from Interchange                          | 10                             | 10                       | 10                       |
| Veteran's Administration (VA) Hospitals                                                                                                             | Miles from Interchange                          | 10                             | 10                       | 10                       |
| Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.) | Number of Trips Generated Annually <sup>d</sup> | 200,000                        | 165,000                  | 135,000                  |
|                                                                                                                                                     | Miles from Interchange <sup>4</sup>             | 5                              | 5                        | 5                        |

|                                                                                                                                                                                                                                                                                                                                                        |                                                 |         |         |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------|---------|---------|
| Historical, Cultural, or Recreational Attractions, Historic Districts                                                                                                                                                                                                                                                                                  | Number of Trips Generated Annually <sup>d</sup> | 100,000 | 100,000 | 100,000 |
| 1. Over 50,000 population.                                                                                                                                                                                                                                                                                                                             |                                                 |         |         |         |
| 2. 5,000 to 49,999 population.                                                                                                                                                                                                                                                                                                                         |                                                 |         |         |         |
| 3. Under 5,000 population.                                                                                                                                                                                                                                                                                                                             |                                                 |         |         |         |
| 4. The distance may be increased 1/2 mile for each 10 percent over the minimum requirement listed to a maximum of 2 times the maximum distance listed.                                                                                                                                                                                                 |                                                 |         |         |         |
| a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 1.5 (college or university without dormitories, each student equals 1.5 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators. |                                                 |         |         |         |
| b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 2.0 (college or university with dormitories, each student equals 2 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.      |                                                 |         |         |         |

|                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| e. <del>One employee or military personnel equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</del> |
| d. <del>Trip: a single or one direction vehicle movement either to or away from the traffic generator.</del>                                                    |

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

14-51.014 General Criteria.

(1) ~~Supplemental Guide signs for other than recreational, historical, or cultural facilities, shall be white on green in color. Guide Signs for recreational, historical, or cultural facilities shall be white on brown in color. For If there is an existing white on green destination supplemental guide signs sign in place, a combination sign consisting of white on green and white on brown shall be used with the colors separated by a common white border.~~

(2) Signing for a destination with a limited period of operation shall be displayed only during those periods of operation, and only if the destination generator meets the trips generated annually criteria referenced in Table 2 ~~1, Criteria for Signing Destinations on Limited Access Facilities, or Table 4; Criteria for Signing Destinations on Non Limited Access Facilities.~~ If occasional off-season usage exceeds 25 percent of the trips generated annually for most of the year, the signs may be displayed permanently.

~~Pari-mutuels exhibit distinct seasons and qualify based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.). The purpose of displaying these signs only during periods of operation is to aid the motorist who would not be aware of when the seasonally operated destination is open. This would prevent unnecessary trips to a closed facility.~~

(3) Traffic control signs Signing for major short term events, e.g., golf and tennis tournaments, boat and auto shows, that will attract a significant number of non-residents, shall be evaluated permitted based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(a) ~~Either~~ Static or portable cChangeable mMessage sSigns (PCMS) shall be erected no more than three days before, nor remain more than three days after, the signed event. Sign costs, such as design, installation, maintenance, and removal of the signing should be paid by the applicant.

(b) Both sStatic and PCMS signing will be installed through the Department's permit system pprocess. PCMS devices, and approved messages displayed on them shall only be used for traffic control, devoid of advertisements. PCMS devices shall be approved certified by the Department for use on the sState hHighway sSystem, and only used during the time of the event with a generic message.

(c) All applicable Department clear recovery zone requirements shall be met and short-term event signing cannot interfere with visibility/effectiveness of existing traffic control devices.

~~The purpose of allowing signs for special events is to facilitate the management of traffic for the event. Also, a facility may hold multiple events during the year, and motorists will be looking for information with the special event's name.~~

(4) In no case shall information relating to destinations, motorist services, and multi-modal facilities be displayed on a supplemental guide sign until trailblazer directional guide signing has been installed. ~~This is important in order to eliminate confusion to motorists. Trailblazer signs not only provide direction to the motorist, but confirmation that they have taken the correct turn to go to the selected destination.~~

(5) When there are more qualified destinations than can be signed, the local government recommendation as to the facilities to be signed will be considered. If the local government has no preference, the destinations that create the greatest traffic demand shall be signed, subject to standards specified in the following sections.

(6) No ~~supplemental~~ guide signs for destinations shall be erected prior to approval by the District Traffic Operations Engineer.

(7) ~~Supplemental Guide signs shall not be installed where such signing interferes with the function of traffic control devices impairs, and shall not impair visibility, or violates violate~~ minimum spacing distances listed in Table 1 ~~2; Minimum Spacing Distances for Signs.~~ In order to prevent subjecting motorists to too much information, there is a need to establish a priority in sign installation. This Ppriority guidelines in sign installation are is contained in Section 2A.16 of the MUTCD. The descending order of priority ~~for sign installation~~ is regulatory (white signs), warning (yellow signs), exit (principle) direction and supplemental destination (green signs), general service (blue signs), and historical, recreational, and cultural (brown signs).

| Speed (mph)          | Minimum Spacing Distance (feet) |
|----------------------|---------------------------------|
| <u>25 or less</u>    | <u>Engineering Judgment</u>     |
| 30 – 35              | 200                             |
| 35 – 45              | 250                             |
| 50 – 60              | 300                             |
| 60 – 70 (Interstate) | 800                             |

(8) Any qualifying destination, such as colleges or universities, that incorporates a pictograph in the sign design, as allowed in the MUTCD, must fabricate, install, and maintain the sign assembly through the Department's permit system.

~~(9)~~(8) The proposed design, location, materials, and support structure must fully comply with current Department's Design Standards Indices Numbered 11200, 11310, 11860 and

17302, and Sections 700 and 994, “Retroreflective and Non-reflective Sign Sheeting,” from the Standard Specifications for Road and Bridge Construction, current 2004 edition. These documents, incorporated herein by reference, can be downloaded at the following locations:  
<http://www.dot.state.fl.us/rddesign/DesignStandards/Standards.shtm>;  
<http://www.dot.state.fl.us/specificationsoffice/>  
<http://www.dot.state.fl.us/rddesign/rd/RTDS/08/11200.pdf>;  
<http://www.dot.state.fl.us/rddesign/rd/RTDS/08/11860.pdf>;  
<http://www.dot.state.fl.us/rddesign/rd/RTDS/04/17302.pdf>;  
<http://www.dot.state.fl.us/specificationsoffice/2007BK/994.pdf>;  
<http://www.dot.state.fl.us/specificationsoffice/2007BK/JanWorkBook2008/SS9940304.pdf>;

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended 6-24-08, \_\_\_\_\_.

**PART II GUIDE SIGNS ON LIMITED ACCESS FACILITIES**

14-51.020 Supplemental Guide Signs.

(1) General.

~~(a) Florida Farm Wineries qualify for signing as defined by Section 599.004, F.S. Signs shall be installed based on space availability.~~

~~(b) Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) is met. The safety and operational problems shall be documented and affect both site destined and other traffic.~~

~~(c) State-funded community college, vocational/technical center, or university main campus are eligible for signing. Satellite campuses are eligible, if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.~~

~~(d) Private colleges and universities that meet the trip generation referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, are eligible for signing. Private universities with existing signs will be allowed to retain their signs, so long as they remain active, because they were signed for before these criteria were developed.~~

~~(e) Schools which are licensed by the Department of Education’s Commission for Independent Education are not eligible for signing, unless they meet trip generation criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities.~~

~~(f) Signing for multi modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service. Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride. A signing plan for multi-modal facilities must be submitted.~~

~~(g) Veterans’ Hospitals which are designated as the regional treatment center for veterans are eligible for signing on limited access facilities.~~

~~(h) Medical facilities which have regional, statewide, or national significance, that provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on limited access facilities. The installation of these signs is beneficial to the motorists unfamiliar with the area who have been referred to these facilities, and who must travel distances greater than 100 miles to receive treatment.~~

~~(i) The criteria referenced for destinations listed in Table 2 1, Criteria for Signing Destinations on Limited Access Facilities are used to determine which supplemental destinations ~~destination~~ will be signed for on limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).~~

**Table 2 – Criteria for Signing Destinations on Limited Access Facilities**

| Type of Destination                                           | Criteria                                        | Guidelines                     |                          |                          |
|---------------------------------------------------------------|-------------------------------------------------|--------------------------------|--------------------------|--------------------------|
|                                                               |                                                 | Major Metro Areas <sup>1</sup> | Urban Areas <sup>2</sup> | Rural Areas <sup>3</sup> |
| State and National Parks, and State Forest Recreational Areas | Miles from Interchange                          | 15                             | 15                       | 15                       |
| Private Colleges and Universities                             | Number of Trips Generated Annually <sup>c</sup> | 550,000 <sup>a</sup>           | 550,000 <sup>a</sup>     | 300,000 <sup>a</sup>     |
|                                                               |                                                 | 1,200,000 <sup>b</sup>         | 750,000 <sup>b</sup>     | 450,000 <sup>b</sup>     |
| Military Bases                                                | Miles from Interchange                          | 15                             | 15                       | 15                       |
|                                                               | Number of Trips Generated Annually <sup>c</sup> | 5,000,000                      | 4,000,000                | 3,000,000                |
|                                                               | Miles from Interchange                          | 10                             | 10                       | 10                       |
| Veteran’s Administration (VA) Hospitals                       | Miles from Interchange                          | 10                             | 10                       | 10                       |



|                                                                                                                                                                                                                                                                                                                                                               |                                                       |                |                |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------|----------------|----------------|
| <u>Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)</u>                                                                                                                                                                                                    | <u>Number of Trips Generated Annually<sup>d</sup></u> | <u>200,000</u> | <u>165,000</u> | <u>135,000</u> |
|                                                                                                                                                                                                                                                                                                                                                               | <u>Miles from Interchange<sup>d</sup></u>             | <u>5</u>       | <u>5</u>       | <u>5</u>       |
| <u>Historical, Cultural, or Recreational Attractions, Historic Districts</u>                                                                                                                                                                                                                                                                                  | <u>Number of Trips Generated Annually<sup>d</sup></u> | <u>100,000</u> | <u>100,000</u> | <u>100,000</u> |
| <u>1. Over 50,000 population.</u>                                                                                                                                                                                                                                                                                                                             |                                                       |                |                |                |
| <u>2. 5,000 to 49,999 population.</u>                                                                                                                                                                                                                                                                                                                         |                                                       |                |                |                |
| <u>3. Under 5,000 population.</u>                                                                                                                                                                                                                                                                                                                             |                                                       |                |                |                |
| <u>4. The distance may be increased ½ mile for each 10 percent over the minimum requirement listed to a maximum of 2 times the maximum distance listed.</u>                                                                                                                                                                                                   |                                                       |                |                |                |
| <u>a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) x 1.5 (college or university without dormitories, each student equals 1.5 trips) x Number of semesters per year x Number of weeks per semester x 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</u> |                                                       |                |                |                |
| <u>b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) x 2.0 (college or university with dormitories, each student equals 2 trips) x Number of semesters per year x Number of weeks per semester x 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</u>      |                                                       |                |                |                |
| <u>c. One employee or military personnel equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.</u>                                                                                                                                                                                                   |                                                       |                |                |                |
| <u>d. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.</u>                                                                                                                                                                                                                                                      |                                                       |                |                |                |

(j) ~~As stated in subparagraph 14-85.004(10)(h)6., F.A.C., of the Logo Sign Program, if a destination qualifies for a business logo in the attraction category, it shall not be displayed on an existing supplemental guide sign. If the destination wants to apply and is approved for a business logo in the attraction category, it will be removed from the supplemental guide sign.~~

(2) Standards.

(a) ~~As specified in the MUTCD, Not more than one supplemental guide sign shall be erected at each interchange approach. The supplemental guide sign shall contain no more than two destinations with no more than three lines of legend, excluding exit numbers or exit directions.~~

(b) ~~If As specified in the MUTCD, not more than two supplemental guide sign panels are required destinations shall be signed at any one interchange approach only one destination shall be displayed on each panel. Not more than two destinations shall be signed at any one interchange approach. Each supplemental guide sign shall contain no more than two destinations, with no more than three lines of legend, excluding exit numbers or exit directions.~~

(c) Each destination shall be signed only once in each direction. ~~This limit is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

(d) ~~Supplemental guide signs Signs for destinations shall be located in advance of the interchange that is the most practical route to the facility. Local government recommendations on the most practical route will be considered. It is important to note that there may not be space available at the exit with the most direct route.~~

(e) ~~“DOWNTOWN” signs shall meet the following criteria in order to be considered for supplemental guide signing:~~

1. ~~“DOWNTOWN” signs will only be considered for the largest core city of an urban area population of 50,000 or more.~~

2. ~~The limited access facility must traverse the incorporated limits of the city under consideration and have multiple exits for each direction of travel. This is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

3. ~~The urban guide signing concept, as specified in Section 2E.06 of the MUTCD, shall be in effect.~~

4. ~~A distinct central business district shall exist. Strip development business centers shall not qualify.~~

5. ~~Only one such sign will be permitted for each direction of travel. The sign shall be erected in advance of the most direct route to the downtown core. This is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

(e)(f) ~~Countdown (Trailblazers shall not be erected on the mainline portion of limited access facilities. Trailblazers are used to provide direction and confirmation to motorists. Their size does not provide enough time for a motorist to read and comprehend the information contained on the sign, at such locations.~~

(f)(g) ~~Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, and other areas of this section, the name of the operating agency, community group, or enterprise shall not appear in the legend of any supplemental guide sign, or attached to it.~~

~~(h) Major metropolitan area airports and major seaport passenger facilities are considered prime destinations and are eligible for signing.~~

~~(i) Signing for general aviation will not be allowed. This prohibition is based on the fact that tourists looking for the major commercial airports can be confused by general aviation signing, thinking the destination is the commercial airport.~~

~~(g)(a) Supplemental guide signs shall not be installed in advance of freeway-to-freeway interchanges. Interchanges between freeways are major decision points; therefore, the sign messages shall only contain the route shield, cardinal direction, and the name of the next control city on that route.~~

~~(h)(b) Supplemental guide signs shall be installed in advance of freeway-to-spur interchanges if the spur serves a local community.~~

### (3) Guidelines.

~~(a)(e) Recreational, Cultural, and historical, and recreational attractions or historical districts shall meet the trip generation criteria in Table 2 1, Criteria for Signing Destinations on Limited Access Facilities and the following specific criteria in order to be eligible for evaluation for signing:~~

~~1. The recreational, cultural, and historical, and recreational attractions attraction or historical district shall be identified by name on either the current Official Florida Transportation Map or other state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program. Identification on local city maps does not qualify an attraction for interstate signing.~~

~~2. Cultural and historical attractions or historical districts must be on the National Register of Historic Places, meet trip generation, be located within 15 miles of the limited access facility, and provide easy access for motorists, and ample all-weather (surface treated) parking to be eligible for signing. The attractions or districts can be are publicly or privately owned, but shall be operated on a non-profit basis and be open to the general public year-round for sign eligibility. Examples include forts, battlegrounds, plantations, archeological or geological sites, art galleries, and museums.~~

~~3. Any conversion of attendance to trip generation figures will be evaluated by the Department, based on general engineering practice. Historical attractions and historical districts shall be listed in the National Register of Historic Places.~~

~~4. Recreational attractions are major facilities located within 15 miles of the limited access facility corridor which provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing, or boating. Examples include public recreational facilities, state forest recreation areas, and wildlife refuges. Recreational attractions shall be operated on a non-profit basis and meet ADA accessibility~~

standards for public access. The above requirements are necessary due to the fact that a high number of destinations qualify for signing.

~~(b)(d) The criteria referenced in Table 2 1, Criteria for Signing Destinations on Limited Access Facilities, shall be used to determine which destination to sign for on new interchanges, or to determine which destination to add to an existing supplemental guide sign, with an existing destination.~~

(c)(e) For the purpose of geographic identification, only state lines, county lines, and municipal limits, as well as significant geographic features shown on the Official Florida Transportation Map, such as waterways, will be signed on limited access facilities. The limited access facility must traverse the corporate limits of a municipality for geographic identification guide signing limits in both directions. No custom place name signs or auxiliary panels will be permitted other than approved 48" x 48" pictographs representing the locality and having sufficient legibility and visual acuity on a standard white on green sign design. With the addition of the pictograph, the local government must provide an approved sign panel.

Unincorporated areas shall meet the criteria as shown in Rule 14 51.040, F.A.C., Place Name Signs, in order to qualify for signing. This requirement is necessary due to the high number of named places and limited space available for signing.

~~(d)(f) Airports shall be eligible qualify for signing on limited access facilities when they are served regularly by scheduled airlines with interstate passenger service. The standard airport symbol shall also be used with the airport name.~~

~~(e)(g) Deep water public cargo and/or passenger ports (for Port Authority locations) shall be eligible for signing.~~

~~(f)(h) Rail terminals shall be eligible qualify for signing on limited access facilities when they are intercity rail (Amtrak, Commuters, etc.). They must shall provide regularly scheduled passenger service and have parking spaces available to accommodate patrons for patron use.~~

~~(i) Park and Ride areas shall qualify for signing on limited access facilities when they are governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility shall have parking spaces for patron use.~~

(g) Certified Florida Farm Wineries shall be eligible for signing pursuant to Section 599.044, F.S. The Florida Farm Winery logo panel with supplemental name panel shall be installed based on space availability.

(h) Signing for "regional malls" or "regional shopping centers" (Malls) shall be eligible for signing through the Department's permit system: only if the facility is located within 5 miles of the qualifying interchange and occupies 1,000,000 square feet or more of active retail sales area (excluding any parking, business, residential or hotel space, landscape area, or shipping, receive, warehousing, or stock

areas). Malls with open-air promenades comprised of individual buildings, located together in a themed environment that meet the square feet requirement and are in a climate-controlled active retail area may be considered. To be eligible for signing as a Mall, all property included as square footage shall be managed by a single leasing agent and storefronts shall be on the same or contiguous properties. Outparcels are not included. If the District Traffic Operations Engineer determines that safety or operational problems can be attributed to unclear directions to the Mall, then a request shall be processed based on the criteria established in Rule 14-51.013, F.A.C.

1. If the minimum qualifying criteria is not met, the applicant shall submit a traffic engineering study performed by a licensed Florida professional engineer, addressing each of the qualifying criteria which include:

a. Research and evaluation of the need for any Mall directional signs on the roadway(s) leading to the Mall from the interchange.

b. The safety and operational issues affecting both site and non-site destined traffic.

c. Whether existing or proposed on-site Mall signage is visible and provides sufficient advance notice to motorists traveling on the limited access facility to recognize the Mall destination and safely enter the exit ramp at the interchange.

(i) State-funded community college main campuses, vocational/technical center campuses, and university main campus are eligible for signing. Satellite campuses are eligible, only if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher at the campus site.

1. If the campus requests a name change within four years of sign installation, the campus shall be responsible to contract for all supplemental guide sign panel replacements, at their own expense.

2. The campus shall provide an inventory of all existing supplemental guide sign sizes and locations, including the local road system.

3. The Department will provide an approved standard sign design for the supplemental guide signs on the state highway system. The Department will install the supplemental guide signs on the state highway system, unless a pictograph is requested in the design. All supplemental guide signs with pictographs shall be installed through the Department's permit system.

(j) Private colleges and universities, whether for-profit or non-profit, where student travel, to attend regularly scheduled classes at that campus meet the minimum trip generation criteria in Table 2 are eligible for signing through the permit system where space is available. Other private universities with existing signs will be allowed to retain their signs, so long as they remain active.

(k) Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing to any site, unless student travel to that site meets the trip generation criteria referenced in Table 2.

(l) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those that qualify as a general service. Multi-modal facilities are stations that link various modes of transportation: airports (air carrier and general aviation), seaports (passenger and cargo), commuter rail terminals, freight and intercity rail terminals, intercity buses, parking lots, garages, and Park and Ride. A signing plan for multi-modal facilities must be submitted.

(m) Veteran's Hospitals which are designated as the regional treatment centers center for veterans are eligible for signing on limited access facilities. VA community service and community based outpatient clinics, centers, benefits offices, and national veterans cemeteries are not eligible to be signed on limited access facilities.

(n) Medical facilities/research centers that have regional, statewide, or national significance, provide in-patient and out-patient services by advance appointment, perform specialized surgery or treatment of human diseases are eligible for signing on limited access facilities.

(o) If a destination qualifies for supplemental guide signing, but is participating in the logo program in the attraction category it shall not be eligible for supplemental guide signing. If a signed destination is approved for a business logo in the attraction category, then it will be removed from the supplemental guide sign.

(p) Major metropolitan area airports and major seaport passenger facilities are considered prime destinations and are eligible for signing.

(q) ~~Signing for~~ General aviation will not be eligible for signing allowed. This prohibition is based on the fact that tourists looking for the major commercial airports can be confused by general aviation signing, thinking the destination is the commercial aviation airport.

(r) "DOWNTOWN" signs must ~~shall~~ meet the following criteria in order to be eligible for ~~considered for~~ supplemental guide signing:

1. "DOWNTOWN" signs will only be considered ~~only~~ for the largest core municipality ~~city~~ of an urban area with a population of 50,000 or more.

2. The limited access facility must traverse the incorporated limits of the municipality under consideration and have multiple exits for each direction of travel.

3. The urban guide signing concept, as specified in Section 2E.06 of the MUTCD, shall be in effect.

4. A distinct central business district must exist. Strip development business centers and mixed-use urban development, or re-development areas, shall not qualify as "downtown" ~~or~~ be eligible for ~~or~~ signing.

5. Only one such sign shall ~~will~~ be permitted for each direction of travel. The sign shall be ~~erected~~ created in advance of the most direct route to the downtown core. ~~This is necessary due to the high number of destinations that qualify for supplemental guide signing.~~

(4) Destinations Not Eligible for Which Signing Shall Not Be Provided.

~~(a) Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program or General Services, signing shall not be provided for the following destinations, shown in Table 3, shall not be eligible for signing Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities. These restrictions are necessary due to the high number of destinations that qualify for supplemental guide signing, and the low number of motorists who are unfamiliar with the area and who are going to these destinations.~~

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Businesses           | <del>Chamber of Commerce, tTelevision/rRadio sStation, Theaters, live performance or movie theaters, mMotels/hHotels/iInns, tTravel tTrailer pParks, iIndustrial pParks and pPlants, commerce centers, sShopping or outlet cCenters (less than 1,000,000 square feet), auto malls, auctions, flea markets, mixed-use developments or re-developments (retail, and/or office, and/or residential, and/or other commercial facilities or attractions regardless of combined trip generation).</del>                                                        |
| Cemeteries           | <del>Local, sState, federal, sovereign nation, pPublic, pPrivate.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Community Facilities | <del>Libraries, cChurches, sSubdivisions, mMixed uUse fFacilities, community and general aviation airports, recreational facilities or parks.</del>                                                                                                                                                                                                                                                                                                                                                                                                      |
| Governmental         | <del>Research/cExperimental campuses even when associated with a state college or university; student and field trip traffic generation state, regional, district headquarters, local offices even where trip generation is associated with public meetings, hearings or permit applications, Government centers, cCourthouses, dDrivers' lLicense cCenters, jJails, cCorrectional facilities, prisons, cCivil dDefense fFacilities, mMaintenance fFacilities, pPower pPlants, gaming facilities not operated under Florida pari-mutuel licensing.</del> |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Schools                 | <del>K through 12, sSeminaries, post-graduate educational facilities.</del>                                                                                                                                                                                                                                                                                                                                                                                               |
| Historical              | <del>Homes/buildings/sites/landmarks publicly or Public and pPrivately oOwned Facilities operated for Profit, hHeritage tTrails.</del>                                                                                                                                                                                                                                                                                                                                    |
| Medical                 | <del>All classes of hospitals, and other licensed facilities except as specified in Rules 14-51.021 and 14-51.020, F.A.C., mMental health fFacilities, rResearch fFacilities, sSanitariums, rehabilitation/iInfirmaries/tTreatment cCenters, nNon hHospital Veteran's fFacilities, cCounty/fFraternal/nNursing hHomes, rRetirement fFacilities, hHumane fFacilities including animal emergency services, Hospitals (not qualified under General Motorist Services).</del> |
| Military                | <del>Sites/dDetachments, aArmories, aArsenals.</del>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Recreation/Conservation | <del>Country cClubs/gGolf courses/resorts, fFish hHatcheries, gGame fFarms, tFree nNurseries/aArboretums, pPoints of iInterest, cCamps (sScout, cChurch, 4-H, yYouth, YMCA/YWCA) nNature tTrails, conservation or protection areas, conservation developments, watersheds, trail heads and crossings.</del>                                                                                                                                                               |

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History–New 3-27-05, Amended.

14-51.021 General Service Signs.

~~General service signing is used when such services are infrequent, and not within sight of the interchange.~~

~~(1) General Criteria.~~

~~(a) General service signing is used when the general services provided are infrequent and not within sight of the interchange.~~

~~(b)(a) Requests for general service signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.~~

~~(c)(b) General service sSigning for general services is considered supplemental to overall signing.~~

~~(d)(e) General service signs, including signing for state agency buildings, have a white legend on blue background, excluding except for multi-modal facilities.~~

~~(e)(d) The name or pictograph representing of the operating agency, community, group, individual, or enterprise shall not appear on the general service sign, except for state agency buildings; and other facilities meeting the criteria established in this rule chapter. If a pictograph is used, it shall be installed through the Department's permit system.~~

~~(f)(e)~~ Symbol signs for ~~hHospital, aAirport, Amtrak, Greyhound, cCruise-based sSeaports, and cCommuter rRail, and multi-modal terminals~~ can be used in urban or rural areas, when ~~the they qualify based on~~ criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) ~~are met.~~

~~(f) Tourist Information Centers will use word legend signs. The results of an International Signing Study showed that the international tourist understood the word message more than the “i” or “?” symbol.~~

~~(g) In no case shall general service signing be erected that would function primarily as advertisements for businesses.~~

~~(h) In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the exit to the service. Signs for a Hospital shall be erected on the State Highway System in advance of the interchange which provides the most practical route to that facility when the hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting The purpose of the Hospital sign is to provide direction to motorists in need of immediate medical services.~~

~~(i) Tourist Information Center signs will be erected on the State Highway System when:~~

- ~~1. The signing requests are received from local government; and~~
- ~~2. The destination provides continuous service for a minimum of eight hours a day, seven days a week; and~~
- ~~3. The destination is operated exclusively by a non-profit organization, or is approved by local government to operate as a tourist information center; but~~
- ~~4. If the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season.~~

~~(j) In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the exit to the service.~~

~~(2) Standards.~~

~~(a) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, where logo signs are utilized, general service signs shall not be used. General service sSigning for general services off the Department’s right of way shall will not be provided when those services are conveniently located off an interchange.~~

~~(b) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, only symbol signs will be used to advise of the availability of gGas, fFood, lLodging, cCamping, hHospital, and telephone Phone on rural limited access facilities Symbol signs for Hospital can be used in urban areas based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).~~

~~(c) When three or fewer general of these services are available at a given interchange, and it is unlikely that more than three general services will be provided in the near future,~~

the symbol signs denoting these general services will be ~~attached appended~~ to the advance guide sign. At locations where the “NEXT EXIT 00 MILES” panel is attached to the advance guide sign, the symbol ~~service~~ signs will be attached appended to the exit direction sign. If four or more general services are available at an interchange, or are anticipated in the near future, ~~it will be necessary to install~~ a supplemental roadside sign denoting the available general services and by symbols, with the bottom line of copy reading “NEXT RIGHT” or the interchange exit number shall be installed.

(3) Guidelines. Each general service sign has its own set of criteria that must be met in order for signing to be provided on limited access facilities.÷

(a) Gas.

1. The sService station facility shall be is located within 1 mile of the exit ramp terminal;
2. Is open for continuous service a minimum of 16 hours ~~each day, 7 days a week;~~
3. Provides vehicle services including fuel and oil;
4. Provides public rest rooms; and
5. Has a telephone available for public use.

(b) Food.

1. The A restaurant facility is located within 1 mile of the exit ramp terminal;
2. Serves a complete meal and is open for continuous service a minimum of 14 hours ~~each day, 7 days a week;~~
3. Provides public rest rooms;
4. Has a telephone available for public use; and
5. Is licensed by as meeting the requirements of the Florida Department of Business Regulation, Division of Hotels and Restaurants, and the local County Health Department.

(c) Lodging.

1. The lodging facility is located within 1 mile of the exit ramp terminal;
2. Is equipped with 20 or more units for rent;
3. Has a telephone available for public use; and
4. Is licensed by the as meeting the requirements of Florida Department of Business Regulations, Division of Hotels and Restaurants, and the local County Health Department.

(d) Camping.

1. The camping facility is located within 5 miles of the exit ramp terminal;
2. Is equipped with a minimum of 25 rental camp sites (RV and tent not just one or the other);
3. Is equipped with indoor sanitary toilet and bathing facilities;
4. Has a telephone available for public use; and
5. Is licensed by as meeting the requirements of the local County Health Department.

~~(e) Hospital Emergency Room Service Signs for a Hospital will be erected in rural and urban areas in advance of an interchange when:~~

~~1. General service signs for hospital emergency room services will be erected in rural and urban areas in advance of an interchange when: The hospital facility is located not more than 10 miles from the exit ramp terminal; and~~

~~2. The purpose of the hospital sign is to provide direction to motorists in need of immediate medical services. Hospital general service signs shall be erected in advance of the interchange which provides the most practical route to that facility when the hospital facility has an emergency room open 24 hours, 7 days a week. In the event a hospital meets the criteria, but another hospital is closer by continuing along the limited access facility to another exit, the first hospital will not be signed for.~~

~~3. Where more than one hospital meeting the criteria is available from any one interchange, only the hospital located closest to the exit point shall be signed or trailblazed.~~

~~4. The hospital facility shall not be located more than 10 miles from the exit ramp terminal; and~~

~~5. In the event a hospital meets the criteria, but another hospital is closer by continuing along the limited access facility to another exit, the first hospital will not be signed.~~

~~(f) Tourist Information Centers Signs for a Tourist Information Center will be erected when the center is located on a direct route from the limited access highway and not more than 1 mile from the exit ramp;~~

~~1. Tourist information centers should be signed as a general service with the word legend "INFO" and~~

~~2. Signs for tourist information centers will be erected when the center is located on a direct route from the limited access facility and not more than 1 mile from the exit ramp; and~~

~~3. Tourist information center signs will be erected when:~~

~~a. The general service signing requests are received from local government; and~~

~~b. The destination provides continuous, professionally staffed service for a minimum of 8 hours, 7 days a week; and~~

~~c. The destination, located within 1 mile of the interchange, is operated exclusively by a non-profit organization, or is approved by local government to operate as a tourist information center.~~

~~4. If the tourist information center is operated on a seasonal basis, the general service signs shall be removed during the off season.~~

~~5. All trailblazers on the non-limited access facility shall be installed by the local government agency through the Department's permit system.~~

~~(g) Telephone Symbol signs will be erected when:~~

~~1. The telephone is a public telephone available for use 24 hours a day, 7 days a week; and~~

2. The telephone is located within the immediate interchange area, not more than 1/2 mile from the interstate or exit ramp, and the immediate interchange is located in an isolated rural area; and-

3. The interchange does not have Signs denoting Telephone shall not be installed in advance of interchanges where Gas, Food, Lodging, or Camping (located within 1 mile of the interchange) is identified since a criterion for signing for these services includes the availability of a telephone for public use.

(h) Pari-mutuels associated with jai-alai, horse tracks, or dog tracks shall display word legend JAI-A'LAI, HORSE TRACK, or DOG TRACK. The state standard symbol shall not be displayed on limited access facilities. The registered name of a qualifying pari-mutuel facility shall only be displayed documentation that a distinction is necessary for safe navigation and travel confirmation for its patrons.

(i) Park and Ride areas shall qualify for general service on limited access facilities when they are governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility shall have parking spaces available for patron use.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

PART III GUIDE SIGNS ON NON-LIMITED ACCESS FACILITIES

14-51.030 Destination Supplemental Guide Signs.

(1) General.

(a) The criteria referenced for destinations listed in Table 4 are used to determine which destinations will be signed for on non-limited access facilities. Florida Farm Wineries qualify for signing as defined by Section 599.004, F.S. Signs shall be installed at the nearest state highway intersection based on space availability.

(b) For pari-mutuel facilities that offer gaming, trip generation that may be attributed to the draw of the gaming activity alone are not eligible to qualify that facility for destination guide signing as an attraction on the basis of trip generation. Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) are met. Safety and operational problems shall be documented and affect both site destined and other traffic.

(c) A state-funded community college, vocational/technical center, or university main campus are eligible to request signing. Satellite campuses are eligible if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.

~~(d) Private colleges and universities that meet the trip generation referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are eligible for signing. Private universities with existing signs will be retained so long as they remain active, because they were signed for before these criteria were developed.~~

~~(e) Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing unless they meet trip generation criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.~~

~~(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service.~~

~~(g) Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride.~~

~~(h) A signing plan for multi-modal facilities must be submitted.~~

~~(i) Veterans' Hospitals which are designated as the regional treatment center for veterans are eligible to be signed for on non-limited access facilities.~~

~~(j) Medical facilities which provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on non-limited access facilities. The installation of these signs would be helpful to the motorists unfamiliar to the area who have been referred to these facilities, and must travel distances greater than 100 miles to receive treatment.~~

~~(k) The criteria referenced for destinations listed in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are used to determine which destination will be signed for on non-limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C).~~

(2) Standards.

(a) Not more than six eligible qualifying destinations, including cities, shall be signed at any intersection approach. Exception for community wayfinding guide sign systems and TODS guide signing are found in Rule 14-51, Part V and Part VI, F.A.C. These eligible qualifying destinations shall ~~should~~ not be indicated on not more than two 2 separate signs; with no more than three lines of legend on each sign. ~~This limit is necessary due to the limited availability of Department right of way to install signs, and the need to provide enough time for the motorist to read and comprehend the sign messages.~~

(b) If there are four ~~three~~ destinations to be signed at a given intersection, all four ~~three~~ destinations should ~~shall~~ be included on one sign, unless lateral restrictions limit sign panel square footage.

(c) ~~Signs for Destinations~~ guide signs shall be located in advance of the intersecting roadway that is the most direct ~~and/or~~ desirable route to the facility. Local government recommendations on the most desirable route will be considered. ~~This is necessary~~ because the most direct route may have roadway safety features that are less desirable than the longer route.

(3) Guidelines.

(a) Any state or national park; or state forest; open to the public and offering multiple recreational activities with ADA access and accommodations, including restrooms and paved handicapped parking, shall be eligible. Countdown trailblazers permitted in rural areas for route confirmation. Advance mileage signs for these parks are eligible for signing. Sign panels, installation, and maintenance shall be provided by the park or forest destination. Advance signs shall not be located ~~no~~ more than 10 miles from the park entrance.

| Type of Destination                  | Criteria                                                             | Guidelines                                       |                          |                          |
|--------------------------------------|----------------------------------------------------------------------|--------------------------------------------------|--------------------------|--------------------------|
|                                      |                                                                      | Major Metro Areas <sup>1</sup>                   | Urban Areas <sup>2</sup> | Rural Areas <sup>3</sup> |
| State Colleges and Universities      | Nearest <u>intersection to the sState hHighway sSystem. Juncture</u> |                                                  |                          |                          |
| Private Colleges and Universities    | Number of Trips Generated Annually <sup>c</sup>                      | <u>550,000<sup>ad</sup> 900,000<sup>ad</sup></u> | 550,000 <sup>ad</sup>    | 300,000 <sup>ad</sup>    |
|                                      |                                                                      | 1,200,000 <sup>bd</sup>                          | 750,000 <sup>bd</sup>    | 450,000 <sup>bd</sup>    |
| Private Vocational/Technical Schools | Number of Trips <sup>4</sup> Generated Annually                      | 675,000 <sup>d</sup>                             | 550,000 <sup>d</sup>     | 300,000 <sup>d</sup>     |
| Military Bases                       | Number of Trips <sup>4</sup> Generated Annually <sup>c</sup>         | 5,000,000 <sup>c</sup>                           | 4,000,000 <sup>c</sup>   | 3,000,000 <sup>c</sup>   |

|                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------|-------|
| Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)                                                                                                                                                                                                                                                | Number of Trips <sup>4</sup> Generated Annually                                                                                                                                                                                                                                                                                                  | 37,500 trips plus 3,750 per mile of distance from intersection |         |       |
| State and National Parks, and State Forest Recreational Areas                                                                                                                                                                                                                                                                                                                                      | Nearest <del>h</del> Intersection to the <del>s</del> State <del>h</del> Highway <del>s</del> System.                                                                                                                                                                                                                                            |                                                                |         |       |
| Youth Camps (YMCA, Scouts, etc.)                                                                                                                                                                                                                                                                                                                                                                   | Signing only in rural areas, with facilities for a <u>minimum of 50 persons</u> <del>minimum</del> on an overnight basis and in operation for at least 6 months of the year.                                                                                                                                                                     |                                                                |         |       |
| <del>Mental Health Institutions and Medical Facilities</del>                                                                                                                                                                                                                                                                                                                                       | Minimum of 500 beds <u>in urban and suburban areas</u> . Nearest <del>s</del> State <del>h</del> Highway <del>s</del> System Exit. <u>Bed minimum can be lowered for hospitals with access off the state highway system serving isolated, rural county populations.</u>                                                                          |                                                                |         |       |
| Downtown                                                                                                                                                                                                                                                                                                                                                                                           | There must be a clear central core commonly considered the downtown area that is located on an intersecting road a maximum of 3 miles off the state road. <u>This excludes requests for signing new development or re-development zones as “downtown” that were not historically the “downtown” prior to new construction or rehabilitation.</u> |                                                                |         |       |
| Drivers License                                                                                                                                                                                                                                                                                                                                                                                    | Nearest <del>h</del> Intersection only.                                                                                                                                                                                                                                                                                                          |                                                                |         |       |
| State Agency Buildings                                                                                                                                                                                                                                                                                                                                                                             | Number of Trips <sup>4</sup> Generated Annually                                                                                                                                                                                                                                                                                                  | 260,000                                                        | 100,000 | 1,500 |
| 1. Over 50,000 population (Section 334.03, F.S.).                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| 2. 5,000 to 49,999 population (Section 334.03, F.S.).                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| 3. Under 5,000 population.                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| 4. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) <del>x</del> 1.5 (college or university without dormitories, each student equals 1.5 trips) <del>x</del> Number of semesters per year <del>x</del> Number of weeks per semester <del>x</del> 5 days per week. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators. |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) <del>x</del> 2.0 (college or university with dormitories, each student equals 2 trips) <del>x</del> Number of semesters per year <del>x</del> Number of weeks per semester <del>x</del> 5 days per week. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.      |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| c. One employee or military personnel equals 0.9 trips. Figures based on AASHTO’S 2001 Selection of Supplemental Guide Signs for Traffic Generators.                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |
| d. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                  |                                                                |         |       |

(b) “DOWNTOWN” signs shall meet the following criteria in order to be considered for ~~destination supplemental~~ destination supplemental guide signing.

1. “DOWNTOWN” signs will be considered for ~~municipalities~~ cities with a population of 5,000 or more.

2. The non-limited access facility route shall traverse the ~~municipal city~~ municipal city limits.

3. A distinct central business district must exist. Strip development, ~~business centers, mixed-use development, or re-development~~ shall not be considered as “downtown” or as a qualifying destination for guide signing unless it was historically identified as the “downtown” qualify.

4. Only one such sign will be permitted for each direction of travel ~~This requirement is necessary in order~~ to provide the most practical route to the central business district.

(c) The criteria referenced in Table 4, ~~Criteria for Signing Destinations on Non-Limited Access Facilities,~~ shall be used to determine which destination to add to an existing ~~destination supplemental~~ destination supplemental guide sign, ~~with an existing destination.~~

~~(d)~~ Hospitals are eligible for destination guide signing when the hospital does not have access from the state highway system, and is not located more than three miles from the intersection to be signed (other than trailblazers from a limited access facility).

~~(e)~~ Unincorporated areas shall meet the criteria ~~as~~ shown in Rule 14-51.041, F.A.C., ~~Place Name Signs,~~ in order to qualify for signing ~~This requirement is necessary due to the high number of named places and limited space available for signing.~~ Counties may develop a program to sign the boundaries of unincorporated communities with historic or cultural interest that are not on the Official Florida Transportation Map, through the Department’s permit system. Standard white-on-green geographic identification signs may be placed within the Department’s right-of-way. All custom place name signs for unincorporated communities must be located outside the right-of-way.

~~(f)~~ Recreational, historical, or cultural attractions funded by federal, state, or local governments are eligible for destination guide signing. Such attractions shall meet the following specific criteria in order to be eligible ~~qualify~~ for signing:



1. Historical attractions shall be listed in the National Register of Historic Places and be open to the general public year round. ~~City historical areas or districts shall be officially declared by either city or county resolution in order to qualify for signing.~~

2. Cultural attractions shall be open to the general public year round.

3. Signs ~~for such facilities~~ shall be limited to the nearest intersection to the ~~sState hHighway sSystem juncture~~.

4. Recreational attractions shall be operated on a non-profit basis and include multiple activities such as picnicking, camping, hiking, swimming, fishing, or boating.

5. All recreational, historical, or cultural attractions shall have multiple activities, restrooms, ADA access and paved handicapped parking facilities. ~~The recreational, historical, or cultural attraction is identified by name on state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program, Canoe Trail Signing Program. The above requirements are necessary due to the high number of destinations that qualify for supplemental guide signing.~~

(g)(f) Signs shall be installed to identify designated, developed parking areas for state or local recreational trails only. To be eligible for destination guide signing, the recreational trail must be ADA accessible and the parking ADA compliant. These signs are for traffic control purposes only, and are not intended for advertisement.

~~(g) Small businesses that are under contract with the United States Postal Service (USPS) to provide their services are eligible for signing. In order to qualify for signing they shall have a contract with the USPS and provide a confirmation letter from the USPS along with their written request for signing. The signs shall be green background with white lettering and have the appropriate directional arrow.~~

~~(h) Requests for destination signing by local government agencies shall be approved through the Department's permit process. The Department shall allow local government to fabricate and install these supplemental guide signs pursuant to Department direction. Signs for the following facilities shall be erected at the intersection nearest the facility based on locations for these signs that do not interfere with official traffic control devices:~~

~~1. Post Offices, including contract USPS referenced above;~~

~~2. Libraries;~~

~~3. Recycling Drop-Off Centers;~~

~~4. Courthouses;~~

~~5. Publicly owned Vocational/Technical Schools that meet criteria established in Table 4, Criteria for Signing Destinations on Non Limited Access Facilities;~~

~~6. Parks;~~

~~7. High Schools;~~

~~8. Tax Collectors;~~

~~9. Chamber of Commerce;~~

~~10. Animal Shelters;~~

~~11. City/Town Halls;~~

~~12. Landfills;~~

~~13. Bus and Rail Stations; and~~

~~14. National Veterans' Cemeteries.~~

~~(i) Parking lots and garages shall qualify for signing if they are governmentally owned and open to the public, with non-reserved parking spaces, and not more than one mile from the intersection. The green and white "P" parking symbol sign shall be used without the name of the parking facility.~~

~~(h)(j) Rail Terminals shall be eligible qualify for destination guide signing when the they meet the following criteria are met:~~

~~1. Intercity rail (Amtrak, cCommuters, etc.) shall provide regularly scheduled passenger service and have parking spaces for patron use.~~

~~2. Intra-urban rail shall be approved by the Department, provide regularly scheduled service; and have parking spaces for patron use.~~

~~(k) Signing for an intercity bus service shall consist of the standard use of local bus stop signs.~~

~~(i) Destination guide sSigning for a an intra-city non-charter interstate bus service shall only include the standard general service signing for a Greyhound bus station and/or bus stop. The purpose of the standard Greyhound symbol sign is to assist motorists who are trying to locate a bus station which is inside a building, or a published, scheduled stop that is not serviced by any ticket agent at that remote stop.~~

~~(j)(m) Seaports, deep water public cargo, or passenger ports (for Port Authority locations) are eligible qualify for destination guide signing on non-limited access Controlled Access facilities.~~

~~(k)(n) Airports are eligible qualify for signing when the following criteria are met:~~

~~1. Air carrier airports are those which are served regularly by scheduled airlines. The airport symbol shall also be used with the airport name.~~

~~2. General aviation Aviation (open to public use) destination guide signs are allowed in each direction along the sState hHighway sSystem in advance of an intersecting roadway that which provides direct access to the airport property. Signing shall be limited to an intersection within three five miles of the airport. The facility may be named on an auxiliary panel with the general service airport sign. The directional arrow panel is mandatory. The airport general service sign should be pointed such that the tip of the airplane is pointed in the same direction of the arrow panel.~~

~~(l) Certified Florida Farm Wineries shall be eligible for destination guide signing pursuant to Section 599.004, F.S. The Florida Farm Winery logo with supplemental name panel shall~~

be installed at the nearest state highway intersection based on space availability for certified wineries. There is a fee associated with this signing.

(m) Regional malls or regional shopping centers (1,000,000 square feet or more) shall be eligible for destination guide signing through the permit system when safety or operational problems can be attributed to unclear directions and when the criteria established in Rule 14-51.013, F.A.C., are met. Safety and operational problems, where signing will improve corridor safety or relieve congestion and affects both site destined and other traffic, shall be documented by a Professional Engineer registered in the State of Florida.

(n) Colleges and Universities.

1. State-funded community college, vocational/technical center, or university main campuses are eligible to request destination guide signing. Satellite campuses are eligible if the curriculum allows students to obtain an associate of arts (AA) degree, or higher, attending classes at that campus (no travel to another campus or web-based courses to complete coursework in standard schedule). Name changes on existing destination guide signs made within four years of existing sign panel installation will be allowed at the expense of the college or university. The board shall be responsible to contract with a private vendor for the sign replacement panel, or overlay at their own expense. The Department will install and maintain the updated panel. The Department will provide an approved sign design that can be accommodated on the existing structure. Modifications, such as abbreviations to the desired legend text may be necessary. If a pictograph is used, the sign shall be installed and maintained through the Department's permit system.

2. Private and all for-profit colleges and universities that meet the trip generation referenced in Table 4 are eligible for signing through the Department's permit system, if they meet the criteria outlined in Rule 14-51.013, F.A.C. Private universities with existing signs will be retained so long as they remain active. Private and for-profit universities shall only be eligible for destination guide signing to distinct college campuses, when the core baccalaureate degree requirement courses are available in traditional classroom settings at that site and meet the trip generation criteria.

3. Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing to any site unless they meet the trip generation criteria referenced in Table 4.

(o) Signing for multi-modal transportation facilities is considered destination guide signing, except for those that qualify as a general service.

1. Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride.

2. A destination guide signing plan for multi-modal facilities shall be submitted.

(p) Veterans' Hospitals designated as the regional treatment center or State Veterans' nursing homes are eligible for destination guide signing on non-limited access facilities.

(q) Medical facilities/research providing by advance appointment, specialized surgery or treatment of human diseases, providing both in-patient and out-patient services, are eligible for destination guide signing on non-limited access facilities.

(r) Requests for destination guide signing by local government agencies shall be approved through the Department's permit system. The Department shall allow local governments to fabricate and install the following destination guide signs pursuant to Department standards and direction. The following facilities are eligible for destination guide signing when they do not have direct state road access. The signs shall be erected at the intersection nearest the facility and shall not interfere with official traffic control devices:

1. Post Offices, including small businesses that are under contract with the United States Postal Service (USPS) are eligible for destination guide signing, when requested by local government and signed through the Department's permit system. In order to qualify for signing they shall have a contract with the USPS and provide a confirmation letter from the USPS along with their written request for signing. The destination guide signs shall be green background with white lettering and have the appropriate directional arrow;

2. Libraries;

3. Recycling Drop-Off Centers;

4. Courthouses;

5. Publicly-owned Vocational/Technical Schools that meet criteria established in Table 4;

6. Parks;

7. High Schools;

8. Constitutional Officials, such as Tax Collectors;

9. Chamber of Commerce; Tourist information;

10. Animal Shelters;

11. City/Town Halls;

12. Landfills; Transfer Stations;

13. Bus and Rail Stations;

14. National Veterans Cemeteries;

15. Veterans Community Treatment Centers;

16. Multi-use developments/redevelopment areas, such as Town Centers, when it is demonstrated that the majority of traffic is generated by tourism;

17. Temporary signing for access to polling stations;

18. Tourist Oriented Directional Signing Systems in qualifying counties;

19. Place name signs for unincorporated communities;

20. Community Wayfinding Guide Sign Systems;

21. Custom Place name signs;

22. Public parking, parking lots and garages shall be eligible for destination guide signing if they are open to the public, with non-reserved parking spaces available daily, and not more than one mile from the intersection. The green and white "P" parking symbol sign shall be used without the name of the parking facility;

23. Destination guide signing for an intercity bus service shall consist of the standard single post local bus stop signs. Permit applications are not required, but all signs must be installed outside the clear zone and may not interfere with priority traffic control devices;

24. City historical areas or districts that are officially declared by either city or county resolution.

~~(4) Destinations for Which Signing Shall Not Eligible for Signing Be Provided on Non-Limited Access Facilities.~~

Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program or Rule 14-51.021, F.A.C., General Service Signs, destination guide signing shall not be provided for the following destinations shown in Table 5, Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities. The restrictions are necessary due to a high number of destinations that qualify for supplemental guide signing.

|                      |                                                                                                                                                                                                                                                                                                                  |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Businesses           | <del>Television/rRadio sStation, tTheaters, mMotels/hHotels/iInns, tTravel tTrailer pParks, iIndustrial pParks and pPlants, office parks, sShopping districts, strip malls; Centers (less than 1,000,000 square feet) mixed-use developments (retail, restaurant, office, residential in any combination).</del> |
| Cemeteries           | Local, sState, pPublic, and pPrivate.                                                                                                                                                                                                                                                                            |
| Community Facilities | Civic gGroups (Kiwanis, Lions, Rotary, etc.), cChurches, sSubdivision, mMixed uUse fFacilities, business districts.                                                                                                                                                                                              |
| Government           | State, lLocal and rRegional pPolitical oOffices or boundaries.                                                                                                                                                                                                                                                   |
| Schools              | K through 9.                                                                                                                                                                                                                                                                                                     |
| Medical              | Infirmaries, out-patient or residential tTreatment cCenters; cCounty, fFraternal or non-Veterans nNursing hHomes, rRetirement fFacilities, specialized short or long term treatment or rehabilitation facilities, ambulatory surgical center, specialty hospitals or clinics.                                    |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recreation/Con<br>servation | Water and sSoil cConservation dDistrict<br>bBoundaries, water sheds, habitat or<br>natural resource protection zones,<br>rRecreation cCenters (cCommunity<br>cCenters, sSwimming pPools,<br>bBaseball/sSoftball fFields, tTennis<br>cCourts, etc.), training centers, cCountry<br>cClubs, pPrivate gGolf cCourses, tFree<br>nNurseries/aArboretums (including those<br>sponsored by government services). |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History–New 3-27-05, Amended \_\_\_\_\_.

14-51.031 General Services Signs.

~~General service signing is used when the subject services are infrequent, and not within sight of the intersection.~~

(1) General Criteria.

(a) General service signing is used when the general services provided are infrequent, and not within sight of the intersection.

~~(b)(a)~~ Requests for General Sservice Ssigning (except Logo signing) shall be directed to the District Traffic Operations Engineer.

~~(c)(b)~~ Signing for general services is considered supplemental to overall signing.

~~(d)(e)~~ General service signs, including signing for state agency buildings, such as INFO and DRIVERS LICENSE, shall have a white legend on blue background; except for multi-modal and pari-mutuel general service signs are white-on-green, and recreational attractions are white-on-brown facilities.

~~(e)(d)~~ The name of the operating agency, community, group, individual, or enterprise shall not appear on the general service sign, except for state agency buildings; and other facilities meeting the criteria established in this section.

~~(f)(e)~~ Symbol signs for hospital, airport, Amtrak, Greyhound, cruise-based seaports, and commuter rail are authorized by the District Traffic Operations Engineer in urban or rural areas based on criteria established in Rule 14-51.013, F.A.C.

(g) In no case shall general service signing be erected that would function primarily as an advertisement for a business businesses.

~~(h)~~ The purpose of the hospital sign is to provide direction to motorists in need of immediate medical services. ~~When requested, signs for a Hospital shall be erected on the State Highway System in advance of the intersection which provides the most practical route to that facility when:~~

~~1. The hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed; and~~

~~2. The criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are met.~~

~~(i) Tourist Information Center signs qualify for signing on the State Highway System when:~~

~~1. The signing request is received from local government; and~~

~~2. The center gives continuous service for a minimum of eight hours a day, seven days a week; and~~

~~3. The center is operated exclusively by a non-profit organization or is approved by local government to operate as a Tourist Information Center; but~~

~~4. If the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season. If the Tourist Information Center sign is approved under the criteria referenced above, it shall be installed under the Department's permit process by local government.~~

~~(h)(j) In no case shall information relating to General service signing shall ~~not~~ services be displayed until trailblazers have trailblazer signing has been installed to direct motorists from the intersection to the service.~~

~~(i) Not more than one general service sign with a directional arrow for a particular service shall be displayed, in each direction, in advance of the intersection facility. General service signs shall only be located in advance of the intersecting road which is the best and most direct route to the facility.~~

~~(j) General signs on non-limited access facilities shall not be installed within competitive range of participating Logo sign program enterprises offering similar services.~~

~~(2) Standards.~~

~~(a) Police, sheriff, and highway patrol stations that are staffed and open 24 hours are eligible for general service signing. Guidance to a closed facility, even one with a "hotline" contact telephone, may increase danger or increase response time in an emergency. Not more than one sign with a directional arrow for a particular service shall be displayed, in each direction, in advance of the intersection to the facility. Signs for these services shall only be located in advance of the intersecting road which is the most direct and best route to the facility.~~

~~(b) Driver license, police, sheriff, and highway patrol stations that are open 24 hours are eligible for signing.~~

~~(b)(e) Hospitals are eligible for general service signing when the hospital emergency room is located not more than five three miles from an intersection (other than trailblazing from a limited access facility).~~

(c) When requested, general service signs for a hospital shall be erected on the state highway system in advance of the intersection which provides the most practical route to that facility when the hospital has an emergency room open 24 hours, 7 days a week. When more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed.

(d) Tourist information centers are eligible for general service signing when the center is located less than not more than one mile from the state highway system. Tourist information center signs qualify for signing on the state highway system when:

1. The signing request and permit application is received from local government; and

2. The center gives continuous service at least 8 hours, 7 days a week; and

3. The center is operated exclusively by a non-profit organization and is approved and receives funding by the local government to operate as a tourist information center.

4. If the tourist information center is operated on a seasonal basis, the signs shall be removed during the off season. If the tourist information center sign is approved under the criteria referenced above, it shall be installed under the Department's permit system by local government.

~~(3) Guidelines.~~

~~(e)(a) Boat ramp Ramp and camping facilities open to the general public and free of charge Camping signs are eligible for general service signing in advance of intersecting roads in rural areas with direct access to the facility provided the entrance is less than it is located not more than one mile from the state highway system and is open year round. If the facility is associated with a local park or recreation system, it shall be signed by the sponsoring agency through the Department's permit system.~~

~~(f)(b) Signing will be provided to state agency buildings with auditorium facilities where public meetings are hosted or generate significant daily traffic from which have large numbers of the general public's vehicular public access. The sign panels will be supplied by the applicant and installed by Department Maintenance forces where space allows on the sState hHighway sSystem. The applicant shall will also supply replacement panels when necessary. The sign shall will be installed adjacent to the building on the sState hHighway sSystem. If the building is located more than one mile from the state highway, then the sign shall will be placed at the nearest intersection, and trailblazers such trailblazing signs to the destination will be supplied by the applicant. Signing will be provided to those state agency buildings where the need for directional information is based on emergency situations, such~~

as emergency evacuation shelters, permits, and/or a state gas facility, is necessary. All other state agency buildings shall meet the following criteria:

1. ~~The~~ number of non-employee trips generated by the building shall meet the criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

2. Meeting space for a minimum of 30 people.

(g) Pari-mutuels associated with jai-alai, horse tracks, or dog tracks are eligible for general service symbol signing on non-limited access facilities. The state-standard symbol will be displayed on the non-limited access facility. The registered name of a qualifying pari-mutuel can be included if it is trailblazing from a limited access facility supplemental guide signing that displays the name. If the Department installs the word message general service panel on the limited access facility, the local government may choose to display the official operating name of the pari-mutuel at the nearest state road intersection as an auxiliary to the standard general service sign, as an assembly, through the Department's permit system.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

#### PART IV PLACE NAME SIGNS

##### 14-51.040 Exclusions.

(1) Place name signs other than for geographic features and boundaries of counties or municipalities, or unincorporated areas found on the Official Florida Transportation Map shall not be erected on non-limited access facilities ~~or freeways~~.

(2) Place name signs for other governmental or quasi-governmental boundaries including such as, but not limited to, water management districts, school districts, voting districts, commissioner districts, and fire districts, shall not be erected on the sState hHighway sSystem.

(3) Place name signs shall not ~~normally~~ be installed for urban subdivisions unless they appear on the full size Official Florida Transportation Map (not on the urban area enlargements).

(4) "Exiting" or "Leaving" added to a place name signs shall not be permitted.

(5) Overhead signs/structures shall not be permitted.

(6) Place name sign requests originated by organizations or persons other than the local government shall not be considered.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

##### 14-51.041 Criteria for Unincorporated Areas.

(1) If an unincorporated area appears on the Official Florida ~~State~~ Transportation Map, place name signing shall be provided on non-limited access facilities by the Department upon request by the county.

(2) Place name signs for sovereign lands or an unincorporated area not appearing on the current Official Florida State Transportation Map will be eligible for signing through the Department's permit system upon written request of the county. Such requests must shall demonstrate the following:

(a) ~~A~~ There shall be clearly identifiable localized development in the area.

(b) The community must lie on or along the sState hHighway sSystem.

(c) A community, for the purpose of place name signing, must have an identifiable boundary. The boundary and area name may not be coincidental to platted or unplatted subdivisions. The community must be demonstrated to have historical or cultural significance, not recreational significance. The community must not be associated with a specific developer, specific development theme, corporate business or investment, or entities such as a private golf course or resorts. Horizontal/vertical curves of the roadway restrict advance notice to motorists approaching the community.

(d) The county must demonstrate that the unincorporated community is a county seat or has significant historical historical, cultural, or educational value, that the county has an investment in preserving places of interest, or major tourist attractions which are not separately signed.

(e) ~~A post office, railroad station, water tower, or similar structure bearing the place name exists in the community.~~

~~(e)(f)~~ The county has installed or agreed to install place name signs on its roads traversing the area.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

##### 14-51.042 Sign Characteristics.

(1) Place name signs shall have a white legend on a green rectangular background.

(2) Place name signs shall be retro-reflectorized and shall conform to the MUTCD standards and specifications for guide signs and general information signs.

(3) Place name sSign information shall ~~normally~~ be limited to the name of the place, except for a pictograph logo representing a special award.

(4) Only one place name sign shall be permitted in each approach direction. The signs shall be located at, or in proximity to, the geographical boundary of the county, ~~or municipality, or unincorporated area.~~

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 3-27-05, Amended \_\_\_\_\_.

##### 14-51.043 Customized Place Name Signs.

(1) No place name signs within limited access facilities will be permitted for custom treatment, other than the addition of a pictograph to the standard white-on-green sign.

~~(2) On limited access rights-of-way, no customized treatment may be constructed to stand individually, or as an assembly, such that it resembles a place name sign, nor shall a place name be included as part of any landscape structure or design within limited access rights of way.~~

~~(3)(4) Customized treatment of county, municipal, sovereign lands, and unincorporated area place name signs shall be considered only for municipal limits and counties on non-limited access state highways other than limited access facilities.~~

~~(4)(2) The preferred location of all customized place name signs is off the state highway system right of way, where increased lateral clearance can be used. In such instances, the property owner's permission is required. Custom place name signs may be permitted by the county for sovereign lands and unincorporated areas that are identified on the Official Florida Transportation Map, only where they will be located outside non-limited access facilities right of way. Place name signs located off the state highway system right of way shall conform to Section 479.16(42), F.S.~~

~~(5)(3) The Department will not assume responsibility for vegetation management. The preferred location of customized place name signs is off the state highway right of way, where increased lateral clearance can be used. In such instances the property owner's permission is required. When additional right of way is not available, the Department will authorize placement of the sign within state highway right of way. Sufficient lateral clearance is particularly important for custom place name signs due to nonstandard designs and sizes.~~

~~(6)(4) The custom place name sign and structure or other treatment shall be located, at or in absolute proximity to, the geographical boundary of the county, or municipality, sovereign nation or unincorporated area in the approach direction only.~~

~~(7)(5) The proposed installation shall will not interfere in any manner with other traffic control devices in the area.~~

~~(8)(6) Existing city limit or county boundary standard geographic boundary guide signs, and/or nonofficial signs or structures, at or near the location shall be removed.~~

~~(9)(7) All custom place name signs installed under these provisions are traffic control devices and shall be made of retro-reflective material or be lighted. Supporting structures shall be designed, constructed, and installed to meet the Department's clear zone and safety criteria including breakaway features, when located within the state right of way or located where there is limited lateral clearance from the travel lanes. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.~~

~~(10)(8) Sign size and lettering shall be appropriate for driver readability without decreasing speed.~~

~~(11)(9) Sign information shall be limited to the name of the city or county, municipality, sovereign nation, or eligible unincorporated area, a pictograph, or logo; the words~~

“Welcome To,” and where applicable, a regional designation or phrase approved by local resolution. The “regional designation or phrase” is the only opportunity to chose and indicate an association with any one community designation or initiative program, including national and local grant, planning, or development. Highway signing is intended for traffic control only.

~~(12)(40) The sign and structure shall be completely devoid of any commercial advertising, sponsorship, or the name of any political candidate, and be of such design and color as to be in good taste and aesthetically pleasing.~~

~~(13)(44) In urban areas, tThe primary location for custom place name signs shall be along the roadside behind curb and gutter sections. Medians will only be considered if all other approach, right roadside locations, either on or off state highway rights of way, are are not physically possible. Median spaces shall not be used to accommodate design size or aesthetic preference.~~

~~(14)(42) Installations in any median shall meet the Department's appropriate clear zone and safety criteria. Signs shall not be installed in both the median and roadside at a given location.~~

~~(15)(43) Displays shall be fixed. Neither Fflashing lights, colored lights, or nor changeable messages; shall not be used. However, customized treatment, including interior or exterior illumination, is allowable. In the absence of lighting, all sign face components sign shall be retro-reflective reflectorized.~~

~~(16)(44) Upon approval of a customized place name sign request, the Department and the local government shall execute an agreement providing for the local government to install and maintain the customized sign/sign supports and all landscaping and shrubbery associated with the installation, as well as to defray the cost of any electrical energy necessary for operation of the sign display. The agreement shall clearly indicate that the Department reserves the right to have the installation modified or removed from the state highway right of way.~~

~~(17) Unincorporated areas that are not on the Official Florida Transportation Map are not eligible for custom place name signs.~~

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended \_\_\_\_\_.

PART V COMMUNITY WAYFINDING GUIDE SIGNS

14-51.051 Standards.

(1) This rule chapter provides statewide criteria for community wWayfinding guide sSigns to be installed on the Sstate hHighway sSystem. Any deviation from the standards referenced herein shall require the local government to submit a Request to Experiment to the FHWA as referenced in Section 1A.10 of the MUTCD.

(2) All regulatory, warning, and general service signs within the community wayfinding guide system plan shall conform to the MUTCD. Community wayfinding guide signs

shall not be installed where adequate spacing cannot be provided between the community wayfinding guide sign and higher priority signs. Community wayfinding guide signs shall not be installed in a position where they could obscure the road users' view of other traffic.

(3) ~~The Local governments shall develop and approve through local resolution the criteria for the destinations shown on the community wayfinding guide sign system plan. The Local governments may use the criteria established in Rule 14-51.030, F.A.C. The intent is to provide guidance and navigation information to local cultural, historical, recreational, and tourist activities. No destination may be displayed for the purpose of advertising.~~

(4) Communities eligible for community wayfinding guide signs ~~must shall~~ be on the Official Florida Transportation Map. Community wayfinding guide signs for either an incorporated or unincorporated area not appearing on the Official Florida Transportation Map are eligible to participate with upon written acceptance of full responsibility by request of the local government. Such requests shall follow the process outlined in subsection 14-51.041(2), F.A.C.

(5) Existing community wayfinding guide signs that were installed on the state highway system prior to March 31, 2006, as part of the local governments approved wayfinding guide sign system shall be allowed to remain or be replaced until the local governments approves a new community wayfinding guide sign system designed in accordance with this rule January 1, 2013. As of that date, all existing wayfinding signs that are on the State highway System, and which are not in compliance with this rule chapter, must be removed or be brought into compliance.

(6) Community wayfinding guide signs shall be limited to non-limited access facilities. Community wayfinding guide signs shall are not be allowed within the right of way of limited access facilities, including ramps and frontage roads.

(7) Community wayfinding guide signs shall be designed, installed, and maintained in accordance with the standards referenced in subsections 14-51.014(7) and (8), F.A.C.

(8) The planning, design, installation, and maintenance of all community wayfinding guide signs and their assemblies are is the responsibility of the local government, including those on the state highway system.

(9) Community wayfinding guide signs shall not be used to provide direction to primary destinations or to highway routes or streets. Destination or other guide signs shall be used for this purpose, as described in Chapter 2D of the MUTCD, and shall have priority over any community wayfinding guide sign.

(10) Community wayfinding guide signs shall not be mounted overhead.

(11)(9) The local government shall submit their community wayfinding guide sign system plan to the appropriate District Traffic Operations Office to initiate the Department's permit system process.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 5-8-06, Amended \_\_\_\_\_.

14-51.052 Design.

(1) Red, yellow, orange, purple, or the fluorescent versions thereof, fluorescent yellow-green, or fluorescent pink shall not be used as background colors for community wayfinding guide signs, in order to minimize confusion with critical, higher-priority regulatory, warning, construction, or incident management sign color meanings readily understood by road users signs.

(2) Background colors, other than those stated in subsection 14-51.052(1), F.A.C., shall be allowed on community wayfinding guide signs.

(3) A minimum contrast value of legend color to background color for community wayfinding guide signs shall be at least of 70 percent is required for community wayfinding guide signs (ADA minimum contrast value).

(4) Enhancement markers may be used, at the option of the applicant, as a means of visually aesthetically identifying the sign as a part of an overall system of community wayfinding guide signs. The size and shapes shape of identification an enhancement markers marker shall be smaller than the community wayfinding guide signs themselves. Identification enhancement markers shall not be designed to have an appearance that could be mistaken by road users as being a in order to avoid confusion with traffic control device devices.

(5) The area of an identification enhancement marker should not exceed 1/5 the area of the community wayfinding guide sign with which it is mounted in the same sign assembly.

(6)(5) A pictograph designed appropriately for use on traffic control devices may be incorporated into the overall design of a community wayfinding guide sign. If a pictograph is used, its height shall not exceed two times the height of the upper-case letters of the principal legend on the sign.

(7) Except for pictographs, symbols that are not approved in the MUTCD for use on guide signs shall not be used on community wayfinding guide signs.

(8)(6) There shall be a maximum of four three destinations shown on each community wayfinding guide sign.

(9)(7) All lettering used on community wayfinding guide signs on the state highway system shall be highway gothic fonts or other FHWA approved fonts. A lettering style other than the Standard Alphabets provided in the Standard Highway Signs and Markings book may be used on community wayfinding guide signs if an engineering study submitted by the local government and approved by the

Department, determines that the legibility and recognition values for the chosen lettering style meet or exceed the values for the Standard Alphabets for the same legend height and stroke width.

~~(10)(8)~~ The minimum specific ratio of letter height to legibility distance shall comply with provisions of Section 2A.14 of the MUTCD lettering size. The size lettering used for destination and directional legends on community wayfinding guide signs shall comply with the provisions of minimum letter heights as provided within be in accordance with Section 2D.06 of the MUTCD.

(11) The lettering for destinations on community wayfinding guide signs shall be a combination of lower-case letters with initial upper-case letters. All other word messages on community wayfinding guide signs shall be in all upper-case letters.

(12) Except for signs that are intended to be viewed only by pedestrians, bicyclists stopped out of the flow of traffic, or occupants of parked vehicles, Internet and e-mail addresses, including domain names and uniform resource locators (URL), shall not be displayed on any community wayfinding guide sign or sign assembly.

~~(13)(9)~~ The arrows location and priority order of destinations shall follow the provisions described in shown on Wayfinding Signs shall be designed in accordance with Section 2D.08 and Section 2D.34 of the MUTCD. The positioning of arrows relative to the destinations shown shall be in accordance with Section 2D.34 of the MUTCD.

~~(14)(10)~~ Community wayfinding guide and pedestrian signs and their supporting structures shall be designed, constructed, and installed to meet the Department's clear zone and safety criteria, including breakaway features. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

~~(15)(11)~~ All messages, borders, legends, and backgrounds of community wayfinding guide signs and any enhancement markers sign panels shall be retroreflective and in accordance with Section 994 (Retroreflective and Nonreflective Sign Sheeting) of the current Standard Specifications for Road and Bridge Construction 2004, referenced in subsection 14-51.014(8), F.A.C.

Rulemaking Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New 5-8-06, Amended \_\_\_\_\_.

#### 14-51.053 Pedestrian Wayfinding Signs.

(1) Pedestrian wayfinding signs that are designed as a part of a community wayfinding guide sign system plan are intended to provide direction to pedestrians or other users of a sidewalk or other roadside area and should be located to minimize their conspicuity to vehicular traffic. If used, such signs should be located as far as practical from the street, such as at the far edge of the sidewalk. Where locating such signs farther from the roadway not practical, the pedestrian

wayfinding signs should have their conspicuity to vehicular traffic minimized by employing one or a combination of the following methods:

(a) Locating signs away from intersections where high-priority traffic control devices are present.

(b) Facing the pedestrian message toward the sidewalk and away from the street.

(c) Cantilevering the sign over the sidewalk if the pedestrian wayfinding sign is mounted at a height consistent with vehicular traffic signs, removing the pedestrian wayfinding signs from the line of sight in a sequence of vehicular signs.

(2) To minimize their conspicuity to vehicular traffic during nighttime conditions, pedestrian wayfinding signs should not be retro-reflective.

Rulemaking Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

#### 14-51.054 Informational Guide Signs.

(1) At the boundaries of the geographical area within which community wayfinding guide signing is used, an informational guide sign may be posted to inform road users about the presence of community wayfinding guide signs and to identify the meanings of the various color codes or pictographs that are being used.

(2) This informational guide signs shall have a white legend and border on a green background and shall have a design similar to that illustrated in Section 2D.03 of the MUTCD and shall be consistent with the basic design principles for guide signs. These informational guide signs shall not be installed on limited access facilities.

(3) The color coding or a pictograph of the identification enhancement markers of the community wayfinding guide signing system shall be included on the informational guide sign posted at the boundary of the community wayfinding guide signing area. The color coding or pictographs shall apply to a specific identifiable neighborhood or geographical subarea within the overall area covered by the community wayfinding guide sign. Color coding or pictographs shall not be used to distinguish between different types of destinations that are within the same designated neighborhood or subarea. The color coding shall be accomplished by the use of different colored squares or rectangular panels on the face of the informational guide sign, each positioned to the left of the neighborhood or named geographic area to which the color-coding panel applies. The height of the colored square or rectangular panels shall not exceed two times the height of the upper-case letters of the principal legend of the sign.

(4) The different colored square or rectangular panels may include either a black or a white (whichever provides the better contrast with the color of the panel) letter, numeral, or other appropriate designation to identify the destination.



(5) Color-coded community wayfinding guide signs may be used with or without the boundary informational guide sign displaying corresponding color-coding panels described in this subsection.

Rulemaking Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New \_\_\_\_\_.

## PART VI TOURIST-ORIENTED DIRECTIONAL SIGNS (TODS)

### 14-51.061 ~~TODS~~ Program Implementation.

(1) Part VI of this rule ~~chapter~~ provides eligible to local governments with the criteria for Tourist-Oriented Directional Signs (TODS) and guidance for the installation of TODS on non-limited access facilities on the sState hHighway sSystem (SHS) in accordance with the MUTCD.

(2) Prior to the installation of a TODS ~~on the SHS~~, the Department must approve, by permit, the design, location, and placement ~~for TODS~~ based on the criteria established in this rule ~~chapter~~.

(3) Prior to requesting a permit to install ~~for~~ TODS on the state highway system SHS, a local government shall have established, by ordinance, criteria for TODS program eligibility including participant qualifications and location regulations.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History—New 6-24-08, Amended \_\_\_\_\_.

### 14-51.062 General Criteria ~~for TODS on the SHS~~.

(1) Development of a Participation in TODS program ~~on the SHS~~ is limited to rural tourist-oriented businesses, services, and activities, including those involving seasonal agricultural products, that:

(a) ~~Are physically located in rural counties meeting the Rural Economic Development Initiative (REDI) criteria and population as referenced in Section 288.0656, F.S.; and~~

(b) ~~Have obtained a TODS permit from their local government.~~

(2) To qualify as a TODS destination ~~on the SHS~~, the tourist-oriented businesses, services, or activities shall meet the following minimum conditions:

(a) The major portion (51%) of income or visitors during the normal business season shall be from tourists users not residing within in the area (distance greater than 20 miles) of the destination. A business shall not qualify if admission or access is based on a membership fee or other means of exclusive admission, or where minors are excluded.

(b) All state and local building and occupational permits, licensing, and registrations shall be current and in good standing.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History—New 6-24-08, Amended \_\_\_\_\_.

### 14-51.063 ~~TODS~~ Location and Placement.

(1) TODS may be installed on the state highway system SHS only after permitted by permit issuance ~~by~~ the Department.

(a) TODS ~~on the SHS~~ shall not be permitted by the Department if they interfere with the effectiveness of other traffic control devices.

(b) TODS shall only be permitted ~~on the SHS~~ at the nearest intersection providing the most direct practical route to the eligible facility. An additional sign may be approved at the closest state road SHS intersection with a roadway on the Strategic Intermodal System (SIS) when the nearest state road SHS intersection is not on an SIS facility.

(c) Each destination is limited to one sign panel in each direction of travel on the state highway system SHS.

(d) The maximum distance from the business to where a TODS may be placed on the state highway system SHS shall be 25 miles.

(e) If a facility with state road frontage is more than 10 miles from the nearest state highway system SHS intersection suitable for TODS installation, the jurisdiction with TODS authority may apply for a permit to sign for this facility with a "ONE MILE" advanced TODS sign ~~on the SHS~~. This is the only instance an advanced sign may be permitted on the state highway system SHS.

(2) TODS ~~on the SHS~~ shall be limited to placement on rural conventional roads, as stated in the MUTCD. TODS shall not be placed within the right of way of limited access facilities. TODS shall not be located in the right of way of a limited access facility an expressway or freeway interchange regardless of jurisdiction or local road classification.

(3) The location of other official traffic control devices shall take precedence over the location of TODS. TODS shall have standard spacing with other traffic control devices shown in Table 1 ~~2, subsection 14-51.014(7), F.A.C.~~

(4) The Department will remove without notice, and with no obligation to relocate the sign or compensate for its removal, any TODS on the state highway system SHS for highway safety or operational purposes or activities including construction, reconstruction, or maintenance, or safety.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History—New 6-24-08, Amended \_\_\_\_\_.

### 14-51.064 Trailblazers.

(1) In accordance with Rule 14-51.012, F.A.C., trailblazers shall be required if a motorist must navigate one or more turns to get from a local road intersection to the destination. All trailblazers required for guidance to a destination shall be in place on the local road system prior to installation of the TODS on the state highway system SHS.

(2) TODS and trailblazers, on either the state or local road system, shall may not be permitted within the boundaries of a community wWayfinding guide sSign sSystem pPlan.

Removal of TODS within the boundaries of a proposed community wWayfinding guide sSign sSystem pPlan is a mandatory condition of community wWayfinding guide sSign permit approval.

Rulemaking Specific Authority 479.262 FS. Law Implemented 479.262 FS. History–New 6-24-08, Amended.

14-51.065 Design.

(1) The planning, design, installation, and maintenance of TODS and their supporting structures are the responsibility of the local government and must conform to the criteria in subsection 14-51.014(8), F.A.C., Design Standard Index 17354 and the applicable sections of the MUTCD.

(2) If different supporting structures are proposed for use on the state highway system SHS, they shall be designed, constructed, and installed to meet the Department’s clear zone and safety criteria, including breakaway features. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

(3) TODS assemblies shall have a maximum of five panels on two posts. TODS assemblies that are designed for a single post shall have a maximum of two panels. ~~The sSign~~ panels shall be rectangular in shape and have white lettering on a blue background. The optional top panel may have the text “TOURIST ACTIVITIES” and a pictograph that identifies the TODS program jurisdiction. The other four panels are reserved for qualifying destinations. The panel legend is limited to one destination identification, a pictograph or in its place a cultural, recreational, or general service symbol, the directional arrow, and destination distance. There is a maximum of two lines of legend per destination panel.

(4) General service, recreational, and cultural interest symbols may not be added as individual auxiliary sign panels to the TODS assembly, but may be contained in the individual panel with the business identification text, in the place of a pictograph. No other type of sign or legend may be added to a TODS assembly.

(5) After proper notice to the local government, the Department will remove any non-conforming panel.

(6) If a destination qualifies for a business logo under Rule Chapter 14-85, F.A.C., it shall not be displayed on an existing TODS, even where it cannot be accommodated by the LOGO sign program. TODS may not be used to trailblaze for LOGO participants.

Rulemaking Specific Authority 316.0745, 479.262 FS. Law Implemented 316.0745, 479.262 FS. History–New 6-24-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mark C. Wilson, State Traffic Operations Engineer  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.313  
RULE TITLE: Inmate Discipline – Forms  
PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify form references.

SUMMARY: The proposed rule: updates the title of Form DC6-256, Housing Officers Contact Card; clarifies the language of Form DC6-112B, Witness Disposition; and removes obsolete reference to the Office of Research, Planning, and Support Services.

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

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

RULEMAKING AUTHORITY: 944.09 FS.  
LAW IMPLEMENTED: 20.315, 944.09, 945.04 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:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) DC6-112E, Disciplinary Hearing Worksheet, effective ~~date~~ 3-22-05.

(b) DC6-112A, Disciplinary Investigative Report, effective ~~date~~ 5-21-00.

(c) DC6-256, Housing Officers Contact Card, effective ~~date~~ 2-11-01.

(d) DC6-112D, 24 Hour/Refusal to Appear Waiver Form, effective ~~date~~ 5-21-00.

- (e) DC6-112C, Witness Statement Form, effective ~~date~~ 8-28-06.
- (f) DC6-112F, Disciplinary Report Worksheet, effective ~~date~~ 7-11-06.
- (g) DC6-151, Documentary or Physical Evidence Disposition, effective ~~date~~ 3-22-05.
- (h) DC6-112B, Witness Disposition Form, effective ~~date~~ 5-21-00.
- (i) DC6-117, Corrective Consultation of Inmate, effective ~~date~~ 5-21-00.
- (j) DC6-2028, Disposition of Videotape or Audiotape Evidence, effective ~~date~~ 3-22-05.

(2) Copies of these forms can be obtained from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, 7-11-06, 8-28-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|            |                                                                          |
|------------|--------------------------------------------------------------------------|
| RULE NOS.: | RULE TITLES:                                                             |
| 40D-1.002  | Delegation of Authority                                                  |
| 40D-1.659  | Forms and Instructions                                                   |
| 40D-1.1002 | Variations from Water Shortage Rules and Orders (Chapter 40D-21, F.A.C.) |

PURPOSE AND EFFECT: This rulemaking is to adopt and incorporate by reference a Petition for Variance Form No. LEG-R.42.00-058(09/28/10) in Rule 40D-1.659, F.A.C., Forms and Instructions and in Rule 40D-1.1002, F.A.C. Variations from Water Shortage Rules. The Form will streamline processing of requests for relief from Chapters 40D-22 and 40D-21, F.A.C., and water shortage orders issued under Chapter 40D-21, F.A.C. This rulemaking also amends Rule 40D-1.002, F.A.C. to change the staff positions authorized to act on requests for a variance or waiver in order to reflect a recent realignment of the Demand Management Program that processes these requests.

SUMMARY: This rulemaking adopts Petition for Variance Form No. LEG-R.42.00-058(09/28/10) in Rule 40D-1.659, Forms and Instructions and in Rule 40D-1.1002, Variations from Water Shortage Rules. The Petition for Variance Form will streamline for the District and petitioners the processing of

requests for variances from Chapter 40D-21, F.A.C. and orders issued there under and Chapter 40D-22, F.A.C. The Form sets out in one place for petitioners the various circumstance and informational requirements for variances included in Section 120.542, F.S. Chapter 28-104, F.A.C., and District Rule 40D-1.1002, F.A.C. Pertinent information and examples of the information to be submitted, is also included. The Form establishes a format for petitioners to provide the information. Additionally, this rulemaking amends the Governing Board staff delegations to reflect the staff positions that are authorized to act on requests for variances and waivers from relief Chapter 40D-21, F.A.C. and orders issued there under and Chapter 40D-22, F.A.C. The amendments to the staff delegations reflect the organizational realignment of the Demand Management Program that processes petitions for variances and waivers. Those positions include the Executive Director, the Deputy Executive Director for Resource Regulation, the Tampa Regulation Director and the demand Management Program Manager. The proposed amendments remove from the staff delegation action on petitions pursuant to Rule 40D-21.441, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs (SERC) describes the potential impacts associated with proposed revisions to Chapter 40D-1, F.A.C. The revisions to the Chapter: 1 analyzed in the SERC are 1) amendment to the list of staff positions to which the authority to take final agency action on petitions for variances and waivers is delegated by the Governing Board, 2) amendments to set forth a process for individuals seeking a variance from Chapter 40D-21, F.A.C., orders issued pursuant thereto and 3) incorporation by reference of Form No. LEG-R.42.00-058 (9/28/10) Petition for Variance, for users requesting a variance from the provisions of Chapter 40D-21, F.A.C., and orders issued pursuant thereto.

All individuals and entities who petition the District for a variance from Chapter 40D-21, F.A.C., or orders issued thereto, will be required to submit the Petition for Variance form. The information required in the form is consistent with what is currently required by rule. It is anticipated that the use of the standardized form will reduce the number and scope of District requests for additional information from the petitioner and allow the District to expedite actions to grant or otherwise deny the variance. The proposed revisions are not anticipated to incur additional transactional costs to individuals or entities and may reduce them by reducing the number of requests for additional information by the District. The proposed revisions are not anticipated to impose implementation or enforcement costs to the District or any other state or local government entity. The proposed revisions are not anticipated to have an adverse impact on small businesses, 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: 120.54(5), 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.309, 373.337 FS.

LAW IMPLEMENTED: 120.54(5), 253.002, 373.083, 373.103, , 373.116, 373.149, 373.171, 373.175, 373. 373.206, 373.207, 373.209, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.239, 373.246, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.427, 373.705, 373.707, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010012)

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.002 Delegation of Authority.

(1) No change.

(2) The Governing Board delegates to the Executive Director, the Deputy Executive Director for Resource Regulation, the Tampa Regulation Director, the Regulation Performance Management Director, the Regulation Program Director ~~WUP Program~~, and the Demand Management Program Manager Coordinator the authority to take final agency action on petitions for variances and waivers pursuant to Rules ~~40D-21.441~~, 40D-1.1002(5), and 40D-22.303, F.A.C.

(3) No change.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History–New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10,\_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District’s website at [www.watermatters.org](http://www.watermatters.org).

(1) through (2) No change.

(3) Other

(a) through (d) No change.

(e) Petition For Variance, Form LEG-R.42.00-058 (09/28/10), incorporated by reference in subsections 40D-1.1002(1) and 40D-22.303, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented ~~373.083(3), 373.116, 373.196(1), 373.196(3),~~ 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, ~~373.705, 373.707,~~ 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-27-10,\_\_\_\_\_.

40D-1.1002 Variances from Water Shortage Rules and Orders. (Chapter 40D-21, F.A.C.)

(1) General – Users may request relief from the provisions of Chapter 40D-21, F.A.C., and orders issued pursuant thereto, by filing with the District a Petition For Variance, Form No. LEG-R.42.00-058(09/28/10), incorporated herein by reference and available upon request from the District a petition for variance with the District. Relief from provisions of a local government ordinance imposing more severe restrictions shall be by petition to such local government.

(2) through (5) No change.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 373.175, 373.246 FS. History–New 11-19-84, Amended 7-2-86, Formerly 40D-21.291, Amended 7-2-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lois Sorenson, Demand Management Program Manager

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: Proposed rule amendment incorporates by reference a revised Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR). Revisions are proposed to BOR Chapter 3, Sections 3.2 – 3.3.2.2. The purpose and effect of this rulemaking will be to clarify, update and correct certain provisions pertaining to mitigation of impacts to wetlands and other surface waters.

SUMMARY: Chapter 3 of the District’s Environmental Resource Permitting Manual Part B – Basis of Review (BOR) contains the environmental criteria used in evaluating an ERP application to determine whether conditions for permit

issuance are met, including mitigation criteria for impacts to wetlands and other surface waters. Proposed revisions to Chapter 3 will accomplish the following: 1) clarify the current exemption from mitigation in subsection 3.2.2.2 for alterations to wholly owned ponds less than one acre and constructed in uplands and upland cut ditches; 2) eliminate the apparent preference for on-site mitigation vs. off-site in subsection 3.3.1.2; 3) create a new subsection 3.3.1.2.1 to explain requirements for demonstrating sufficient ownership or control of off-site mitigation areas, to provide reasonable assurance of mitigation success; 4) revise sections 3.3.2 – 3.3.2.2 to clarify when the Uniform Mitigation Assessment Method (UMAM) supersedes ratio guidelines, when UMAM is applied and when it is not; 5) make several non-substantive technical corrections such as correcting rule references, improving sentence structure, etc.

Rule 40D-4.091, F.A.C., is amended to incorporate by reference the revised BOR and effective date.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A SERC was prepared for this rulemaking. The revisions are not substantive and are needed to clarify existing provisions relating primarily to mitigation for unavoidable impacts to wetlands and other surface waters. Some minor technical changes are also being made for updating purposes. Based on prior permitting history, the District anticipates that, on average, 172 applicants per year will be seeking to undertake mitigation for impacts to wetlands or other surface waters and could potentially be affected by this rulemaking. The District expects that such permit applicants will not be adversely affected by the proposed amendments, as the amendments correct or clarify existing rule language. There are no anticipated negative impacts on state or local revenues. Proposed changes to on-site/off-site mitigation requirements, if anything, will increase the permittees' flexibility to choose the most cost-effective form of mitigation. Consequently, the proposed rule revisions are not anticipated to lead to increased transactional costs to new applicants or those seeking to revise existing Environmental Resource Permits.

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

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

**LAW IMPLEMENTED:** 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010018)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications, Forms and Agreements Incorporated by Reference.

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

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, [effective date] ~~September 5, 2010~~. This document is available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District upon request.

(2) through (6) No change.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, 8-30-09, 11-2-09, 11-3-09, 12-9-09, 9-5-10, \_\_\_\_\_.

Environmental Resource Permitting Information Manual Part B – Basis of Review

3.2 Environmental Criteria.

Compliance with the conditions for issuance in subsection 3.1.1 will be determined through compliance with the criteria explained in subsections 3.2 through 3.3.8-6 of this **BOR Handbook**.

3.2.2 Fish, Wildlife, Listed Species and Their Habitats.

To meet the condition for issuance in Pursuant to paragraph 3.1.1(a), an applicant must provide reasonable assurance that a regulated activity will not impact the values of wetlands, other surface waters and other water related resources of the District, so as to cause adverse impacts to:

- the abundance and diversity of fish, wildlife and listed species; and
- the habitat of fish, wildlife and listed species.

In evaluating whether an applicant has provided such reasonable assurance under this subsection 3.2.2, ~~B.O.R.~~, the magnitude of the effect of the regulated activity shall be considered, and de minimis effects shall not be considered adverse.

As part of the assessment of the impacts of regulated activities upon fish and wildlife and their habitat, the District will provide a copy of all notices of application for standard

general and individual permits, including conceptual permits, which propose regulated activities in, on or over wetlands or other surface waters and which propose activities that have a potential to impact listed marine species to the Florida Fish and Wildlife Conservation Commission for review and comment. In addition, the District staff may solicit comments from the Florida Fish and Wildlife Conservation Commission regarding other applications to assist in the assessment of potential impacts to wildlife and their habitats, particularly with regard to listed wildlife species. ~~Where proposed activities have a potential to impact listed marine species, the District will provide a copy of the above referenced types of applications to the Department of Environmental Protection.~~

The need for a wildlife survey will depend upon the likelihood that the site is used by listed species, considering site characteristics and the range and habitat needs of such species, and whether the proposed system will impact that use such that the criteria in subsections 3.2.2 through 3.2.2.3 and subsection 3.2.7 will not be met. Survey methodologies employed to inventory the site must provide reasonable assurance regarding the presence or absence of the subject listed species.

3.2.2.2 Alterations to wholly owned ponds that were constructed entirely in uplands and which are less than one acre in area and alterations to drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 3.2.2 through 3.2.2.3, 3.2.3 through 3.2.3.7 and 3.2.5 through 3.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 3.2.2.4, and 3.2.4 through 3.2.4.5. ~~This provision shall only apply to those ponds and ditches which were constructed before a permit was required under Part IV, Chapter 373, F.S. or were constructed pursuant to a permit under Part IV, Chapter 373, F.S.~~ This provision does not apply to ditches constructed to divert natural stream flow or to ponds and ditches constructed in violation of rules authorized under Chapter 373, Part IV, F.S.

### 3.3 Mitigation.

3.3.1.2 Mitigation can be conducted on-site or off-site, or accomplished through the purchase of credits from a mitigation bank, or through a combination of approaches, as long as it sufficiently offsets anticipated adverse impacts to wetlands and other surface waters and meets all other criteria for permit issuance. ~~In general, mitigation is best accomplished when located on site or in close proximity to the area being impacted. Off-site mitigation is preferred when will only be accepted if adverse impacts are offset and the applicant demonstrates that:-~~

a. on-site mitigation opportunities are not expected to have comparable long-term viability due to such factors as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses identified in a local comprehensive plan adopted according to Chapter 163, F.S.; or

b. off-site mitigation will ~~would~~ provide greater improvement in ecological value than on-site mitigation.

One example of a project ~~that would be~~ expected to benefit from off-site mitigation meet the criteria of paragraph (a) or (b) above is a linear project which cannot effectively implement on-site mitigation due to right-of-way constraints.

3.3.1.2.1 Off-site Mitigation – An applicant proposing an off-site location at which to mitigate adverse impacts to wetlands and other surface waters must provide reasonable assurance that the permitted mitigation activities will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activities will be undertaken in accordance with the terms and conditions of the permit, if issued, pursuant to paragraph 40D-4.301(1)(j), F.A.C. Compliance with this requirement can be demonstrated by providing the District with a copy of one of the following: a deed conveying fee simple ownership of the mitigation area to the applicant; an easement in favor of the applicant that grants access to and use of the mitigation area for the activities required by the permit; or a purchase and sale agreement for an interest in the mitigation area sufficient to allow the applicant to comply with all permit conditions. If the applicant demonstrates compliance with this requirement by providing the District with a purchase and sale agreement, the permit, if issued, shall be conditioned to prohibit all construction until ownership is transferred to the permittee. If the transfer of ownership does not occur by the date specified in the permit or any extension approved by the District, the permit shall terminate. This provision does not apply if the applicant proposes to offset adverse impacts to wetlands or other surface waters through the purchase of credits from a mitigation bank, or participation in regional off-site mitigation pursuant to Section 373.4135, F.S., and does not apply to the Florida Department of Transportation when mitigation is accomplished pursuant to Section 373.4137, F.S.

3.3.1.4 In instances where an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement. In these cases, the applicant must implement mitigation measures that will cause net improvement of the water quality in the receiving waters for those parameters which do not meet standards. (See 373.414(1)(b)(16), F.S.)

3.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in subsections 3.3 through 3.3.6 may be proposed by an applicant; however to receive District approval they must offset the adverse impacts to the functions identified in subsections 3.2 through 3.2.8.2. The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental, preservation, enhancement or restoration project, and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

### 3.3.2 Mitigation Ratio Guidelines.

a. The Uniform Mitigation Assessment Method (UMAM) set forth in Chapter 62-345, F.A.C., establishes a standardized procedure for assessing the functions provided by wetlands and other surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss, for those activities subject to review under Section 373.414, F.S., and not excluded pursuant to subsection 62-345.100(3), F.A.C. This method does not assess whether other criteria for permit issuance are met. Where applicable, the UMAM supersedes the ratios established in subsections 3.3.2 through 3.3.2.3 used for determining the amount of mitigation required to offset an adverse impact.

b. The District will verify the information required to be provided and considered under the UMAM and will determine the amount of mitigation required to offset adverse impacts to wetlands and other surface waters.

c. Chapter 62-345, F.A.C., also establishes the criteria to award and deduct mitigation bank or regional offsite mitigation area credits. For permit applications for mitigation banks or regional offsite mitigation areas that are issued by the District, the District will be responsible for verifying the information and applying the UMAM to determine the potential amount of mitigation to be provided by the bank or regional offsite mitigation area and the number of credits to be required as mitigation for specific projects permitted by the District that will use the mitigation bank or regional offsite mitigation area to offset adverse impacts to wetlands or other surface waters.

a. Except as provided in Rule 62-345, F.A.C., subsections 3.3.2 through 3.3.2.3 are superseded by Rule 62-345, F.A.C.

d. Subsections 3.3.2 through 3.3.2.2 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities and are applicable as provided in Rule 62-345, F.A.C. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. These ranges will be used to assess impacts and mitigation requirements in those instances where UMAM is not applicable. The difference between the ranges of ratios

provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the areas adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions.

e. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the long term, particularly when these values are not fully protected under existing regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation.

f. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 3.3.2.1 and 3.3.2.2. For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

#### 3.3.2.1 Creation, Restoration and Enhancement.

When considering creation, restoration and enhancement as mitigation, the following factors will be considered to determine whether the mitigation will offset the proposed impacts and to determine the appropriate mitigation ratio:

a. through f. No change.

g. Wetlands reclamation activities for phosphate and heavy minerals mining undertaken pursuant to Chapter 378, F.S., shall be considered appropriate mitigation for this part if they maintain or improve the water quality and the function of the biological systems present at the site prior to the commencement of mining activities.

#### 3.3.2.2 Preservation

a. Preservation of important ecosystems can provide an improved level of protection over current regulatory programs. Wetlands, other surface waters, or uplands that comprise important ecosystems Preservation shall be preserved by donation of the fee title to the property or a conservation

~~easement interest in the property or other comparable land use restriction, of wetlands, other surface waters, or uplands.~~ Conservation easements ~~or restrictions~~ must be consistent with the requirements of subsection 3.3.8. In many cases it is not expected that preservation alone will be sufficient to offset adverse impacts. Preservation will most frequently be approved in combination with other mitigation measures.

Appendix 4. Mitigation Banks

- b. through d. No change.
- 3. Use of a Mitigation Bank.

Use of a mitigation bank is an appropriate and permissible mitigation option when the mitigation bank will offset the adverse impacts of the project and meet all other criteria for permit issuance. Some examples of when the use of a mitigation bank may be preferred include: ~~and~~

a. on-site mitigation opportunities are not expected to have comparable long-term viability due to such factors as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses identified in a local comprehensive plan adopted according to Chapter 163, F.S.; and ~~or~~

b. use of the mitigation bank would provide greater improvement in ecological value than on-site mitigation.

In some cases, a combination of on-site mitigation and participation in a mitigation bank will be appropriate to offset adverse impacts of a project.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Clark Hull, ERP 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: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

| RULE NOS.: | RULE TITLES:                           |
|------------|----------------------------------------|
| 40D-22.101 | Definitions                            |
| 40D-22.201 | Year-Round Water Conservation Measures |
| 40D-22.303 | Variations and Waivers                 |

PURPOSE AND EFFECT: Minor changes are proposed to enhance the effectiveness of Chapter 40D-22, F.A.C. Year-round Conservation Measures and consistency with Chapter 40D-21, F.A.C., Water Shortage Plan. The proposed amendments include adding or clarifying definitions for consistency between Chapters, clarifying allowable times for Spot Treatment, adding a schedule for plant establishment irrigation for large properties and allowing extra irrigation for salt flushing after tropical storms or hurricanes. This rulemaking also makes examples of circumstances for which a

variance or waiver may be appropriate applicable only to variances, sets forth additional examples of circumstances warranting a variance and incorporates a new form, Petition for Variance Form No. LEG-R.42.00-0589 (9/28/10) required to be submitted in order to request a variance. The form will streamline processing of requests for variances from Chapter 40D-22, F.A.C.

SUMMARY: Chapter 40D-22, F.A.C. comprises the District's Year-Round Conservation Measures and promotes long-term sustainability of the water resources of the District through efficient use of water by regulatory means during times when no water shortage has been declared. This rulemaking revises or adds definitions to make Chapter 40D-21, F.A.C. (Water Shortage Plan) and Chapter 40D-22, F.A.C. (Year-Round Conservation Measures) consistent. The rulemaking revises the definition of "Address" and "Agriculture" and adds a definition for the lawn and landscape practice of Core Aeration. Amendments are also made to specify that Spot Treatment of lawns shall only be accomplished during allowable hours for irrigation, provide for an allowance for extra watering of Turfgrass for a 14-day period after Core Aeration has occurred, add an establishment period schedule for irrigation of properties without discernable addresses, cemeteries and properties two acres or greater in size, and allow for extra irrigation for salt flushing after tropical storms or hurricanes. This rulemaking also incorporates a new Petition for Variance form No. LEG-R.42.00-058 (9/28/10) that will be used for requests for relief from Chapters 40D-21 and 40D-22, F.A.C., and Water Shortage Orders rendered under Chapter 40D-21, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs (SERC) describes the potential impacts associated with proposed revisions to Chapter 40D-22, F.A.C. The Chapter comprises the District's Year-Round Water Conservation Measures. The Chapter applies to all water users engaged in irrigation. The revisions to the chapter are proposed to address minor glitches, omissions and consistency of definitions with Chapter 40D-21, F.A.C., the District's Water Shortage Plan, and to incorporate a standardized form to be used for petitions for variances. If historical activity levels persist, it is anticipated that approximately 70 individuals or entities each year will elect to file a petition for a variance and so will be required to submit petitions for variance using the standardized form. The proposed Petition for Variance form includes a section "Helpful Tips and Samples" that includes a provision explaining that the District is authorized to establish limiting conditions for variances issued from Chapter 40D-22, F.A.C., in order to assure that the relief being provided is the minimum necessary to alleviate the circumstances for which the variance was requested. An example of such a condition is that if the variance is granted, the petitioner is to conduct an irrigation system evaluation in order to identify inefficiencies within the irrigation system such as inoperable sprinkler heads,



time clock adjustments, over-irrigation or overlapping irrigation zones. These evaluations can be performed by the petitioner or by an irrigation contractor. Costs to have an irrigation evaluation performed by an irrigation contractor are likely to range from \$125 to \$1,500 depending on the size and complexity of the irrigation system. Self-conducted evaluations are likely to be less costly than evaluations conducted by a contractor. The costs of testing, adjusting, and replacing components causing inefficiencies may be offset by reduced water costs. Small businesses issued a variance from provisions of Chapter 40D-22, F.A.C., may incur the cost of irrigation system evaluations if the limiting condition is placed on the variance issued by the District. Implementation costs may be incurred by those local government entities that have adopted, by ordinance, specific provisions of Chapter 40D-22, F.A.C., that are in conflict or otherwise inconsistent with the proposed revisions to the Chapter. Small businesses, cities and counties may incur transactional costs associated with irrigation evaluations if they request variances. The proposed revisions are not expected to incur costs to the District or significantly affect the revenues of any state or local government entities.

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: 120.542, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.542, 373.119, 373.171, 373.175(4), 373.219, 373.223, 373.246(7), 373.62, 373.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Gifford, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010039)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-22.101 Definitions.

When used in this rule:

(1) "Address" means the numeric or alphanumeric designation assigned to a house, building or plot of land by the U.S. Postal Service or, if none, by the local government. ~~"house" (a numeric or alphanumeric designation)~~ that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S.

Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address, unless otherwise designated by the local government.

(2) "Agriculture" means the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, zoological and botanical specimen exhibits, viticulture, forestry, dairy, livestock, pasture, poultry, bees, and any and all forms of farm products and farm production. This includes the irrigation of vegetables, fruits and other plants grown for human consumption at a residence or community garden, provided the plants are irrigated separately from any lawn or other landscape plant material. In order for irrigation of a fruit tree at a residence or community garden to be considered Agriculture, the irrigation shall not be applied to any Lawn or Landscape plant material. Plant nurseries and Turfgrass production (sod farming) are agriculture. ~~The however, the~~ care of new or Existing Lawns, non-edible Landscapes, Cemeteries, Golf Courses and Athletic Play Areas are not classified as Agriculture for the purpose of this chapter.

(3) through (4) No change.

(5) "Core Aerification" means the process of mechanically removing cores or plugs of soil to relieve soil compaction and allowing oxygen, water and nutrients to enter the ground.

(5) through (30) renumbered (6) through (31) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.219, 373.223 FS. History--New 3-24-92, Amended 9-15-03, \_\_\_\_\_.

40D-22.201 Year-Round Water Conservation Measures.

(1) through (2) No change.

(3) Irrigation Uses – The following requirements shall apply to all Irrigation except Agriculture, for example: Lawns, Landscapes, Golf Courses, and other Athletic Play Areas.

(a) through (d) No change.

(e) Lawns may be Spot Treated without regard to the normally allowable watering days ~~or times~~. Lawns may only be Spot Treated by Hand-Watering or other targeted, manual means. Spot Treatment shall only be accomplished during allowable irrigation hours.

(f) In order to promote necessary rhizome repair, extra watering of turfgrass may occur on any day of the week for a 14-day period after Core Aerification or Vertical Mowing has occurred. An entire zone of an Irrigation system, may only be used for extra rhizome repair watering if the zone in question is for an area that contains at least 50% Turfgrass recovering from Core Aerification or Vertical Mowing. If a zone contains less than 50% recovering Turfgrass, or if the recovering Turfgrass area is typically not watered by an Irrigation system, only the recovering Turfgrass is eligible for this 14-day

exemption. Targeted watering may be accomplished by Hand Watering, or any appropriate method which isolates and waters only the recovering Turfgrass.

(g) New Plant Material shall only be irrigated as follows:

1. Any New Plant Material may be irrigated, for the purpose of maintaining plant health and encouraging root grow-in, during a 60-day establishment period. From day 1 through day 30 of this establishment period, irrigation may occur on any day of the week. From day 31 through day 60 of this establishment period, irrigation is limited to one application on each of three specified days, except as otherwise provided herein. The three allowable days shall be as follows: Even Numbered Addresses may provide establishment period irrigation on Tuesday, Thursday and Sunday and Odd Numbered Addresses may provide establishment period irrigation on Monday, Wednesday and Saturday. Cemeteries and other properties two acres or greater are permitted to use an alternative schedule to provide three days of establishment irrigation per week from day 31 through day 60 so long as a written schedule of establishment period watering is maintained at the property. From day 31 through day 60, properties with no discernable address, such as common areas and rights of way, are permitted to provide establishment period irrigation on Tuesday, Friday and Sunday.

2. through 7. No change.

(h) through (j) No change.

(k) One extra irrigation application may occur within 72 hours of the conclusion of a named tropical storm or hurricane warning, if needed, to flush salt from plant material that was inundated or subjected to spray from saltwater or brackish water.

(4) through (7) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.219, 373.223, 373.62 FS. History—New 3-24-92, Amended 9-15-03, 11-05-09, \_\_\_\_\_.

40D-22.303 Variances and Waivers.

(1) Users may request relief from the provisions of this Chapter 40D-22, F.A.C., by filing an application using the form entitled Petition For Variance LEG 42.00-058(09/28/10), incorporated herein by reference and available upon request to the District and at WaterMatters.org, or by filing a petition for variance or waiver, as applicable, pursuant to Section 120.542, F.S., and Chapter 28-104, F.A.C. Examples of circumstances, which, subject to the above referenced statute and rule and the provisions below, may be candidates for the issuance of a variance ~~or waiver~~ are:

(a) through (d) No change.

(e) Properties which, due to the amount of irrigated acreage in relation to the irrigation system configuration, cannot irrigate all zones in accordance with the watering days provided in paragraphs 40D-22.201(4)(a)-(d), F.A.C.

(f) A local government or other entity that desires to offer an alternative irrigation program in accordance with Section 373.62(7), F.S.

(2) through (4) No change.

Rulemaking Specific Authority 120.542, 373.044, 373.113, 373.171 FS. Law Implemented 120.542, 373.119, 373.171, 373.175(4), 373.246(7), 373.609 FS. History—New 9-15-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lois Sorensen, Demand Management Program Manager

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

RULE TITLE:

59G-4.002

Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 1, 2010. The amendment to Rule 59G-4.002, F.A.C., will permit the Agency to implement revisions to the Florida Medicaid Provider Reimbursement Schedule.

SUMMARY: The reimbursement schedule contains the procedure codes and maximum fees that are effective January 1, 2010 for the following providers whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.908, 409.912, 409.913 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: Tuesday, November 9, 2010, 10:30 a.m. – 11:00 a.m.

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

Pursuant to the provisions of 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: Ouida Mazzoccoli at the Bureau of Medicaid Services, (850)412-4225. If you are 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: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)412-4225, e-mail: ouida.mazzoccoli@ahca.myflorida.com

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

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 1, 2010 ~~March 2009~~, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, ~~independent laboratory~~, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, ~~portable x-ray~~, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's Web site ~~Portal~~ at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.908, 409.912, 409.913 FS. History--New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ouida Mazzoccoli

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2010

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NO.: 60A-1.012  
RULE TITLE: Purchasing Categories and Adjustments Thereto

PURPOSE AND EFFECT: To repeal Rule 60A-1.012, Florida Administrative Code consistent with law change in Chapter 2010-151, Laws of Florida.

SUMMARY: Section 287.017(2), Florida Statutes, was deleted by the Legislature in Chapter 2010-151, Laws of Florida. As such, the department has no Legislative authority to adjust the purchasing category threshold amounts as described in the rule.

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: 287.042(3), 287.042(12) FS.

LAW IMPLEMENTED: Chapter 2010-151, Laws of Florida.

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 ARMSTRONG, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, Karen.armstrong@dms.myflorida.com

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

60A-1.012 Purchasing Categories and Adjustments Thereto.

Rulemaking Specific Authority 287.042(3), 287.042(12) FS. Law Implemented 287.017 FS. History--New 7-26-04, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen Armstrong

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary, Linda H. South, DMS

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

RULE NO.: 64B-7.002  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The department determined the need to adopt a rule setting forth disciplinary guidelines for registered pain-management clinics.

SUMMARY: This rule comprehensively describes all facets of how discipline shall be imposed including the consideration of mitigating and aggravating factors and the effect of settlements. This rule also lists the penalties for 39 possible offenses, which generally includes the range that may be used for a first and a subsequent offense.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 456.079, 458.3265, 459.0137 FS.

LAW IMPLEMENTED: 456.072(1)(2), 458.3265(1)(5), 458.327, 458.331, 459.0137(1)(5), 459.013, 459.015 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: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-7.002 Disciplinary Guidelines.

(1) In imposing discipline on a pain-management clinic, the department shall act in accordance with these disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations unless the department finds it necessary to deviate from the guidelines in accordance with this rule. Any and all offenses listed are sufficient grounds for the initial refusal of registration to an applicant. The department shall recover the costs of the investigation and prosecution of the case as well as imposing the appropriate penalty. In addition to any other penalty, if the violation includes proof of intentional fraud or fraudulent misrepresentation, the department shall impose a penalty of \$10,000 per count or offense. When the penalty is suspension, the period of suspension for the registration of the clinic shall not exceed one year.

(2) Violations and Range of Penalties:

(a) Failing to comply with any requirement of Chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or Chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act. (Sections 458.3265(5)(a), 459.0137(5)(a), F.S.). First offense- a fine of up to \$5,000 per violation and six months probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 per violation and a minimum of one year suspension to revocation.

(b) Knowingly and intentionally misrepresenting actions taken to correct a violation. (Sections 458.3265(5)(c), 459.0137(5)(c), F.S.). First offense – a fine of up to \$5,000 and/or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(c) Concurrently operating an unregistered pain-management clinic. (Sections 458.3265(5)(d), 459.0137(5)(d), F.S.). First offense – a fine of \$5,000 per day. For a subsequent offense, a fine of \$5,000 per day and revocation.

(d) Failing to apply to register a clinic that requires registration upon change of ownership and operating the clinic under new ownership. (Sections 458.3265(5)(d), 459.0137(5)(d), F.S.). First offense – a fine of up to \$5,000. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(e) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice contrary to Chapter 458, 459, or the rules of the department or the appropriate board. (Section 456.072(1)(j), F.S.). First offense – a fine of \$5,000 and/or up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 per violation and revocation.

(f) Knowingly prescribing or dispensing, or causing to be prescribed or dispensed, controlled substances in a nonregistered pain-management clinic that is required to be registered with the department. (Sections 458.327(2)(f), 459.013(2)(d), F.S.). First offense – a fine of up to \$5,000 per day. For a subsequent offense, a fine of up to \$5,000 per day and up to one year suspension or revocation.

(g) Registering a pain-management clinic through misrepresentation, fraud, or by making a false or fraudulent representation. (Section 456.072(2)(d), F.S.). A fine of \$10,000 per count or offense and up to one year suspension or revocation.

(h) Being convicted of or pled guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, II, III, IV, or V of s. 893.03, in this state, any other state, or the United States. (Sections 458.3265(1)(e), 459.0137(1)(e), F.S.). Revocation

unless more than ten years have passed since the conviction and the owner has received recognition from the Governor for providing extraordinary service to the state.

(i) Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonest, or deceit in any jurisdiction of the courts of the state, of any other state, or of the United States, (Sections 458.331(1)(oo)4., 459.015(1)(qq)4., F.S.). First offense, a fine of up to \$5,000 and up to one year suspension to revocation. For a subsequent offense, a fine of \$5,000 and one year of suspension or revocation.

(j) Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for any offense that would constitute a violation of Chapter 458 or Chapter 459, F.S. (Sections 458.331(1)(oo)5., 459.015(1)(qq)5., F.S.). First offense, a fine of up to \$5,000 and one year probation to revocation. For a subsequent offense, a fine of \$5,000 and from three months to one year suspension or revocation.

(k) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession. (Sections 456.072(1)(c), 458.331(1)(oo)6., 459.015(1)(qq)6., F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(l) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud. (Sections 456.072(1)(ll), 458.331(1)(oo)7., 459.015(1)(qq)7., F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(m) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.). First offense, a fine of up to \$5,000 and one year suspension to revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(n) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in Section 465.003(14) or Section 893.02, F.S., if the owner or holder of the registration knows or has reason to believe that the purported prescription is not based on a valid practitioner-patient relationship. (Sections 458.331(1)(oo)8., 459.015(1)(qq)8., F.S.). First offense, a fine of up to \$5,000 and from up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(o) Failing to timely notify the department of the date that the dispensing practitioner has terminated from a pain-management clinic as required by Section 458.3265(2) or 459.0137(2), F.S. (Sections 458.331(1)(oo)9., 459.015(1)(qq)9., F.S.). First offense, a fine of up to \$3,500 and from a reprimand to six months suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation.

(p) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of other methods for prescribing within 24 hours as required by Section 458.3265(2) or 459.0137(2), F.S. (Sections 458.331(1)(pp), 459.015(1)(rr), F.S.). First offense, a fine of up to \$5,000 and from one year of probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(q) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in Chapter 893, F.S. (Sections 458.331(1)(qq), 459.015(1)(ss), F.S.). First offense, a fine of up to \$5,000 and a reprimand and six months to one year suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation.

(r) Making misleading, deceptive, or fraudulent representations in or related to the practice. (Section 456.072(1)(a), F.S.) First offense, a fine of \$10,000 and from a reprimand to one year suspension. For a subsequent offense, a fine of \$10,000 and one year suspension or revocation.

(s) Intentionally violating any rule adopted by the board or the department as appropriate. (Section 456.072(1)(b), F.S.) First offense, a fine of up to \$5,000 and from one year probation up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and up to one year suspension or revocation.

(t) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including denial, by the licensing authority of any jurisdiction for what would be a violation under Florida law. (Section 456.072(1)(f), F.S.) First offense, a fine of up to \$5,000 and up to one year suspension or revocation considering what the penalty would have been had the offense occurred in Florida. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation considering what the penalty would have been had the subsequent offense occurred in Florida.

(u) Attempting to obtain or obtaining the registration by bribery, by fraudulent misrepresentation, or through an error of the department or a board. (Section 456.072(1)(h), F.S.) First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(v) Failing to report to the department any person known to be in violation of Chapter 456, 458 or 459, or the rules of the department or board. (Section 456.072(1)(i), F.S.) First offense, a fine of up to \$3,000 and up to one year suspension. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(w) Failing to perform any statutory or legal obligation (Section 456.072(1)(k), F.S.). First offense, from a fine of up to \$5,000 and/or from a three month to one year suspension. For a subsequent offense, a fine of up to \$5,000 and from one year probation to one year suspension or revocation.

(x) Filing a false report (Section 456.072(1)(l), F.S.). First offense, a fine of up to \$5,000 and up to one year suspension. For a subsequent offense, a fine of \$5,000 and up to one year suspension or revocation.

(y) Making deceptive, untrue, or fraudulent representations or employing a trick or scheme related to the operation of the business (Section 456.072(1)(m), F.S.). First offense, a fine of up to \$5,000 and/or probation to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(z) Exercising influence on a patient or client for the purpose of financial gain of the clinic licensee or a third party. (Section 456.072(1)(n), F.S.). First offense, a fine of up to \$5,000 and from one year probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(aa) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the owner or designated physician know that the clinic employee is not competent to perform. (Section 456.072(1)(o), F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and revocation.

(bb) Delegating or contracting for the performance of professional responsibilities by a person when the owner or designated physician delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.). First offense, a fine of up to \$5,000 and from one year probation to up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(cc) Violating an order of the department or the appropriate board, or failing to comply with subpoena of the department (Section 456.072(1)(q), F.S.). First offense, a fine of up to \$5,000 and from a reprimand to up to one year suspension. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(dd) Improperly interfering with an investigation, inspection, or disciplinary proceeding (Section 456.072(1)(r), F.S.). First offense, a fine of up to \$5,000 and up to one year suspension or revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(ee) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing at the clinic (Section 456.072(1)(t), F.S.). First offense, a fine of up to \$2,500 and/or up to a three month suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year of suspension of registration.

(ff) Failing to comply with Sections 381.026 and 381.0261, F.S., requirements to provide patients with information about patient rights and how to file a patient complaint (Section 456.072(1)(u), F.S.). First offense, a fine of up to \$3,500 and a reprimand up to a six month suspension. For a second offense, a fine of up to \$5,000 and from one year probation to up to one year suspension. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(gg) Failing to report to the department in writing within 30 days after having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.). First offense, a fine of up to \$2,500 and up to a six month suspension. For a subsequent offense, a fine of \$5,000 and one year suspension or revocation.

(hh) Violating any applicable provision of Chapter 456, Chapter 458 or Chapter 459, F.S., or the rules of these chapters (Section 456.072(1)(dd), F.S.). First offense, from a fine of up to \$5,000 and from six months probation to one year suspension. For a subsequent offense, a fine of up to \$5,000 and up to a one year suspension or revocation.

(ii) With respect to a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill that has been "upcoded" as defined in Section 627.732, F.S., (Section 456.072(1)(ee), F.S.). First offense, a fine of up to \$5,000 and from a reprimand up to one year suspension. For a subsequent offense, a fine of up to \$5,000 and up to one year suspension or revocation.

(jj) With respect to a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill for payment of services that were not rendered. (Section 456.072(1)(ff), F.S.). First offense, a fine of up to \$5,000 and from one year of probation to revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(kk) Engaging in a pattern of practice when prescribing drugs or controlled substances which demonstrates a lack of reasonable skill and safety to patients or a violation of Chapter 456, 458 or 459, or any applicable rules. (Section 456.072(1)(gg), F.S.). First offense, a fine of up to \$5,000 and

up to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.

(ll) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement (Section 456.072(1)(jj), F.S.). First offense, from a minimum fine equal to the lesser of the amount owed to the state for an overpayment or up to \$5,000 and from 6 months probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and up to a one year suspension or revocation.

(mm) Being terminated from the state Medicaid program, any other state Medicaid program, or the federal Medicare program, unless eligibility has been restored. (Section 456.072(1)(kk), F.S.). First offense, from a fine of up to \$5,000 and from one year suspension to revocation. For a subsequent offense, a fine of \$5,000 and revocation.

(3) The range of disciplinary penalties which the department is authorized to impose includes those set forth in Section 456.072, 458.3265(5), or 459.0137(5), F.S. In determining the appropriate disciplinary action to be imposed in each case, the department shall take into consideration the mitigating and aggravating factors described in Section 458.3265(5) or 459.0137(5), F.S. The final order shall explain the mitigating or aggravating circumstances used to justify any deviation from the specified guidelines.

(4) Stipulation or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the department to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(5) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the department to pursue collateral civil or criminal actions when appropriate.

Rulemaking Authority 456.079, 458.3265, 459.0137 FS. Law Implemented 456.072(1)(2), 458.3265(1)(5), 458.327, 458.331, 459.0137(1)(5), 459.013, 459.015 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Larry McPherson  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.009  
RULE TITLE: Standard of Care for Office Surgery  
PURPOSE AND EFFECT: The proposed rule amendment addresses the American Society of Anesthesiologists' most recent guidelines for office based anesthesia.

SUMMARY: The proposed rule amendment adopts the most recent standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.  
NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.
  - (a) through (f) No change.
  - (g) The Board of Medicine adopts the "Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring," approved by House Delegates on October 13, 1999, and last affirmed on October 21, 2009 ~~October 21, 1986, and last amended on October 21, 1998,~~ as the standards for anesthetic monitoring by any qualified anesthesia provider.
    - 1. through 3. No change.
    - (h) through (m) No change.
    - (3) through (6) No change.

Rulemaking Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07, 3-25-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-2.003 RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to notify applicants of the new website to apply online for licensure at www.flhealthsource.com .

SUMMARY: The rule amendment will notify of new online website for applicants to apply online for licensure.

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

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

RULEMAKING AUTHORITY: 456.013, 468.221, 468.204 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any

applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152 (revised 08-09), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy’s website at <http://www.doh.state.fl.us/mqa/occupational/> or you may qualify to apply through the on-line application located at <https://ww2.doh.state.fl.us/DOHInitialApp/login.aspx>.

Rulemaking Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.209(1), 468.221 FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended 1-12-09, 5-19-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-3.001 RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to notify applicants of the new website to apply online for licensure at www.flhealthsource.com.

SUMMARY: The rule amendment will notify of new online website for applicants to apply online for licensure.

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: 456.013, 468.221, 468.204 FS.

LAW IMPLEMENTED: 468.221, 468.209(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:



64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152 (revised 08-09), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy’s website at <http://www.doh.state.fl.us/mqa/occupational/> or you may qualify to apply through the on-line application located at <https://ww2.doh.state.fl.us/DOHInitialApp/login.aspx>.

Rulemaking Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.221, 468.209(1) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-14.06, Amended 6-29-89, Formerly 21M-14.006, 61F6-14.006, 59R-62.006, Amended 1-12-09, 5-19-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

|            |                                             |
|------------|---------------------------------------------|
| RULE NOS.: | RULE TITLES:                                |
| 64I-1.001  | Definitions                                 |
| 64I-1.002  | Ineligibility, Eligibility and Closure      |
| 64I-1.003  | Services                                    |
| 64I-1.005  | Transitional Living Facility (TLF) Services |

PURPOSE AND EFFECT: The Department of Health, Brain and Spinal Cord Injury Program is proposing some revisions to the current definitions section that will clarify some statutory terms. In addition, the section on eligibility and services is now in two sections. One section addresses eligibility, ineligibility and closure, with the majority of the language retained from the previous rule, and some changes to clarify the materials that can be used to open a new case for a person previously served by the program. The other section addresses services, with the prohibitive majority of the language retained for the original rule. Finally, a new section is added to address services provided by transitional living facilities.

SUMMARY: Proposed changes to Rule 64I-1.001, F.A.C., more precisely define “appropriate level of functioning in the community” to clarify this fundamental condition for case closure and confirm that the program does not purchase equipment that requires title. In addition, technical revisions to the rule are proposed to capitalize defined terms and to correct the name of the program. Proposed changes to Rule 64I-1.002, F.A.C., removes current language relating to services and will focus on eligibility for and closure from the Brain and Spinal Cord Injury Program. The proposed changes will assist the program in closing individuals’ cases that should be served by the state vocational rehabilitation program and will assist the program in determining eligibility for individuals who have previously received services from the program. Proposed Rule 64I-1.003, F.A.C., now contains the current language relating to services which define to whom services can be provided by the Department (See current Rule 64I-1.002, F.A.C.). Proposed Rule 64I-1.005, F.A.C., is new and confirms that transitional living facilities serve only those individuals who have sustained a brain or spinal cord injury as defined by Section 381.745, F.S., that transitional living facility services do not include long term care, and that transitional living facilities must obtain accreditation from the Commission on Accreditation of Rehabilitation Facilities prior to providing services.

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: 381.0011, 400.805 FS.

LAW IMPLEMENTED: 381.75, 381.76, 381.79, 400.805 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, November 15, 2010, 10:00 a.m.

PLACE: Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, FL 32311

Pursuant to the provisions of 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: Suzanne Kelly, Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Tallahassee, Florida 32399; telephone: (850)245-4110; Email address: [Suzanne\\_Kelly@doh.state.fl.us](mailto:Suzanne_Kelly@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Kelly, Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Tallahassee, Florida 32399; telephone: (850)245-4110; Email address: Suzanne\_Kelly@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TTD) or 1(800) 955-8770 (Voice)

THE FULL TEXT OF THE PROPOSED RULES IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-.79, F.S., and Rules 64I-1.001-.003, F.A.C. ~~this rule~~, consistent with Section 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a Community of one's informed choosing by performing ~~all~~ activities of daily living, independently, or with support, but without the need for Services. A particular level of functioning in the Community is not an Appropriate Level of Functioning in the Community if the underlying activities of daily living:

1. Cannot be safely performed in a manner that is consistent with the Eligible Individual's limitations; or

2. Are not financially supportable for the foreseeable future.

(b) No change.

(c) Legal Resident: An individual ~~person~~ who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The Applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the Applicant is otherwise eligible for the General Program.

(e) No change.

(f) Reintegration into the Community: Maintaining oneself in a Community by performing ~~all~~ activities of daily living, independently, or with support, but without the need for Services.

(2) Additional definitions for terms used in Rules 64I-1.001-.003, F.A.C., ~~this rule~~, consistent with Section 381.745, F.S.

(a) Applicant: An individual ~~person~~ requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Chapter ~~429~~ 400, Part III, F.S.

(c) Eligible Individual Person: An individual ~~person~~ determined eligible for the General Program.

(d) Equipment: For purposes of Section 381.79(1)(b), F.S., means personal property not required to be titled under state law and does not include fixtures to real property except as modifications to a residence.

~~(e)(4)~~ General Program: The program for which eligibility is determined under Section 381.76, F.S.

~~(f)(e)~~ Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B. Jennett ~~Jennitte~~ in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury ~~Prevention~~ Program, 4052 Bald Cypress Way, Bin #C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

~~(g)(4)~~ Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A., Communication Disorders Service, Rancho Los Amigos Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury ~~Prevention~~ Program, 4052 Bald Cypress Way, Bin #C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

~~(h)(g)~~ Services: Services provided by the General Program.

Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 5-9-05, Amended 10-31-05, \_\_\_\_\_.

(Substantial rewording of Rule 64I-1.002 follows. See Florida Administrative Code for present text.)

64I-1.002 Ineligibility, Eligibility and Closure Services.

(1) An Applicant shall be determined ineligible for the General Program if the Applicant:

(a) Is determined eligible for the state vocational rehabilitations program funded under the Rehabilitation Act of 1973, as amended;

(b) Does not require Services to achieve Reintegration into the Community;

(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve Reintegration into the Community through Services; or

(d) Is otherwise categorically ineligible under the statutory criteria.

(2) An Eligible Individual's case shall be closed if the Eligible Individual is:

(a) Determined eligible for the state vocational rehabilitations program funded under the Rehabilitation Act of 1973, as amended;

(b) At an Appropriate Level of Functioning in the Community; or

(c) Not reasonably expected to return to an Appropriate Level of Functioning in the Community through Services.

(3) Prior closure does not prevent an individual from becoming an Applicant.

(4) Applicants previously closed under paragraph (2)(b) for not more than twelve months prior to again becoming an Applicant shall be:

(a) Presumed to satisfy Sections 381.76(1)(a)-(d), F.S.; and

(b) Presumed to satisfy Section 381.76(1)(e), F.S., if the specific required Services:

1. Are needed to achieve an Appropriate Level of Functioning in the Community;

2. Were not provided previously; and

3. Are not available or in sufficient supply from any other resource.

Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History–New 10-31-05, Amended \_\_\_\_\_

64I-1.003 Services.

(1) All Services must be directed specifically to an individual Applicant or Eligible Individual by prior authorization of the General Program.

(2) Services can be delivered for an Applicant only to the extent necessary to determine eligibility for the General Program and for an Eligible Individual only to the extent necessary to achieve subsection 64I-1.002(2), F.A.C. closure.

(3) Services do not include:

(a) Upgrading, replacement or maintenance of a durable medical device;

(b) Funding for consumables (those items for which the very act of using destroys their further use), except in support of Services, and then for no more than twenty four (24) months beginning with the first time such funding is authorized;

(c) Any required by a change in circumstances not directly related to the Applicant or Eligible Individual’s brain or spinal cord injury and capable of repetition throughout their life. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of an individual below the age of eighteen, the loss of a caregiver; or

(d) Any requiring approval under federal law, such as human subject research.

Rulemaking Authority 381.0011 FS. Law Implemented 381.79 FS. History–New \_\_\_\_\_

64I-1.005 Transitional Living Facility (TLF) Services.

(1) Services:

(a) No entity can deliver TLF services without complying with this rule and before receiving a TLF license from the Agency for Health Care Administration under Section 400.805, F.S.;

(b) TLF services are solely for persons who have sustained brain or spinal cord injury as defined in Section 381.745(2), F.S.;

(c) TLF services do not include services as an appropriate discharge site;

(d) No entity can deliver services as a TLF except upon obtaining and maintaining Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation for actions taken or intended to be taken under a TLF license. CARF may be reached via: the internet [www.carf.org](http://www.carf.org); telephone, (202)587-5001 or toll-free (866)888-1122; fax, (202)587-5009; and by mail CARF-CCAC, 1730 Rhode Island Avenue N.W., Suite 209, Washington, DC 20036, USA. PROPOSED EFFECTIVE DATE: June 1, 2011 for Rule 64I-1.005.

Rulemaking Authority 381.0011, 400.805 FS. Law Implemented 381.75, 400.805 FS. History–New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Thom DeLilla, Bureau Chief, Brain and Spinal Cord Injury Program

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

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008, September 26, 2008 and June 26, 2009

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

|            |                                                                                      |
|------------|--------------------------------------------------------------------------------------|
| RULE NO.:  | RULE TITLE:                                                                          |
| 11B-30.007 | Application for the State Officer Certification Examination and Notification Process |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 31, August 6, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

|            |                                                               |
|------------|---------------------------------------------------------------|
| RULE NOS.: | RULE TITLES:                                                  |
| 15C-18.001 | Electronic Filing System                                      |
| 15C-18.004 | EFS Agent Participation Requirements                          |
| 15C-18.005 | Service Providers; Certification; Requirements                |
| 15C-18.006 | Electronic Filing System Requirements; Disclosure to Customer |
| 15C-18.007 | Enforcement; Service Providers; EFS Agents; Tax Collectors    |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15C-18.001, subsection (2) shall read:

(c) "Electronic Filing System" means the system ~~owned by and~~ under the jurisdiction of and regulated by the Department which allows authorized EFS agents to process title and registration transactions.

~~(h)(4)~~ "Sales Agreement" means the document that buyer and seller sign memorializing the terms of the sale and includes, but is not limited to a buyer's order and a bill of sale.

~~(i)(4)~~ "Tax Collector" means one of the 64 state constitution or 3 charter appointed tax collectors in the 67 counties of Florida who serve as agents of the Department for the delivery of title and registration services.

15C-18.004, subsection (1) shall read:

(d) Apply to the Department on Form HSMV 82083, which is incorporated herein by reference a form prescribed by the Department.

(f) The entity's principal and all prospective users of the system must have no convictions involving a felony for the last 7 years except as provided in Section 112.011(1)(b), F.S. Regardless of the passage of time since the conviction and notwithstanding restoration of civil rights, anyone convicted of a felony involving dishonesty, including but not limited to identify theft, embezzlement or other economic crimes is not eligible to become an EFS agent or have access to an EFS agent's system. Have no convictions of a felony involving fraudulent crimes related to motor vehicles including, but not limited to, identity fraud, embezzlement or other related economic crimes by the principals or prospective users within the last five years. If there were any felony convictions against any principal or prospective user beyond the five years, they must have had their civil rights restored and provide proof of this prior to being authorized to access the system. This does not include any felony convictions involving the actual operation of a motor vehicle. The EFS agent must provide

verification to the Certified Service Provider that background checks are performed on all principals or prospective users and meet the requirements set forth in this rule prior to the Certified Service Provider allowing access to the system and registering authorized users.

(i) An entity shall have no ~~Prior~~ disciplinary actions taken against it by the Department within the last two years that resulted in a suspension, revocation, or fine may be used as a determining factor in denial of an entity as an EFS agent.

15C-18.004, subsection (2) shall read:

(2) EFS agents may only stock regular series license plates and registration decals ~~unless they receive specific authority from the Department to stock additional indicia types.~~

15C-18.005, subsection (2) shall read:

(b) Demonstrate to Pass a structured test with the Department that the Service Provider's system at a minimum can successfully process the following transactions: original new, original used, and transfers of title and original, transfer and renewal of registrations.

15C-18.005, subsection (3) shall read:

(f) Ensure all EFS agent principals or prospective users have had a criminal history background checks conducted by the Florida Department of Law Enforcement and maintain lists of authorized users.

15C-18.006, subsection (1) shall read:

(f) Provide ~~an approved HSMV 84003 with~~ a list of license plates that have been voided, along with a reason for the void.

(g) Provide a report for each county, by authorized EFS agent, listing all current users.

(h) Provide a list to the Department of all authorized users of the Electronic Filing System.

15C-18.006, subsection (4) shall read:

(4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on Form HSMV 82083, which is incorporated herein by reference a form prescribed by the Department.

15C-18.006, subsection (5) shall read:

(5) If an EFS agent charges a fee to the customer for use of the electronic filing system in a title or registration transaction, the fee shall be disclosed separately and in a clear and conspicuously manner in the sales agreement along with the other options for titling and registration as an optional fee. The EFS agent may not disclose or disguise this as a State or Government fee.

15C-18.007, subsection (1) shall read:

(1) Enforcement authority for compliance with the requirements of the electronic filing system with regard to the Certified Service Providers is granted to the Department. ~~The Department shall have the authority to terminate any contract or agreement with any Certified Service Provider for any~~

~~violation of the statute, the rules or the terms or the contract. Additionally, T~~he following are prohibited and may result in the termination of certification as a service provider.

15C-18.007, subsection (2) shall read:

(2) Enforcement authority for compliance and the requirements of the electronic filing system with regard to EFS agents is granted to the Department. The Department ~~will shall~~ have the authority to revoke an EFS agent's ability to use the electronic filing system for any violation that jeopardizes the integrity of the system of the statute, the rules or the terms of the contract. This rule shall not prevent the Department from imposing any additional sanctions or fines as allowed by other applicable laws or rules including but not limited to Section 320.27, F.S. Additionally, the following are prohibited:

(c) Failure to pay applicable Department records fees for information not resulting in the issuance of a title certificate certification or registration credential.

(f) Failure to remain in good standing with the Tax Collector or State, including lapse or revocation of any state or of local license.

15C-18.007, subsection (3) shall read:

(3) Enforcement authority for non-compliance with rule 15C-18.003 is granted to the Department and ~~will may~~ result in the Department or its authorized representative handling EFS services for that county.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

|            |                          |
|------------|--------------------------|
| RULE NO.:  | RULE TITLE:              |
| 33-601.217 | Elderly Offender Housing |
|            | NOTICE OF CHANGE         |

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly.

33-601.217 Elderly Offender Housing.

- (1) No change.
- (2) Placement criteria. The department does not house inmates solely based on age. Elderly inmates are housed consistent with their custody level and medical status. However, certain facilities may be designated to house or to care for elderly inmates. Inmates shall be recommended for placement at a geriatric facility or dorm through routine classification assignment.

(a) Inmates shall meet the following criteria for placement in housing at a geriatric facility or dorm:

- 1. No change.
- ~~2. Medium, minimum, or community custody;~~
- ~~2.3. Have not received any violent three or more major disciplinary reports within the last three years six months;~~
- ~~3.4. Are not otherwise deemed to be a security or disciplinary risk for placement; and~~
- ~~4. Are compatible with the facility's mission and profile.~~
- ~~5. Medical profile that will allow the inmate to perform meaningful work activities.~~
- ~~(b) An inmate shall not be eligible for housing at a geriatric facility or dorm if he:~~
  - ~~1. Is close or maximum custody;~~
  - ~~2. Has a current or prior conviction for any sex offense;~~
  - ~~3. Has a current or prior conviction for first degree murder;~~
  - ~~4. Has an escape history or escape arrest with unknown disposition;~~
  - ~~5. Has a violent felony or INS detainer;~~
  - ~~6. Has an ex-death sentence;~~
  - ~~7. Has a life sentence without parole eligibility;~~
  - ~~8. Has been released from close management status within the last six months; or~~
  - ~~9. Has a special medical need that cannot be accommodated in the work camp setting.~~

Rulemaking Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History--New 9-15-02, Amended 4-1-04,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing**

|            |                                         |
|------------|-----------------------------------------|
| RULE NOS.: | RULE TITLES:                            |
| 59A-8.003  | Licensure Requirements                  |
| 59A-8.004  | Licensure Procedure                     |
| 59A-8.008  | Scope of Services                       |
| 59A-8.0095 | Personnel                               |
| 59A-8.0215 | Plan of Care and Service Provision Plan |
| 59A-8.022  | Clinical Records and Service Records    |
| 59A-8.0245 | Advance Directives                      |
| 59A-8.027  | Emergency Management Plans              |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 28, July 16, 2010 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the staff of the Joint Administrative Procedures Committee and from testimony received in the September 9, 2010 public hearing.

59A-8.0095 updates and adds to the requirements for various types of personnel.

The administrator shall be responsible for the overall operation of the home health agency. Additional oversight by the director of nursing is added as required in Section 400.497(5), F.S., paragraph 59A-8.0095(2)(d), F.A.C., is removed because its content is now included in Section 400.476(1)(b), F.S.

59A-8.0245 revises the date and web site address for the "Health Care Advance Directives – The Patients' Right to Decide." 59A-8.0245(3)(b) is removed because it repeats what is stated in Section 400.487(7), F.S.

59A-8.003 Licensure Requirements.

(2) An application for renewal of the current license must be submitted to AHCA at least 60 days prior to the date of expiration of the license, pursuant to Section 408.806, F.S. It is the responsibility of the home health agency to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the license. Home health agencies that apply for renewal of their licenses will be surveyed by AHCA or an accrediting organization as defined in Rule 59A-8.002, F.A.C., pursuant to Sections 408.811 and 400.471, F.S. Home health agencies will be surveyed on an unannounced basis at least every 36 months. Area offices may do follow up surveys to check on correction of deficiencies at any time on an unannounced basis. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the survey.

(6) An application package for a change of ownership shall be made on a form prescribed by AHCA, as referenced in paragraph 59A-35.060(1)(m) subsection 59A-8.004(1), F.A.C.

(14) The home health agency shall submit the quarterly report required in Section 400.474, F.S. This rule applies to each home health agency required to be licensed by AHCA pursuant to Chapter 400, Part III, F.S.

(a) During each quarterly submission period each home health agency shall submit the data required by the form AHCA 3110-1027, based on the data as it existed on the last day of the prior calendar quarter.

(b) A separate form AHCA 3110-1027, April 2010, shall be submitted electronically for each home health agency required to be licensed by AHCA.

59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on a form prescribed by the AHCA in paragraph 59A-35.060(1)(m), F.A.C. ~~This form may be obtained at the AHCA web site, <http://ahca.myflorida.com/licensing-cert.shtml>, and then under "Home Health Agency".~~

(6) For initial applications, including changes of ownership, the applicant must submit proof of financial ability to operate, pursuant to Sections 400.471, 408.810, and

~~408.8065, F.S., and Rule 59A-35.062, F.A.C. The compliance is demonstrated by completion of AHCA Form 3100-0009 pursuant to Rule 59A-35.062. Applications for changes of ownership and applications for initial licensure from agencies that failed to renew their licenses before expiration are not required to submit Schedule I of AHCA Form 3100-0009.~~

(7) An applicant for initial license shall sign the form AHCA 3110-1026, Attestation of Compliance with Distance Requirements, April 2010, pursuant to Section 400.471(7), F.S. The authorized representative signing this form attests no officer or controlling interest of the applicant agency are officers or controlling interests of another home health agency located within 10 miles of the applicant agency and is in the same county.

~~(8) An applicant for renewal of licenses shall not be required to provide proof of financial ability to operate, unless the applicant has demonstrated financial inability to operate, as defined in subsection 59A-8.002(14), F.A.C. If a licensee has shown signs of financial instability at any time, pursuant to Section 408.810(8), F.S., AHCA shall require proof of financial ability to operate, by submitting schedules 2 through 7 of AHCA Form 3100-0009, described in subsection (6) above, and documentation of correction of the financial instability, to include evidence of the payment of any bad checks, delinquent bills or liens. If complete payment cannot be made, evidence must be submitted of partial payment along with a plan for payment of any liens or delinquent bills. If the lien is with a government agency or repayment is ordered by a federal, state, or district court, an accepted plan of repayment must be provided.~~

59A-8.008 Scope of Services.

Rulemaking Authority ~~400.487, 400.497~~ FS. Law Implemented ~~400.471, 400.462, 400.497, 400.487~~ FS. History–New 4-19-76, Formerly 10D-68.08, Amended 4-30-86, 8-10-88, 5-30-90, Formerly 10D-68.008, Amended 10-27-94, 1-17-00, 7-18-01, 9-22-05, \_\_\_\_\_.

59A-8.0095 Personnel.

(1) Administrator.

(a) The administrator of the agency shall:

3. Designate, in writing a direct employee or an individual covered under a management company contract to manage the home health agency or an employee leasing contract, ~~pursuant to Section 468.520, F.S.~~, that provides the agency with full control over all operational duties and responsibilities to serve as an on-site alternate administrator during absences of the administrator. This person will be available during designated business hours, when the administrator is not available. Available during designated business hours means being readily available on the premises or by telecommunications. During the absence of the administrator, the on-site alternate

administrator will have the responsibility and authority for the daily operation of the agency. The alternate administrator must meet qualifications as stated in Section 400.462(1), F.S.

(2) Director of Nursing.

~~(c)5. The director of nursing shall establish~~ Establish a process to verify that services were provided. The home health agency must be able to validate that patient or client care was provided as ordered and specified in the plan of care or service provision plan. The surveyor may request a certified report that verifies the services ~~were~~ provided by a specified direct service staff person or contracted staff person for a specified time period as permitted in Section 400.497(5)(b), F.S. A certified report shall be in the form of a computer print out or other printed document and signed by the director of nursing. The report must be provided to the surveyor within two hours of the request.

~~(d)(e)~~ The director of nursing shall establish, and conduct, and document an ongoing quality assurance program. The program shall include at least quarterly, the review of the care and services of a sample of both active and closed clinical records by the director of nursing. ~~In large agencies, The~~ the director of nursing may delegate some of the record review to registered nurses.

(6) Physical Therapist and Physical Therapist Assistant.

(a) The physical therapist shall be currently licensed in the state, pursuant to Chapter ~~486 485~~, F.S. The physical therapist assistant shall be currently licensed in the state, pursuant to Chapter ~~486 485~~, F.S.

1. Services provided by the physical therapist and physical therapy assistant shall be in compliance with the standards of physical therapy practice in Chapter ~~486 485~~, F.S., and Chapter 64B17-6, Florida Administrative Code.

(8) Occupational Therapist and Occupational Therapist Assistant.

(d) Supervision of the occupational therapy assistant by the occupational therapist shall be provided as required in 468.203(8), F.S.

59A-8.0215 Plan of Care and Service Provision Plan.

(2) Home health agency staff must follow the physician, physician assistant, or advanced registered nurse practitioner's treatment orders that are contained in the plan of care. If the orders cannot be followed and must be altered in some way, the patient's physician, physician assistant, or advanced registered nurse practitioner must be notified and must approve of the change. Any verbal changes must be ~~are~~ put in writing and signed and dated with the date of receipt by the nurse or therapist who talked with the physician, physician assistant, or advanced registered nurse practitioner's office.

59A-8.022 Clinical Records and Service Records.

Rulemaking Authority 400.497 FS. Law Implemented 400.491, 400.494, ~~400.497~~ FS. History--New 4-19-76, Amended 2-2-77, Formerly 10D-68.22, Amended 4-30-86, 8-10-88, Formerly 10D-68.022, Amended 10-27-94, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

59A-8.0245 Advance Directives.

(3) Pursuant to Section 400.487(7), F.S., a home health agency may honor a DNRO as follows:

(a) Cardiopulmonary resuscitation may be withheld or withdrawn from a patient only if a valid Do Not Resuscitate Order (DNRO) is present, executed pursuant to Section 401.45, F.S. The Department of Health has developed a DNRO form that is described and available to the public as stated in Rule 64J-2.018, F.A.C.

~~(b) Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order (DNRO) and rules adopted by the agency, pursuant to Section 400.487, F.S. Any licensed professional home health agency personnel, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his/her performance regarding patient care.~~

Rulemaking Authority 400.487, 765.110 FS. Law Implemented 400.487, ~~400.497~~, 765.110 FS. History--New 10-27-94, Amended 1-17-00, 9-22-05, \_\_\_\_\_.

59A-8.027 Emergency Management Plans.

(8) On admission, each home health agency shall, pursuant to Section 252.355, F.S., inform patients and patient caregivers ~~of the home health agency's procedures during and immediately following an emergency and inform patients~~ of the special needs registry maintained by their county Emergency Management office. The home health agency must document in the patient's file if the patient plans to evacuate or remain at home; if during the emergency the patient's caregiver can take responsibility for services normally provided by the home health agency; or if the home health agency needs to continue services to the patient. If the patient is a resident of an assisted living facility or an adult family care home, the home health agency must contact the assisted living facility or adult family care home administrator or designated emergency management personnel and find out the plan for evacuation of the resident in order to document the resident's plans in the home health agency's file for the patient. If it is determined the home health agency needs to provide continued services, it will be the responsibility of the home health agency to provide the same type and quantity of care for the patient in the special needs shelter during and after the emergency, equal to the care

received prior to the shelter assignment as specified in Section 400.492, F.S., except in certain situations as specified in Section 400.492(3), F.S.

Rulemaking Authority ~~400.492~~, 400.497 FS. Law Implemented 400.492, 400.497 FS. History—New 7-18-01, Amended 8-15-06, 3-29-07, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Pilotage Rate Review Board**

RULE NO.:                   RULE TITLE:  
61E13-2.005                Contents of Application by a Pilot  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Pilotage Rate Review Board**

RULE NO.:                   RULE TITLE:  
61E13-2.007                Processing of Application  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

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

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 8, February 26, 2010 issue of the Florida Administrative Weekly.

The change is in response to a vote by the Board at a meeting held on April 23, 2010. The changes are as follows:

1. Subsection (4) shall now read as follows:
  - (4) Continuing Education Courses in Laws and Rules. Two continuing education credits in laws and rules of the Board may be obtained per biennium by attending one board meeting half day or four hours of a board meeting conducted by the Board of Landscape Architects and complying with the following:
    - (a) through (c) No change.
    - (d) Board members shall receive 2 hours of laws and rules continuing education credit per biennium for participation at one or more four hours of Board meeting(s).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.:                RULE TITLES:  
64B8-9.0131               Standards of Practice for Physicians  
                                  Practicing in Pain Management  
                                  Clinics  
64B8-9.0132               Requirement for Pain Management  
                                  Clinic Registration; Inspection or  
                                  Accreditation

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 16 of the April 23, 2010, issue of the Florida Administrative Weekly. The Board held public hearings on these rules on June 4, 2010, on August 7, 2010, and on October 2, 2010. The Board published a Notice of Change on August 20, 2010 and following the public hearing held on October 2, 2010, the Board voted to make additional changes to Rule 64B8-9.0131, F.A.C. The changes outlined in the Notice of Change published in the Florida Administrative Weekly on August 20, 2010, shall remain, unless addressed by the changes below. The changes are as follows:

1. The second sentence in subparagraph (2)(h)1., shall be reworded to read as follows: "If the result of the GC/MS or LC/MS or LC/MS/MS or GC/MS/MS testing is positive, the physician shall refer the patient for further consultation with a board-certified pain management physician, an addiction medicine specialist, or to a mental health addiction facility as it pertains to drug abuse or addiction."
2. The fourth sentence in subparagraph (2)(h)1., shall be reworded to read as follows: "The treating physician shall not prescribe or dispense any controlled substances until there is written concurrence of medical necessity of continued controlled substance therapy provided by a board-certified pain management physician, an addiction medicine specialist, or from a mental health addiction facility."
3. Subparagraph (2)(l)5., shall be changed to read as follows: "The Quality Assurance program must be reviewed once every three (3) years by a Florida-licensed risk manager



and documentation of said review must be provided to the Department together with any corrective action plan within 30 days of the review and maintained for inspection purposes.”

4. Paragraph (2)(n) is being deleted in its entirety because the training requirements for the practice of pain management will continue to be discussed by the Joint Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Psychology**

|              |                                                                                                                                       |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------|
| RULE NO.:    | RULE TITLE:                                                                                                                           |
| 64B19-18.007 | Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

|            |                                                         |
|------------|---------------------------------------------------------|
| RULE NOS.: | RULE TITLES:                                            |
| 64I-1.001  | Definitions                                             |
| 64I-1.002  | Services                                                |
| 64I-1.003  | Order of Selection                                      |
| 64I-1.004  | Scope of Services                                       |
| 64I-1.005  | Transitional Living Facility (TLF) Service Requirements |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

|             |                                            |
|-------------|--------------------------------------------|
| RULE NOS.:  | RULE TITLES:                               |
| 69O-200.004 | Qualification to Obtain and Hold a License |
| 69O-200.014 | Exemption From Financial Examination       |
| 69O-200.015 | Forms Incorporated by Reference            |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 27, July 9, 2010

issue of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and by the Joint Administrative Procedures Committee.

Rule 69O-200.004 has been revised to read as follows:

(1) An applicant must submit legible fingerprint cards, investigative background checks and biographical statements on Form OIR-CI-1423~~422~~, incorporated by reference in Rule 69O-200.015, F.A.C., for the following:

(a) Officers, directors, and stockholders holding 10% or more of the outstanding voting stock of the applicant and of any company or entity which has control over the applicant;

(b) Officers and directors of the applicant and of any company or entity having which has control over the applicant; and,

(c) Partners, members, sStockholders and other individuals holding a voting interest of 10% or more in any greater shares of outstanding stock of the applicant and any company or entity having direct or indirect which has control over the applicant.

(2) An applicant that is a motor vehicle manufacturer, as defined in Section 634.011(7), Florida Statutes, must submit legible fingerprint cards, investigative background checks and biographical statements on Form OIR-CI-1423 for all officers and directors of the applicant only.

~~(3)(2)~~ Subsequent to the date of licensure, individuals who become associated with the motor vehicle service agreement company in any of the above capacities shall submit the information required in subsection (1) above; however, those individuals who become associated with an agreement company which:

(a) Manufactures motor vehicles;

(b) Demonstrates it has they have a gap net worth in excess of \$100,000,000, as reported under generally accepted accounting principles (GAAP);

(c) Annually files with the Office a 10K Report; and,

(d) Annually notifies the Office in writing of any changes in officers (Executive Vice Presidents and above) and directors of the agreement company, shall be exempt from the requirements of subsection (1).

(4) Individuals named as officers or directors of a motor vehicle manufacturer licensee must within 45 days submit legible fingerprint cards, investigative background checks and biographical statements on Form OIR-CI-1423 for those officers and directors directly overseeing the Florida service contract operations, unless the licensee is exempt under subsection (3) above or subsection (7) below.

(5) In addition to background requirements for newly associated individuals, as noted in subsections (1) through (4) above, an acquisition filing pursuant to Section 628.4615, Florida Statutes, will require updates of previously filed background documentation for material changes.

~~(6)(3)~~ Motor vehicle service agreement companies are required to notify the department in writing within 15 days of any change in the corporate name, business name, address or phone number of the company.

~~(7)(4)~~ The Office will ~~may, at its discretion,~~ waive any of the above provisions if the applicant or licensee can satisfy the Office that the documents are not required in determining if the individual(s) in question can manage the company and its affairs and is competent and trustworthy. The following criteria will be considered by the Office in making this determination:

- (a) The financial condition of the applicant or licensee;
- (b) The financial condition of the companies having control over the applicant or licensee;
- (c) The history and structure of the companies;
- (d) The A.M. Best rating of all insurance companies involved; and,
- (e) The position held by the individual(s) in question.

(8) Subsequent to the date of licensure, a motor vehicle service agreement company may submit in writing a request to the Office that, for future reporting and compliance requirements, it be recognized as a motor vehicle manufacturer as defined in Section 634.011(7), Chapter 634, F.S. Such request must be certified by an officer of the licensee and must include documentation that clearly sets forth how the licensee meets the definition in Section 634.011(7), F.S.

Rulemaking Specific Authority 634.021 FS. Law Implemented 634.041 FS. History–New 5-26-93, Formerly 4-200.004, Amended \_\_\_\_\_.

Rule 690-200.014 has been revised to read as follows:

(1) The Office may, upon receipt of a written request, grant an exemption from the financial examination required by Section 634.141, Florida Statutes.

(2) A company applying for exemption must first submit documentation that demonstrates that the company:

- (a) Has a statutory net worth in excess of \$500 million;
- (b) Has been licensed as a motor vehicle service agreement company for more than 6 years;
- (c) Is publicly traded on the New York Stock Exchange;
- (d) Files an annual report on the Office’s form on or before March 1 of each year; and
- (e) Files with the Office its current Form 10K and 10Q, within 30 days of filing with the Securities and Exchange Commission;

~~(f) Annually by On or before March 1, 1993 and in three year intervals thereafter,~~ files a written request for the exemption. This request for exemption shall be accompanied by an exemption fee of \$2000 to be deposited into the Chief Financial Officer’s Regulatory Trust Fund.

(3) Motor vehicle manufacturers, as defined in Section 634.011(7), Florida Statutes, must only comply with paragraph (2)(f) above to apply for exemption from examination.

Rulemaking Specific Authority 634.021 FS. Law Implemented 634.141 634.1216 FS. History–New 5-26-93, Formerly 4-200.014, Amended \_\_\_\_\_.

Rule 690-200.015 has been revised to read as follows:

(1) The following forms are incorporated into this rule chapter by reference to implement the provisions of Chapter 634, Part I, Florida Statutes:

| Title                                                                                   | Form Number                               |
|-----------------------------------------------------------------------------------------|-------------------------------------------|
| (a) Application Cover Letter                                                            | OIR-CI-982 (02/92)                        |
| (b) Application Instructions                                                            | OIR-CI-994 (02/92)                        |
| (c) Application Checklist                                                               | OIR-CI-993 (02/92)                        |
| <del>(d) Invoice</del>                                                                  | <del>OIR-CI-990 (02/92)</del>             |
| <del>(d)(e) Fingerprint Fee Invoice</del>                                               | <del>OIR-CI-903 (09/91)</del>             |
| <del>(e)(f) Application for License as a Motor Vehicle Service Agreement Company</del>  | <del>OIR-CI-469 (02/92)</del>             |
| <del>(f)(g) Consent to Service of Process</del>                                         | <del>OIR-CI-144 (11/90)</del>             |
| <del>(g)(h) Resolution Form</del>                                                       | <del>OIR-CI-514 (11/90)</del>             |
| <del>(h)(i) Statement of Acquisition</del>                                              | <del>OIR-CI-448 (05/89)</del>             |
| <del>(i)(j) Sample Contractual Liability Policy</del>                                   | <del>OIR-CI-969 (08/92)</del>             |
| <del>(j)(k) Instructions for Deposit</del>                                              | <del>OIR-CI-992 (05/94)</del>             |
| <del>(k)(l) List of Salesman</del>                                                      | <del>OIR-CI-995 (02/92)</del>             |
| <del>(l)(m) Management Information</del>                                                | <del>OIR-CI-844 (10/91)</del>             |
| <del>(m)(n) Stockholder Listing</del>                                                   | <del>OIR-CI-973 (10/91)</del>             |
| <del>(n)(o) Biographical Statement</del>                                                | <del>OIR-CI-1423422 (09/08) (11/90)</del> |
| <del>(p) Abbreviated Biographical</del>                                                 | <del>OIR-CI-449 (01/91)</del>             |
| <del>(o)(q) Release of Information</del>                                                | <del>OIR-CI-450 (08/92)</del>             |
| <del>(p)(r) Equifax Instructions</del>                                                  | <del>OIR-CI-934 (10/91)</del>             |
| <del>(q)(s) Fingerprint Instructions</del>                                              | <del>OIR-CI-938 (04/91)</del>             |
| <del>(r)(t) Annual Statement</del>                                                      | <del>OIR-A3-467 (01/92)</del>             |
| <del>(s)(u) Quarterly Report</del>                                                      | <del>OIR-A3-466 (02/87)</del>             |
| <del>(t) Application for License</del>                                                  | <del>OIR-A3-1983 (02/09)</del>            |
| <u>Motor Vehicle Service Agreement Company Manufacturer.</u>                            |                                           |
| <u>(u) Annual Report for Motor Vehicle Manufacturers.</u>                               | <u>OIR-A3-1984 (01/10)</u>                |
| <u>(v) Application for Exemption from Field Examination.</u>                            | <u>OIR-A3-1985 (01/10)</u>                |
| <u>(w) Application for License Continuance Motor Vehicle Service Agreement Company.</u> | <u>OIR-A3-2019 (01/10)</u>                |

(2) These forms are effective on the dates referenced above. Copies of the forms may be obtained from the Office of Insurance Regulation, Bureau of Specialty Insurers, Larson Building, Tallahassee, FL 32399-0300.

Rulemaking Specific Authority 634.021 FS. Law Implemented 634.041, 634.061, 634.071, 624.501, 634.161, 634.252 FS. History—New 6-25-90, Formerly 4-114.015, Amended 5-26-93, 6-6-94, Formerly 4-200.015, Amended \_\_\_\_\_.

Form OIR-CI-1423 “Biographical Affidavit” has been revised to include the rule number associated with the form. The revised form is available from the contact person, Steve Szypula at Steve.Szypula@flair.com.

Form OIR-A3-1983 “Application For License Motor Vehicle Service Agreement Company – Manufacturer” has been revised to include Sections 634.071 and 624.501, Florida Statutes, in the list of laws implemented. Section III of the form will now refer to the following form: “List of Proposed Sales Representatives”. This form, pertaining to sales representatives, will be included as part of OIR-A3-1983. The revised form is available from the contact person, Steve Szypula at Steve.Szypula@flair.com.

Form OIR-A3-1984 “Report for Motor Vehicle Manufacturers” will be revised to be titled as “Annual Report for Motor Vehicle Manufacturers”. Form OIR-A3-1984 will no longer refer to invoice form OIR-CI-1990 (2/92). An invoice titled “Annual Report For Motor Vehicle Manufacturers Request For Payment Of Application Fees” will be included in Form OIR-A3-1984. Form OIR-A3-1984 will also include the following exhibits/forms: Exhibit III “Reported Claims Incurred”, Exhibit VI “Claims Exposure – Florida”, “List of Officers/Directors and Key Personnel”, “List of Companies, Application for License Continuance Motor Vehicle Service Agreement Company” and “Application for Exemption From Field Examination Motor Vehicle Service Agreement Company or Manufacturer”. The revised form is available from the contact person, Steve Szypula at Steve.Szypula@flair.com.

The “Motor Vehicle Manufacturer Interrogatories” form will be revised to remove line number 10. The interrogatory description of line 3 has been revised to read as follows “Have any legal actions been taken against the Licensee during the period covered by this report? If “YES”, provide all documentation related to the legal actions taken against the Licensee related to the business of service contracts”. The revised form is available from the contact person, Steve Szypula at Steve.Szypula@flair.com.

The remainder of the rule reads as previously published.

## Section IV Emergency Rules

### DEPARTMENT OF REVENUE

#### Miscellaneous Tax

RULE NO.:  
12BER10-7

RULE TITLE:  
Tax on Transfers of Ownership  
Interest in Legal Entities

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2009-131, Laws of Florida, authorizes the Department to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Section 201.02(1)(b), F.S., provides for the imposition of tax on transfers of ownership interest in a conduit entity when the transfer is within three years of a transfer of Florida real property into the conduit entity, documentary stamp tax was not paid on the full consideration when the real property was transferred into the conduit entity, and the ownership interest transferred belonged to the grantor of the real property. This emergency rule provides how the tax is imposed, when the tax is due, and examples of transfers of real property that would be subject to the tax.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2009-131, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. This law imposes a tax on the transfer of a grantor’s ownership interest in a conduit entity when the grantor conveyed real property to the conduit entity without having paid tax on the full consideration for the real property and the transfer is within three years after the grantor conveyed the real property to the conduit entity.

**SUMMARY:** Emergency Rule 12BER10-07 (Tax on Transfers of Ownership Interest in Legal Entities), provides for the application of tax to transfers of a grantor’s ownership interest in a conduit entity after the grantor has conveyed real property to the conduit entity without having paid tax on the full consideration for the real property. This emergency rule: (1) provides when the tax is imposed under Section 201.02(1)(b), F.S., as amended by Chapter 2009-131, L.O.F., how the tax is computed, and when the tax is due; (2) provides definitions of the terms “conduit entity” and “full consideration”; and (3) provides examples of transfers of real property that would be subject to the tax.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER10-7 Tax on Transfers of Ownership Interest in Legal Entities.

(1)(a) Scope. This rule applies to transfers of a grantor's ownership interest in a conduit entity after the grantor has conveyed real property to the conduit entity without having paid tax on the full consideration for the real property.

(b) Definitions. For purposes of this rule:

1. "Conduit entity" means a legal entity to which real property is conveyed without full consideration by a grantor who owns a direct or indirect interest in the entity or a successor entity.

2. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

(2) When a grantor conveys real property to a conduit entity without tax being paid on full consideration and all or a portion of the grantor's ownership interest, either direct or indirect, is subsequently transferred for consideration within 3 years after the grantor conveyed the real property to the conduit entity, the transfer of the grantor's ownership interest in the conduit entity is subject to tax.

(3) The tax is based on the consideration paid or given for the grantor's ownership interest in the conduit entity. The tax rate is 70 cents for each \$100 or fraction thereof of the consideration. If the conduit entity owns assets other than the real property described in subsection (2), tax is calculated by multiplying the consideration for the interest in the conduit entity by a fraction, the numerator of which is the value of the real property described in subsection (2) and the denominator of which is the value of all assets owned by the conduit entity, and then multiplying the result by the tax rate.

(4) A gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration.

(5) The transfer of shares or similar equity interests that are dealt in or traded on public, regulated security exchanges is not subject to the tax.

(6) The tax is to be paid pursuant to Section 201.133, F.S., on the earliest of the 20th day of the month following the month the ownership interest is transferred or the date that an instrument evidencing the transfer is filed or recorded in Florida.

(7) The provisions of this rule do not affect the imposition of tax on transactions described in Section 201.02(4), F.S.

(8) Examples.

(a) Example 1: On July 2, 2009, Lloyd transferred Florida real property (the real property), owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 3, 2009, Lloyd transferred his interest in the LLC for \$1,000,000. The LLC owned no assets other than the real property.

Documentary stamp tax of \$7,000.00 was due on the transfer of Lloyd's ownership interest in the LLC based on the \$1,000,000 consideration, since Lloyd was the grantor of the real property and since tax was not paid on full consideration when the real property was transferred to the LLC.

(b) Example 2: On July 2, 2009, Calvin and Sally transferred Florida real property (the real property) which they owned jointly, to a limited liability company (LLC) owned equally by Calvin and Sally. The full consideration at the time of the transfer would have been \$30,000. Documentary stamp tax of \$210 was paid on the document that transferred the real property to the LLC. On July 10, 2009, Calvin and Sally sold their ownership interests in the LLC for \$35,000. The only asset owned by the LLC at the time was the real property. No documentary stamp tax was due on the transfer of Calvin and Sally's ownership interests in the LLC, since tax was paid on the full consideration for the real property when it was transferred to the LLC.

(c) Example 3: On July 2, 2009, Vern and Carol transferred Florida real property (the real property) which they owned jointly, to a limited liability company (LLC) owned equally by Vern and Carol. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Vern sold his interest in the LLC for \$200,000. Tax of \$1400 was due on the transfer of Vern's ownership interest in the LLC, since Vern was a grantor of the real property and since tax was not paid on full consideration for the real property when it was transferred to the LLC.

(d) Example 4: On July 2, 2009, Pam and Mike transferred Florida real property (the real property) which they owned jointly, to a corporation. The corporation was owned equally by Mike and a limited liability company (LLC) owned by Pam alone. No documentary stamp tax was paid on the document that transferred the real property to the corporation. On July 10, 2009, Pam sold her interest in the LLC (thereby selling her indirect ownership interest in the corporation) for \$45,000. The corporation owned property in addition to the real property transferred to it on July 2, 2009. Full consideration for the real property would have been \$85,000, and the real property made up 95% of the value of all assets owned by the corporation. The only asset owned by the LLC was its interest in the corporation. Tax of \$299.60 was due on the transfer of Pam's ownership interest based on consideration of \$42,750 (\$45,000.00 multiplied by the 95% attributable to the real property), since Pam was the grantor of the real property and since tax was not paid on full consideration for the real property when it was transferred to the corporation.

(e) Example 5: On July 2, 2009, Tom transferred Florida real property (the real property) owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Tom sold 50% of his interest in the LLC to Imogene for

\$200,000. Tax of \$1,400 was due on the transfer of Tom's ownership interest in the LLC based on consideration of \$200,000, since documentary stamp tax was not paid on full consideration for the real property when it was transferred to the LLC. On July 25, 2009, Tom sold one-half of his remaining 50% ownership interest in the LLC for \$105,000, and Imogene sold one-half of her 50% ownership interest in the LLC for \$105,000. Tax of \$735 was due on the transfer of Tom's ownership interest, since Tom was the grantor of the real property and since tax was not paid on the fair market value of the real property when it was transferred to the LLC. No tax was due on Imogene's transfer, since Imogene was not a grantor of the real property.

EFFECTIVE DATE: October 12, 2010

Rulemaking Authority s. 6, Ch. 2009-131, L.O.F. Law Implemented Ch. 2009-131, L.O.F. History--New 10-12-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 12, 2010

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

#### **DEPARTMENT OF THE LOTTERY**

RULE NO.:                    RULE TITLE:  
53ER10-49                    Draw Procedures

SUMMARY: This emergency rule sets forth the draw procedures for the Florida Lottery's online games.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

##### 53ER10-49 Draw Procedures.

(1) Lottery drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing. All drawings shall be recorded by a video recorder.

(2) The ball sets and drawing machines used in Lottery drawings shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The Draw Manager and the Accountant

shall ensure that all balls within a set contain the same security code. A primary and secondary ball set and drawing machine shall be selected for each draw.

(3) The primary ball sets shall be weighed. If the weight of the ball set is outside of the tolerance range provided by the manufacturer, the secondary ball set shall be weighed. If the secondary ball set is outside of the tolerance range, other ball sets shall be selected and weighed by the Draw Manager and Accountant until an acceptable set is determined.

(4) Once a ball set has been determined, it shall be loaded by the Draw Manager into the primary drawing machine and a number of test draws shall be conducted, as follows:

(a) For Florida Lotto™, six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(b) For Fantasy 5®, seven test draws will be conducted. If the same digit is selected five times during the seven draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(c) For Mega Money™, six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(d) For Play 4™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(e) For Cash 3™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(5) If the alternative ball set does not pass the test drawing parameters, the backup drawing machine will be used. Tests will be conducted with ball sets whose weight falls within the tolerance range until an acceptable ball set and drawing machine have been determined.

(6) If the game for which a drawing is being held cannot be closed on the gaming system, the drawing will be delayed until the game can be closed.

(7) During the drawing, balls will be mixed and pushed into the display devices by the action of an air blower. A ball must be "trapped" in the display position at the top of the mixing chamber to be a winning number.

(8) In the event of a power failure, drawing equipment malfunction or error in the drawing process, including but not limited to the Host/Hostess announcing a ball number that was not trapped as specified in subsection (7), the drawing will be

stopped and will resume as soon thereafter as possible. The balls drawn before the occurrence, if any, will be declared valid.

(9) If a Draw Host/Hostess incorrectly announces the number of a ball that has been trapped in the display position, the Draw Manager shall immediately correct the Draw Host/Hostess by announcing the correct number.

(10) Upon certification by the Draw Manager and the Accountant, the numbers shown on the balls will be announced as the official winning numbers for the drawing.

(11) Following removal of the balls from the drawing machine, the ball set will be weighed. If the weight of the ball set differs from the pre-draw weight by more than 1 gram or is outside of the tolerance range provided by the manufacturer, the ball set will be secured and delivered to the Lottery's Division of Security for investigation.

(12) If an incorrect Xtra® number is displayed on the countdown slate prior to the FLORIDA LOTTO™ drawing and is discovered prior to display during the drawing, the drawing will be delayed until the correct Xtra number is displayed. If an incorrect Xtra number is revealed during the FLORIDA LOTTO draw, the Florida Lottery will pay prizes based on the higher of the Xtra number revealed and the actual Xtra number drawn.

(13) In the event a problem occurs that is not contemplated under this rule, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in subsection (1). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

Rulemaking Authority 24.105(9)(d), 24.109(1) FS. Law Implemented 24.105(9)(d), 24.108(6) FS. History—New 9-24-10, Replaces 53ER10-6.

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 24, 2010

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-50  
 RULE TITLE: Instant Game Number 1070, HOLIDAY MILLIONS

SUMMARY: This emergency rule describes Instant Game Number 1070, "HOLIDAY MILLIONS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-50 Instant Game Number 1070, HOLIDAY MILLIONS.

(1) Name of Game. Instant Game Number 1070, "HOLIDAY MILLIONS."

(2) Price. HOLIDAY MILLIONS lottery tickets sell for \$10.00 per ticket.

(3) HOLIDAY MILLIONS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOLIDAY MILLIONS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

|           |           |             |            |            |           |             |             |            |        |
|-----------|-----------|-------------|------------|------------|-----------|-------------|-------------|------------|--------|
| 1         | 2         | 3           | 4          | 5          | 6         | 7           | 8           | 9          | 10     |
| ONE       | TWO       | THREE       | FOUR       | FIVE       | SIX       | SEVEN       | EIGHT       | NINE       | TEN    |
| 11        | 12        | 13          | 14         | 15         | 16        | 17          | 18          | 19         | 20     |
| ELEVEN    | TWELVE    | THIRTEEN    | FOURTEEN   | FIFTEEN    | SIXTEEN   | SEVENTEEN   | EIGHTEEN    | NINETEEN   | TWENTY |
| 21        | 22        | 23          | 24         | 25         | 26        | 27          | 28          | 29         | 30     |
| TWENTYONE | TWENTYTWO | TWENTYTHREE | TWENTYFOUR | TWENTYFIVE | TWENTYSIX | TWENTYSEVEN | TWENTYEIGHT | TWENTYNINE | THIRTY |
| 31        | 32        | 33          | 34         | 35         | 36        | 37          | 38          | 39         | 40     |
| THIRTYONE | THIRTYTWO | THIRTYTHREE | THIRTYFOUR | THIRTYFIVE | THIRTYSIX | THIRTYSEVEN | THIRTYEIGHT | THIRTYNINE | FOURTY |

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

|           |           |             |            |            |           |             |             |            |        |
|-----------|-----------|-------------|------------|------------|-----------|-------------|-------------|------------|--------|
| 1         | 2         | 3           | 4          | 5          | 6         | 7           | 8           | 9          | 10     |
| ONE       | TWO       | THREE       | FOUR       | FIVE       | SIX       | SEVEN       | EIGHT       | NINE       | TEN    |
| 11        | 12        | 13          | 14         | 15         | 16        | 17          | 18          | 19         | 20     |
| ELEVEN    | TWELVE    | THIRTEEN    | FOURTEEN   | FIFTEEN    | SIXTEEN   | SEVENTEEN   | EIGHTEEN    | NINETEEN   | TWENTY |
| 21        | 22        | 23          | 24         | 25         | 26        | 27          | 28          | 29         | 30     |
| TWENTYONE | TWENTYTWO | TWENTYTHREE | TWENTYFOUR | TWENTYFIVE | TWENTYSIX | TWENTYSEVEN | TWENTYEIGHT | TWENTYNINE | THIRTY |
| 31        | 32        | 33          | 34         | 35         | 36        | 37          | 38          | 39         | 40     |
| THIRTYONE | THIRTYTWO | THIRTYTHREE | THIRTYFOUR | THIRTYFIVE | THIRTYSIX | THIRTYSEVEN | THIRTYEIGHT | THIRTYNINE | FOURTY |

(6) The prize symbols and prize symbol captions are as follows:

|         |             |               |              |              |             |               |
|---------|-------------|---------------|--------------|--------------|-------------|---------------|
| \$5.00  | \$10.00     | \$15.00       | \$20.00      | \$30.00      | \$40.00     | \$50.00       |
| FIVE    | TEN         | FIFTEEN       | TWENTY       | THIRTY       | FOURTY      | FIFTY         |
| DOLLARS | TWO DOLLARS | THREE DOLLARS | FOUR DOLLARS | FIVE DOLLARS | SIX DOLLARS | SEVEN DOLLARS |

(7) The legends are as follows:

|                 |              |
|-----------------|--------------|
| WINNING NUMBERS | YOUR NUMBERS |
|-----------------|--------------|

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a "40" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to the prize shown for that symbol. A ticket having a "\$5" symbol

symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000

\$1,000,000  
and \$50K/20YRS.

(9) \$1,000,000 Prize Payment Options.

(a) A winner of a \$1 million prize may choose one of two payment options for receiving his or her prize. Payment options are “Cash Option” or “Annual Payment.” At the time the \$1,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner files a claim and exercises the winner’s chosen option, the election of that option shall be final.

(b) Cash Option prizes will be paid in one (1) lump sum cash payment of \$650,000, less applicable federal withholding taxes.

(c) Annual Payment prizes will be paid in twenty (20) equal annual installments of \$50,000, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1070 are as follows:

| GAME PLAY              | VALUE | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 30 POOLS OF 120,000 TICKETS PER POOL |
|------------------------|-------|------------------------|-----------------------------------------------------------|
| \$5 x 2                | \$10  | 30.00                  | 120,000                                                   |
| \$5 (\$\$)             | \$10  | 30.00                  | 120,000                                                   |
| \$10                   | \$10  | 30.00                  | 120,000                                                   |
| \$5 x 3                | \$15  | 60.00                  | 60,000                                                    |
| \$5 + \$10             | \$15  | 60.00                  | 60,000                                                    |
| \$5 + \$5 (\$\$)       | \$15  | 60.00                  | 60,000                                                    |
| \$15                   | \$15  | 60.00                  | 60,000                                                    |
| \$5 x 4                | \$20  | 30.00                  | 120,000                                                   |
| (\$5 x 2) + \$10       | \$20  | 60.00                  | 60,000                                                    |
| \$10 x 2               | \$20  | 60.00                  | 60,000                                                    |
| \$10 (\$\$)            | \$20  | 60.00                  | 60,000                                                    |
| \$20                   | \$20  | 60.00                  | 60,000                                                    |
| \$5 x 6                | \$30  | 400.00                 | 9,000                                                     |
| (\$5 x 2) + (\$10 x 2) | \$30  | 400.00                 | 9,000                                                     |
| \$10 x 3               | \$30  | 400.00                 | 9,000                                                     |
| \$15 (\$\$)            | \$30  | 400.00                 | 9,000                                                     |
| \$30                   | \$30  | 400.00                 | 9,000                                                     |
| \$5 x 8                | \$40  | 500.00                 | 7,200                                                     |
| \$10 x 4               | \$40  | 500.00                 | 7,200                                                     |

|                                |           |              |       |
|--------------------------------|-----------|--------------|-------|
| \$10 + (\$15 x 2)              | \$40      | 500.00       | 7,200 |
| \$20 (\$\$)                    | \$40      | 500.00       | 7,200 |
| \$40                           | \$40      | 500.00       | 7,200 |
| \$5 x 10                       | \$50      | 1,000.00     | 3,600 |
| (\$10 x 3) + \$20              | \$50      | 1,000.00     | 3,600 |
| (\$10 x 2) + \$30              | \$50      | 1,000.00     | 3,600 |
| \$10 + \$20 (\$\$)             | \$50      | 1,000.00     | 3,600 |
| \$50                           | \$50      | 1,000.00     | 3,600 |
| (\$5 x 10) + (\$10 x 5)        | \$100     | 600.00       | 6,000 |
| \$10 x 10                      | \$100     | 600.00       | 6,000 |
| \$20 x 5                       | \$100     | 600.00       | 6,000 |
| (\$10 x 2) + (\$40 x 2)        | \$100     | 600.00       | 6,000 |
| \$50 (\$\$)                    | \$100     | 600.00       | 6,000 |
| \$100                          | \$100     | 600.00       | 6,000 |
| (\$10 x 10) + (\$20 x 5)       | \$200     | 3,750.00     | 960   |
| (\$15 x 8) + \$20 + (\$30 x 2) | \$200     | 3,750.00     | 960   |
| \$40 x 5                       | \$200     | 3,750.00     | 960   |
| \$100 (\$\$)                   | \$200     | 3,750.00     | 960   |
| \$200                          | \$200     | 3,750.00     | 960   |
| (\$20 x 5) + (\$40 x 10)       | \$500     | 12,000.00    | 300   |
| \$50 x 10                      | \$500     | 12,000.00    | 300   |
| \$100 + (\$200 x 2)            | \$500     | 12,000.00    | 300   |
| \$100 + \$200 (\$\$)           | \$500     | 12,000.00    | 300   |
| \$500                          | \$500     | 12,000.00    | 300   |
| (\$50 x 10) + (\$100 x 5)      | \$1,000   | 24,000.00    | 150   |
| \$100 x 10                     | \$1,000   | 24,000.00    | 150   |
| (\$100 x 4) + (\$200 x 3)      | \$1,000   | 24,000.00    | 150   |
| \$500 (\$\$)                   | \$1,000   | 24,000.00    | 150   |
| \$1,000                        | \$1,000   | 24,000.00    | 150   |
| \$1,000 x 5                    | \$5,000   | 120,000.00   | 30    |
| \$5,000                        | \$5,000   | 120,000.00   | 30    |
| \$10,000                       | \$10,000  | 120,000.00   | 30    |
| \$1,000,000 (\$50K/yr/20yrs)   | \$650,000 | 1,200,000.00 | 3     |

(11) The estimated overall odds of winning some prize in Instant Game Number 1070 are 1 in 3.27. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1070, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for HOLIDAY MILLIONS lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-1-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 1, 2010

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-51  
RULE TITLE: Instant Game Number 7012, NUTCRACKER CASH

SUMMARY: This emergency rule describes Instant Game Number 7012, “NUTCRACKER CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-51 Instant Game Number 7012, NUTCRACKER CASH.

(1) Name of Game. Instant Game Number 7012, “NUTCRACKER CASH.”

(2) Price. NUTCRACKER CASH lottery tickets sell for \$5.00 per ticket.

(3) NUTCRACKER CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning NUTCRACKER CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The play symbols and play symbol captions are:



(5) The prize symbols and prize symbol captions are as follows:



(6) The play symbols and play symbol captions under the “\$” spot are as follows:



(7) The legends are as follows:

|       |       |       |        |        |        |        |        |
|-------|-------|-------|--------|--------|--------|--------|--------|
| PRIZE | ROW 1 | ROW 2 | ROW 3  | ROW 4  | ROW 5  | ROW 6  | ROW 7  |
|       | ROW 8 | ROW 9 | ROW 10 | ROW 11 | ROW 12 | ROW 13 | ROW 14 |

(8) Determination of Prizewinners.

(a) A ticket having two identical play symbols and corresponding play symbol captions in a row shall entitle the claimant to the prize shown for that row. A ticket having three identical play symbols and play symbol captions in a row shall entitle the player to double the prize shown for that row. A ticket having a prize amount and corresponding caption under the “\$” spot shall entitle the claimant to amount shown.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$200,000.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 7012 are as follows:

| GAME PLAY           | WIN     | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 44 POOLS OF TICKETS PER POOL |
|---------------------|---------|------------------------|---------------------------------------------------|
| \$5                 | \$5.00  | 23.08                  | 228,800                                           |
| BONUS \$5           | \$5.00  | 23.08                  | 228,800                                           |
| \$10                | \$10.00 | 50.00                  | 105,600                                           |
| \$5 x 2             | \$10.00 | 50.00                  | 105,600                                           |
| \$5 + BONUS \$5     | \$10.00 | 42.86                  | 123,200                                           |
| \$5 DBL             | \$10.00 | 33.33                  | 158,400                                           |
| \$15                | \$15.00 | 150.00                 | 35,200                                            |
| \$5 x 3             | \$15.00 | 100.00                 | 52,800                                            |
| \$5 + BONUS \$10    | \$15.00 | 150.00                 | 35,200                                            |
| \$5 DBL + \$5       | \$15.00 | 75.00                  | 70,400                                            |
| \$25                | \$25.00 | 292.68                 | 18,040                                            |
| \$10 DBL + \$5      | \$25.00 | 292.68                 | 18,040                                            |
| \$10 + BONUS \$15   | \$25.00 | 292.68                 | 18,040                                            |
| \$15 + \$5 DBL      | \$25.00 | 292.68                 | 18,040                                            |
| \$40                | \$40.00 | 600.00                 | 8,800                                             |
| \$10 DBL + \$10 x 2 | \$40.00 | 600.00                 | 8,800                                             |
| \$15 + BONUS \$25   | \$40.00 | 600.00                 | 8,800                                             |



|                      |              |            |       |
|----------------------|--------------|------------|-------|
| \$25 + \$15          | \$40.00      | 600.00     | 8,800 |
| \$50                 | \$50.00      | 2,400.00   | 2,200 |
| \$25 DBL             | \$50.00      | 2,400.00   | 2,200 |
| \$10 + BONUS \$40    | \$50.00      | 2,400.00   | 2,200 |
| \$15 DBL + \$10 x 2  | \$50.00      | 1,600.00   | 3,300 |
| \$100                | \$100.00     | 4,800.00   | 1,100 |
| \$40 DBL + \$10 +    | \$100.00     | 4,800.00   | 1,100 |
| \$5 x 2              |              |            |       |
| \$50 DBL             | \$100.00     | 4,800.00   | 1,100 |
| \$50 + BONUS \$50    | \$100.00     | 4,800.00   | 1,100 |
| \$25 x 4             | \$100.00     | 4,800.00   | 1,100 |
| \$200                | \$200.00     | 8,000.00   | 660   |
| \$100 DBL            | \$200.00     | 8,000.00   | 660   |
| \$100 + BONUS \$100  | \$200.00     | 8,000.00   | 660   |
| \$50 x 4             | \$200.00     | 8,000.00   | 660   |
| \$500                | \$500.00     | 12,000.00  | 440   |
| \$200 DBL + \$50 x 2 | \$500.00     | 12,000.00  | 440   |
| \$100 x 3 + BONUS    | \$500.00     | 12,000.00  | 440   |
| \$200                |              |            |       |
| \$100 x 5            | \$500.00     | 12,000.00  | 440   |
| \$1,000              | \$1,000.00   | 30,000.00  | 176   |
| \$500 DBL            | \$1,000.00   | 24,000.00  | 220   |
| \$500 + BONUS \$500  | \$1,000.00   | 30,000.00  | 176   |
| \$500 + \$100 x 5    | \$1,000.00   | 30,000.00  | 176   |
| \$5,000              | \$5,000.00   | 120,000.00 | 44    |
| \$1,000 DBL x 2 +    | \$5,000.00   | 120,000.00 | 44    |
| \$500 x 2            |              |            |       |
| \$10,000             | \$10,000.00  | 120,000.00 | 44    |
| \$200,000            | \$200,000.00 | 880,000.00 | 6     |

(10) The estimated overall odds of winning some prize in Instant Game Number 7012 are 1 in 4.15. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 7012, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for NUTCRACKER CASH lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 10-1-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 1, 2010

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-52  
 RULE TITLE: Instant Game Number 1079, RED, WHITE AND GREEN

SUMMARY: This emergency rule describes Instant Game Number 1079, "RED, WHITE AND GREEN," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-52 Instant Game Number 1079, RED, WHITE AND GREEN.

(1) Name of Game. Instant Game Number 1079, "RED, WHITE AND GREEN."

(2) Price. RED, WHITE AND GREEN lottery tickets sell for \$2.00 per ticket.

(3) RED, WHITE AND GREEN lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning RED, WHITE AND GREEN lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The black "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The red "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(6) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(7) The prize symbols and prize symbol captions are as follows:



(8) The legends are as follows:

| WINNING NUMBERS | YOUR NUMBERS |
|-----------------|--------------|
|-----------------|--------------|

(9) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches either of the play symbols and corresponding play symbol captions in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a red play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches either of the play symbols and corresponding play symbol captions in the “WINNING NUMBERS” play area shall entitle the claimant to triple the corresponding prize shown for that symbol. A ticket having a “2” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$40.00, \$100, \$200, \$400, \$1,000, \$10,000, and \$30,000.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1079 are as follows:

|                                      |          |              |        |
|--------------------------------------|----------|--------------|--------|
| \$1 + \$2 + \$4 (RED NUMBER)         | \$15     | 750.00       | 12,000 |
| \$5 + \$10                           | \$15     | 750.00       | 12,000 |
| \$15                                 | \$15     | 750.00       | 12,000 |
| \$2 x 10                             | \$20     | 750.00       | 12,000 |
| \$4 x 5                              | \$20     | 750.00       | 12,000 |
| \$4 (RED NUMBER) + (\$4 x 2)         | \$20     | 750.00       | 12,000 |
| \$10 x 2                             | \$20     | 750.00       | 12,000 |
| \$20                                 | \$20     | 750.00       | 12,000 |
| \$4 x 10                             | \$40     | 6,000.00     | 1,500  |
| \$10 x 4                             | \$40     | 6,000.00     | 1,500  |
| \$5 (RED NUMBER) + \$10 + \$15       | \$40     | 6,000.00     | 1,500  |
| (\$5 x 2) + \$10 (RED NUMBER)        | \$40     | 6,000.00     | 1,500  |
| \$40                                 | \$40     | 6,000.00     | 1,500  |
| \$10 x 10                            | \$100    | 3,600.00     | 2,500  |
| (\$10 x 6) + (\$20 x 2)              | \$100    | 3,600.00     | 2,500  |
| \$20 x 5                             | \$100    | 3,600.00     | 2,500  |
| \$20 (RED NUMBER) + \$40             | \$100    | 3,600.00     | 2,500  |
| (\$5 x 3) + \$15 (RED NUMBER) + \$40 | \$100    | 3,600.00     | 2,500  |
| \$100                                | \$100    | 3,600.00     | 2,500  |
| \$20 x 10                            | \$200    | 30,000.00    | 300    |
| (\$10 x 8) + \$40 (RED NUMBER)       | \$200    | 30,000.00    | 300    |
| (\$20 x 4) + \$40 (RED NUMBER)       | \$200    | 30,000.00    | 300    |
| \$100 x 2                            | \$200    | 30,000.00    | 300    |
| \$200                                | \$200    | 30,000.00    | 300    |
| \$40 x 10                            | \$400    | 45,000.00    | 200    |
| (\$20 x 5) + (\$100 x 3)             | \$400    | 45,000.00    | 200    |
| \$100 + \$100 (RED NUMBER)           | \$400    | 45,000.00    | 200    |
| \$200 x 2                            | \$400    | 45,000.00    | 200    |
| \$400                                | \$400    | 45,000.00    | 200    |
| \$100 x 10                           | \$1,000  | 90,000.00    | 100    |
| (\$100 x 6) + \$400                  | \$1,000  | 90,000.00    | 100    |
| (\$200 x 2) + \$200 (RED NUMBER)     | \$1,000  | 180,000.00   | 50     |
| \$200 + (\$400 x 2)                  | \$1,000  | 180,000.00   | 50     |
| \$1,000                              | \$1,000  | 180,000.00   | 50     |
| \$10,000                             | \$10,000 | 450,000.00   | 20     |
| \$30,000                             | \$30,000 | 1,000,000.00 | 9      |

(11) The estimated overall odds of winning some prize in Instant Game Number 1079 are 1 in 4.36. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1079, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for RED, WHITE AND GREEN lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

| GAME PLAY              | WIN  | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 50 POOLS OF 180,000 TICKETS PER POOL |
|------------------------|------|------------------------|-----------------------------------------------------------|
| \$1 x 2                | \$2  | 25.00                  | 360,000                                                   |
| \$2                    | \$2  | 16.67                  | 540,000                                                   |
| \$1 x 4                | \$4  | 75.00                  | 120,000                                                   |
| (\$1 x 2) + \$2        | \$4  | 75.00                  | 120,000                                                   |
| \$1 (RED NUMBER) + \$1 | \$4  | 37.50                  | 240,000                                                   |
| \$2 x 2                | \$4  | 75.00                  | 120,000                                                   |
| \$4                    | \$4  | 75.00                  | 120,000                                                   |
| \$1 x 5                | \$5  | 375.00                 | 24,000                                                    |
| \$1 (RED NUMBER)       | \$5  | 375.00                 | 24,000                                                    |
| + \$2                  |      |                        |                                                           |
| \$1 + (\$2 x 2)        | \$5  | 375.00                 | 24,000                                                    |
| \$1 + \$4              | \$5  | 375.00                 | 24,000                                                    |
| \$5                    | \$5  | 375.00                 | 24,000                                                    |
| \$1 x 10               | \$10 | 250.00                 | 36,000                                                    |
| \$2 x 5                | \$10 | 250.00                 | 36,000                                                    |
| \$2 (RED NUMBER)       | \$10 | 250.00                 | 36,000                                                    |
| + \$4                  |      |                        |                                                           |
| \$5 x 2                | \$10 | 250.00                 | 36,000                                                    |
| \$10                   | \$10 | 250.00                 | 36,000                                                    |
| (\$2 x 5) + \$5        | \$15 | 750.00                 | 12,000                                                    |
| \$5 (RED NUMBER)       | \$15 | 750.00                 | 12,000                                                    |

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-1-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 1, 2010

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-53  
 RULE TITLE: Instant Game Number 1078, SEASON'S GOLD

SUMMARY: This emergency rule describes Instant Game Number 1078, "SEASON'S GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-53 Instant Game Number 1078, SEASON'S GOLD.

(1) Name of Game. Instant Game Number 1078, "SEASON'S GOLD."

(2) Price. SEASON'S GOLD lottery tickets sell for \$1.00 per ticket.

(3) SEASON'S GOLD lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning SEASON'S GOLD lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches the play symbol and corresponding play symbol caption in the "WINNING NUMBER" play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a " " symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, and \$6,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1078 are as follows:

| GAME PLAY             | WIN  | ESTIMATED ODDS OF | NNUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS PER POOL |
|-----------------------|------|-------------------|------------------------------------------------------------|
| \$1                   | \$1  | 1 IN 10.71        | 1,120,000                                                  |
| \$1 x 2               | \$2  | 30.00             | 400,000                                                    |
| \$2                   | \$2  | 30.00             | 400,000                                                    |
| \$1 x 4               | \$4  | 150.00            | 80,000                                                     |
| (\$1 x 2) + \$2       | \$4  | 300.00            | 40,000                                                     |
| \$2 x 2               | \$4  | 150.00            | 80,000                                                     |
| \$4                   | \$4  | 150.00            | 80,000                                                     |
| \$1 x 5               | \$5  | 750.00            | 16,000                                                     |
| (\$1 x 3) + \$2       | \$5  | 750.00            | 16,000                                                     |
| (\$2 x 2) + \$1       | \$5  | 750.00            | 16,000                                                     |
| \$4 + \$1             | \$5  | 750.00            | 16,000                                                     |
| \$5                   | \$5  | 750.00            | 16,000                                                     |
| \$2 x 5               | \$10 | 500.00            | 24,000                                                     |
| (\$2 x 3) + \$4       | \$10 | 500.00            | 24,000                                                     |
| \$1 + (\$2 x 2) + \$5 | \$10 | 500.00            | 24,000                                                     |
| \$5 x 2               | \$10 | 500.00            | 24,000                                                     |
| \$10                  | \$10 | 500.00            | 24,000                                                     |
| \$4 x 5               | \$20 | 1,500.00          | 8,000                                                      |
| \$5 x 4               | \$20 | 1,500.00          | 8,000                                                      |
| (\$5 x 2) + \$10      | \$20 | 1,500.00          | 8,000                                                      |
| \$10 x 2              | \$20 | 1,500.00          | 8,000                                                      |
| \$20                  | \$20 | 1,500.00          | 8,000                                                      |
| \$5 x 5               | \$25 | 4,800.00          | 2,500                                                      |

|                             |         |            |       |
|-----------------------------|---------|------------|-------|
| \$1 + \$4 + (\$10<br>x 2)   | \$25    | 6,000.00   | 2,000 |
| \$5 + (\$10 x 2)            | \$25    | 6,000.00   | 2,000 |
| \$5 + \$20                  | \$25    | 9,600.00   | 1,250 |
| \$25                        | \$25    | 9,600.00   | 1,250 |
| \$10 x 5                    | \$50    | 9,600.00   | 1,250 |
| (\$10 x 3) + \$20           | \$50    | 9,600.00   | 1,250 |
| \$10 + (\$20 x 2)           | \$50    | 9,600.00   | 1,250 |
| \$25 x 2                    | \$50    | 9,600.00   | 1,250 |
| \$50                        | \$50    | 9,600.00   | 1,250 |
| \$20 x 5                    | \$100   | 24,000.00  | 500   |
| \$25 x 4                    | \$100   | 24,000.00  | 500   |
| (\$25 x 2) + \$50           | \$100   | 24,000.00  | 500   |
| \$50 x 2                    | \$100   | 24,000.00  | 500   |
| \$100                       | \$100   | 24,000.00  | 500   |
| \$50 x 5                    | \$250   | 60,000.00  | 200   |
| (\$25 x 2) +<br>(\$100 x 2) | \$250   | 60,000.00  | 200   |
| (\$50 x 3) +<br>\$100       | \$250   | 60,000.00  | 200   |
| \$50 + (\$100 x<br>2)       | \$250   | 80,000.00  | 150   |
| \$250                       | \$250   | 80,000.00  | 150   |
| \$6,000                     | \$6,000 | 300,000.00 | 40    |

(11) The estimated overall odds of winning some prize in Instant Game Number 1078 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1078, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for SEASON'S GOLD lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 10-1-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 1, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT on September 27, 2010, the Florida Public Service Commission received a petition for a rule waiver from Lighthouse Utilities Company, Inc.

DOCKET NO.: 100128-WU – Lighthouse Utilities Company, Inc. petition for a waiver of Rule 25-30.437, F.A.C., which requires rate applications be accompanied by Minimum Filing Requirements (MFRs) which are a series of schedules that require information on a utility's accounting and engineering costs, rate structures and billing practices for a test year. The MFRs provide information used by the Commission in its analysis and consideration of the utility's request for a rate change. Specific instructions for completing the schedules are included on the forms but are not separately listed in the published rule.

The petitioner is not requesting a waiver of the schedules in whole, but a partial waiver of the amount of information to be included on the following schedules: Schedule A-4 (Plant in Service Balances); Schedule A-8 (Accumulated Depreciation); Schedule A-11 (Contributions in Aid of Construction); A-13 (Accumulated Amortization of CIAC); and B-7 (Comparison of Current and Prior Operations and Maintenance "O & M" Expense). Any comments on the petition should be filed with the: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. For additional information, please contact: Keino Young, Office of the General Counsel, at the above address or telephone (850)413-6226.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on October 5, 2010, the Suwannee River Water Management District, received a petition for variance from Cheryl & Michael Mahan, P. O. Box 848, Live Oak, FL 32064, pursuant to Section 120.542, F.S. Petitioner is seeking variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner seeks to permit existing deck, in Suwannee County, located in Township 7 South, Range 14 East, Section 4. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP number 09-0090, and the project name is C. Mahan Works of the District Deck.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN that on October 01, 2010, the 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(8)(b)3.a., 40D-80.073(8)(b)3.b., and subparagraph 40D-80.073(8)(b)6., 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 and the Blue Sink Project.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Pam Gifford, Certified Legal Assistant, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211. Any interested person or other agency may submit written comments on the petition within 14 days of the date this notice is published.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on September 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from Plaza Tower, filed April 5, 2010, and advertised in Vol. 36, No. 19 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from an unspecified Section of A17.3

because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-226).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on September 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. That Final Order was in response to a Petition for Variance from FPL-Martin Plant Unit 1 & 2 Boiler Structure, filed May 18, 2010, and advertised in Vol. 36, No. 24 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from an unspecified Section of A17.3 because the Petitioner has failed to meet its burden by not providing the information requested by the Division (VW 2010-338).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on September 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Del Mar Office Park, filed July 15, 2010, and advertised in Vol. 36, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-471).

A copy of the Order 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 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Florida Hospital, filed August 27, 2010, and advertised in Vol. 36, No. 38, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.21.1.1

and 2.21.2.6 ASME A17.1, 2004 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for frames and securing weight frames because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-558).

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

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NOTICE IS HEREBY GIVEN THAT on September 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from American Building, filed August 31, 2010, and advertised in Vol. 36, No 38, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.11.1(a)(2) ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and two-way communications until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-561).

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

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NOTICE IS HEREBY GIVEN THAT on October 1, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That Final Order was in response to a Petition for Variance from USF – Wellness & Nutrition Center, filed September 7, 2010, and advertised in Vol. 36, No. 38 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 2.2.2.5, ASME A17.1e, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump in elevators provided with firefighters' emergency operation because the Bureau announced the new requirement well before the initial building permit was applied for (VW 2010-567).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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NOTICE IS HEREBY GIVEN THAT on September 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Crestwood Nursing Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 204.7, 1001.2, 1206.7, 104.1 and 102, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for emergency lights, exposed brake wires, sprinklers, cages on sprinkler heads, pit switch, firefighter service operations, machine room lighting, intact pedestal bearings, cartop inspection box and two-way communication which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-589).

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

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NOTICE IS HEREBY GIVEN THAT on September 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Island Walk. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-590).

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

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NOTICE IS HEREBY GIVEN THAT on September 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Barwood Condo I Assoc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.3.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for a pit ladder which poses a significant economic/financial hardship. Any interested person may file comments within 14

days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-591).

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

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NOTICE IS HEREBY GIVEN THAT on September 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Park Lane. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-592).

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

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NOTICE IS HEREBY GIVEN THAT on September 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Tamarind Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 3.10.4 and 2.2.3 and of ASME A17.1, Section 2.29.2, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code and of Rule 61C-5.009, Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, electrical protective devices, lighting, identification of floors and venting of hoistways which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-593).

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

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NOTICE IS HEREBY GIVEN THAT on September 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Waterview. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters'

emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-594).

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

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NOTICE IS HEREBY GIVEN THAT on September 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Reef Club. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-595).

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

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NOTICE IS HEREBY GIVEN THAT on September 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Park Plaza. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.3.3, 2.7.4, 3.3.2, 3.4.5(d), 3.10.4(e) & (u) and 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for a pit switch, restricted door openings, platform guards, emergency lighting, car-top stop switch, in-car stop switch and two-way communication which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-596).

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

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NOTICE IS HEREBY GIVEN THAT on September 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Imperial Cove XIV. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida

Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-597).

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

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NOTICE IS HEREBY GIVEN THAT on September 23, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Bldg. I & II. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and two-way communication which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-598).

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

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NOTICE IS HEREBY GIVEN THAT on September 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from JC Penney. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-599).

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

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NOTICE IS HEREBY GIVEN THAT on September 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from One Orlando Center. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/

financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-600).

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

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NOTICE IS HEREBY GIVEN THAT on September 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from DeSoto Apts. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-601).

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

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NOTICE IS HEREBY GIVEN THAT on September 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from New Tribes Mission. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2, 3.4.5(d), 3.10.3 and 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings, platform guards, emergency lighting, cartop operating devices and two-way communication which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-602).

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

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NOTICE IS HEREBY GIVEN THAT on September 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Edwinola Retirement Community. Petitioner seeks a variance of the requirements of ASME A17.1, Section 303.3d, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for a supply line shutoff valve which



poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-603).

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

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#### 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."

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 5, 2010, the Board of Massage Therapy, received a petition for waiver and variance from First Coast Chiropractic, Inc., seeking a waiver or variance of subsection 64B7-26.003(4), F.A.C., with respect to property damage and bodily injury liability insurance coverage.

Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Jusevitch, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

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NOTICE IS HEREBY GIVEN THAT on October 4, 2010, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services (EMS) has issued an order.

The following is a summary of the proceeding and order for an emergency petition for waiver:

On September 7, 2010, a petition was filed by Henry J. del Valle on behalf of Florida Keys Community College for an emergency waiver of subparagraph 64J-1.0201(3)(a)5., Florida Administrative Code, as it relates to the minimum qualifications for Program Directors at Florida-approved EMS Training Programs. Specifically, Petitioner requested a waiver of the required two years teaching experience as a Level B Instructor. On October 4, 2010, EMS filed an "Order and Disposition on Emergency Petition for Waiver" allowing Petitioner to serve as Program Director for the EMS Program while employed by Florida Keys Community College, based on his extensive educational background and professional experience.

A copy of the Order may be obtained by contacting: John Bixler, Chief, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, Florida 32399-1738, (850)245-4055, Fax: (850)488-9408, john\_bixler@doh.state.fl.us.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on September 22, 2010, the Department of Children and Families, received a petition for waiver of Rule 65C-14.055, Florida Administrative Code, from Panama Youth Services at Wakefield Place and Anthony Upson, assigned Case No.: 10-045W. Rule 65C-14.055, F.A.C. requires the Executive Director who is responsible for the general management and administration of the agency is required to have a bachelor's degree in social work or a related area of study from an accredited college or university and three years of experience in management supervision.

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.

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NOTICE IS HEREBY GIVEN THAT on September 23, 2010, the Department of Children and Families, received a petition for waiver of subsection 65C-15.010(3), Florida Administrative Code, from Options 4 Adoption, Inc., assigned Case No.: 10-046W. Subsection 65C-15.010(3), F.A.C. requires a licensed child-placing agency to annually obtain an audit of its financial records.

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.

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## Section VI Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

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

DATES AND TIME: November 17-18, 2010, 8:30 a.m. – conclusion

PLACE: R. A. Gray Building, Room 307, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jennifer Hoelsing at (850)245-6462 or email: jshoelsing@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Rachelle Ashmore at email: rbashmore@dos.state.fl.us.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Florida Viticulture Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday November 9, 2010, 9:00 a.m. – until 3:00 p.m. (EST)

PLACE: Leroy Collins Building, Innovation Park, 2015 East Dirac Drive, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Reports on the Status of the Industry, Research, Promotion and Increased Acreage Committee Reports, Report on Viticulture Trust Fund Collections.

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

For more information contact: Tom Thomas at (850)922-9827. Pursuant to the provisions of 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: Tom Thomas at (850)922-9827. If you are 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: Tom Thomas at (850)922-9827.

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

DATE AND TIME: Monday, November 1, 2010, 1:30 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Rm. 180, Terry L. Rhodes Bldg., 2005 Apalachee Pkwy., Tallahassee, FL 32399-0600

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 5J-14.003, F.A.C., Filing requirements for game promotions.

A copy of the agenda may be obtained by contacting: Miriam S. Wilkinson, Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Bldg., 2005 Apalachee Pkwy., Tallahassee, FL 32399-0600, (850)410-3692 or by email: wilkinm1@doacs.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: Miriam S. Wilkinson, Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Bldg., 2005 Apalachee Pkwy., Tallahassee, FL 32399-0600, (850)410-3692 or by email: wilkinm1@doacs.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 Florida **Department of Agriculture and Consumer Services, Division of Food Safety** announces a public meeting to which all persons are invited.

DATE AND TIME: November 9, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Agriculture and Consumer Services, Conner Building, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational and general business meeting of the Florida Food Safety and Food Defense Advisory Council.

A copy of the agenda may be obtained by contacting: Carol Windham at (850)245-5582.

Pursuant to the provisions of 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: Carol Windham at (850)245-5582. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF EDUCATION**

The **Department of Education**, Digital Divide Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Education, Turlington Building, Suite 1704, 325 West Gaines Street, Tallahassee, FL 32399; Conference Call: 1(888)808-6959, Conference Code: 2937453627#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Digital Divide Council to provide an update on the Digital Equity Project, the current status of the donated computer program, E-rate changes and updates, and a presentation from The On It foundation, Miami, FL.

A copy of the agenda may be obtained by contacting: Kate Kemker at (850)245-5053 or kate.kemker@fldoe.org.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, November 5, 2010, 9:00 a.m. or as soon as thereafter as can be heard

PLACE: Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850) 245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Janice Harris or Kathleen M. Richards.

The **USF Center for Urban Transportation Research** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2010, 1:30 p.m. – 4:00 p.m.

PLACE: CUTR Building, University of South Florida, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the CUTR Advisory Board.

A copy of the agenda may be obtained by contacting: Kelly Douglass at (813)974-3120.

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

DATE AND TIME: Friday, October 29, 2010, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084, or by calling (904)827-2210.

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

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

For more information, you may contact: L. Daniel Hutto, President, at the aforementioned address.

## DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Standards and Training Commission** announces a workshop to which all persons are invited.

DATE AND TIME: October 27, 2010, 1:00 p.m., Training Center Directors' Rules Workshop; 3:00 p.m., Commission Rules Workshop: Law Enforcement Duties/CSO Authority

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082, (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the 2010 proposed rules and forms revisions and to discuss proposed rules regarding law enforcement duties/CSO authority.

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or email: donnahunt@fdle.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: Donna Hunt at (850)410-8615 or email: donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Donna Hunt at (850)410-8615 or email: donnahunt@fdle.state.fl.us.

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### DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: November 4, 2010, 5:00 p.m.

PLACE: Florida Department of Transportation, Training Center, 2198 Edison Avenue, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Department of Transportation will offer an opportunity for a public hearing concerning changes to portions of Riverside Avenue/Water Street to the following designations: M.P. 6.787 – M.P. 7.428 will be designated as County Road 211 from Park Street to north of Leila Street; M.P. 7.428 – M.P. 7.699 will be designated as State Road 211 from north of Leila Street to Water Street; and M.P. 7.699 – 8.294 will be designated as County Road 211 from Water Street to west of Bay Street, in City/County of Jacksonville, Duval County, Florida.

All persons wishing to be heard on this subject are hereby notified to respond in writing to the individual listed below by October 29, 2010. For more information, please contact: Ms. Cindy Boyette, Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, MS #2014, Lake City, Florida 32025-5874.

A copy of the agenda may be obtained by contacting: Ms. Cindy Boyette, Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, MS #2014, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Cindy Boyette, Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, MS #2014, Lake City, Florida 32025-5874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### BOARD OF TRUSTEES OF 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."

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### STATE BOARD OF ADMINISTRATION

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

DATE AND TIME: Friday, October 29, 2010, 1:30 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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

A copy of the agenda may be obtained by contacting: Loveleen Verma, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 323208.

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

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### FLORIDA PAROLE COMMISSION

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

DATES AND TIME: Wednesday, November 3, 2010; November 17, 2010, 8:30 a.m.

PLACE: Florida Parole Commission, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

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

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

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### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces public customer meeting in the following docket to which all persons are invited.

DATE AND TIME: Thursday, November 4, 2010, 6:00 p.m.

PLACE: Greenacres City Hall, City Commission Chambers, 5800 Melaleuca Lane, Greenacres, Florida

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

The purpose of the 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, Katherine Fleming at (850)413-6199.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

## EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Office of Policy and Budget, announces a series of public hearings to which all interested persons are invited.

DATE AND TIMES: Thursday, October 28, 2010, times and locations are provided below for each policy area/agency:

GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the departments listed below will present an overview of the agency's Legislative Budget Request for Fiscal Year 2011-2012 and Long-Range Program Plan for Fiscal Year 2011-2012 through Fiscal Year 2015-2016, and will be available for public questions and comments.

Health and Human Services – Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families (includes Northwood Shared Resource Center), Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs

9:00 a.m. – 11:30 a.m. Room 37, Senate Office Building (Lower Level), Tallahassee, FL

Environmental – Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and Public Service Commission

11:30 a.m. – 1:30 p.m. Room 37, The Senate Office Building (Lower Level), Tallahassee, FL

General Government – Department of Business and Professional Regulation, Department of Financial Services, Department of Lottery, Department of Management Services (includes Southwood Shared Resource Center), Department of Military Affairs, and Department of Revenue

2:00 p.m. – 4:00 p.m. Room 37, The Senate Office Building (Lower Level), Tallahassee, FL

Public Safety – Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Justice Administration Commission, and Parole Commission

9:00 a.m. – 11:30 a.m. Room 116, The Knott Building, Tallahassee, FL

Education – Department of Education and Board of Governors

12:00 Noon – 1:00 p.m. Room 116, The Knott Building, Tallahassee, FL

Transportation and Economic Development (includes Director's Office) – Agency for Workforce Innovation, Department of Community Affairs, Department of Highway Safety and Motor Vehicles, Department of State, Department of Transportation, and Executive Office of the Governor (including Agency for Enterprise Information Technology)

1:30 p.m. – 4:00 p.m. Room 116, The Knott Building, Tallahassee, FL

Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceedings or mailed to: The Executive Office of the Governor, Office of Policy and Budget, Room 1702, The Capitol, Tallahassee, Florida 32399-0001, and received by close of business Wednesday, October 27, 2010.

The **Florida Council on Military Base and Mission Support** announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2010, 9:00 a.m. – 12:00 Noon  
PLACE: Bay County Commission Chambers, 840 W. 11th St., Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Joe Marino at (850)414-1731.

## REGIONAL PLANNING COUNCILS

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

DATE AND TIME: Wednesday, November 3, 2010, 1:00 p.m.

PLACE: Bay County Government Center, 840 West 11th Street, Room #1030, Panama City, FL 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Agendas are available one week prior to the meeting at [www.wfrpc.org/baytd](http://www.wfrpc.org/baytd).

Pursuant to the provisions of 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: Amy Brown at email: [amy.brown@wfrpc.org](mailto:amy.brown@wfrpc.org) or 1(800)226-8914, ext. 281. If you are 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: Julia Pearsall at [julia.pearsall@wfrpc.org](mailto:julia.pearsall@wfrpc.org) or 1(800)226-8914, ext. 231.

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

DATE AND TIME: October 28, 2010, 5:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: October 28, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: October 28, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: October 28, 2010, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting

by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2010, 9:30 a.m

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: [www.tbrpc.org](http://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 or [wren@tbrpc.org](mailto:wren@tbrpc.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: Wren Krahl at (727)570-5151, ext. 22.

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

DATE AND TIME: October 26, 2010, 5:00 p.m. – 7:00 p.m.

PLACE: Three Oaks Banquet and Conference Center, 20991 Three Oaks Parkway, Estero. This location is accessible through transit, LeeTran Route 60, and for more information go to: [www.rideleetrans.com](http://www.rideleetrans.com)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lee County Metropolitan Planning Organization will be holding a 2035 Long Range Transportation Plan (LRTP) Workshop to receive public input on the Cost Feasible Plan for Lee County through the year 2035.

A copy of the agenda may be obtained by contacting: Ms. Meghan Marion at (239)338-2550, ext. 219 or by email: [mmarion@swfrpc.org](mailto:mmarion@swfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Meghan Marion at (239)338-2550, ext. 219 or

by email: [mmarion@swfrpc.org](mailto:mmarion@swfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Meghan Marion at (239)338-2550, ext. 219 or email: [mmarion@swfrpc.org](mailto:mmarion@swfrpc.org).

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

DATE AND TIME: Monday, October 25, 2010, 3:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the Revolving Loan Fund loan applications.

A copy of the agenda may be obtained by contacting: Cheryl Cook at (954)985-4416 or [cherylc@sfrpc.com](mailto:cherylc@sfrpc.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 1 day before the workshop/meeting by contacting: Cheryl Cook at (954)985-4416 or [cherylc@sfrpc.com](mailto:cherylc@sfrpc.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Cheryl Cook at (954)985-4416 or [cherylc@sfrpc.com](mailto:cherylc@sfrpc.com).

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

DATE AND TIME: November 4, 2010, 10:00 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the quarterly meeting of Council's Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Kathryn Boer at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Liz Gulick at (772)221-4060. If you are hearing or

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

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The **District II Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 26, 2010, 10:00 a.m. (ET)

PLACE: Tallahassee Fire Department, Training Division Classroom, 2964 Municipal Way, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the District II Local Emergency Planning Committee (LEPC).

A copy of the agenda may be obtained by contacting: Chris Rietow, ARPC at (850)488-6211, ext. 102, email: Chris.Rietow@thearpc.com or 20776 Central Avenue East, Blountstown, FL 32424.

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

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

DATE AND TIME: Thursday, October 28, 2010, 10:30 a.m. (ET)

PLACE: Monroe Street Conference Center, 2714 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue East, Blountstown, FL 32424, (850)674-4571, arpc1@fairpoint.net.

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

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

DATE AND TIME: Monday, November 1, 2010, 10:00 a.m. (CT)

PLACE: JTrans Office, 3988 Old Cottdale Road, Marianna, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator, at (850)674-4571 or arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Vanita Anderson at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Monday, November 1, 2010, 2:00 p.m. (Central Time)

PLACE: Calhoun County Senior Citizens Center, 16859 N. E. Cayson Street, Blountstown, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Wednesday, November 3, 2010, 10:00 a.m. (ET)

PLACE: Franklin County Courthouse Annex Courtroom, 33 Market Street, Apalachicola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation and the Annual Operating Report. A time for public comments will be afforded to anyone wishing to address the board.



A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator, at (850)674-4571 or arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: The Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Wednesday, November 3, 2010, 2:00 p.m. (ET)

PLACE: Gulf County Transportation Office, 122 Water Plant Road, Port St. Joe, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation and the Annual Operating Report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571 or arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Thursday, November 4, 2010, 10:00 a.m. (ET)

PLACE: Jefferson County Health Department Annex, 1175 West Washington Street, Monticello, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation and the Annual Operating Report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, or at arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Thursday, November 4, 2010, 2:00 p.m. (ET)

PLACE: William A. McGill Library, 732 Pat Thomas Parkway, Quincy, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation and the Annual Operating Report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571 or arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Friday, November 5, 2010, 10:00 a.m. (ET)

PLACE: Wakulla County Public Library, 4330 Crawfordville Highway, Crawfordville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571 or arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Apalachee Regional Planning Council at

(850)674-4571. If you are 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 **Liberty County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 5, 2010, 2:00 p.m. (ET)

PLACE: Veterans Memorial Park Civic Center, 10405 N. W. Theo Jacobs Way, Bristol, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571 or arpc7@fairpoint.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**METROPOLITAN PLANNING ORGANIZATION**

The Florida **Metropolitan Planning Organization**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIMES: October 28, 2010, 12:00 Noon – 3:00 p.m. and 3:30 p.m. – 6:30 p.m.

PLACE: South Beach Marriott, 161 Ocean Drive, Miami Beach, Florida, (786)276-2025

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

Pursuant to the provisions of 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: Brigitte Messina, 605 Suwannee Street MS #28B, Tallahassee, Florida 32399-0450 or by email: brigitte.messina@mpoac.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: Brigitte Messina, 605 Suwannee Street MS #28B, Tallahassee, Florida 32399-0450 or by email: brigitte.messina@mpoac.org.

**WATER MANAGEMENT DISTRICTS**

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

DATE AND TIME: October 28, 2010, 1:00 p.m. (EDT)

PLACE: District Headquarters, 3 miles north of Interstate 10 on Highway 90

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

Other meetings to be held on October 28, 2010:

12:00 Noon – 12:30 p.m. (EDT) District Lands Committee – to discuss Land Acquisition Matters.

1:15 p.m. (EDT) Public Hearing on Regulatory Matters.

A copy of the agenda may be obtained by contacting: Robin Tucker, Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet: [www.nwfwmd.state.fl.us](http://www.nwfwmd.state.fl.us)).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten at (850)539-5999. If you are 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 **Suwannee River Water Management District (District)** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 25, 2010, 1:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Monthly Teleconference: General items of discussion.

A copy of the agenda may be obtained by contacting: Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida Only) or on the District's website: [www.mysuwanneeriver.com](http://www.mysuwanneeriver.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.

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The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 22, 2010, 9:00 a.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Finance Committee Meeting: Consider SWFWMD business including consideration of District staffing analysis. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: LuAnne.Stout@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4605 (Ad Order EXE0086).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 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).

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

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The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Saturday, October 23, 2010, 10:00 a.m.

PLACE: Potts Preserve, 2988 North Hooty Point Road, Inverness, FL 34453

GENERAL SUBJECT MATTER TO BE CONSIDERED: "Get Outside!" event to promote recreational activities on District lands. One or more Governing, Basin Board or Advisory Committee members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 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).

For more information, you may contact: Toi.Basso@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4756 (Ad Order EXE0085).

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The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 26, 2010, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing: Consider SWFWMD business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 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).

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: LuAnne.Stout@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4605 (Ad Order EXE0084).

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

DATE AND TIME: Wednesday, October 27, 2010, 5:00 p.m. – 7:00 p.m.

PLACE: Myakka State Forest, Division of Forestry Ranger's Station, 2000 South River Road, Englewood, FL 34223. The Rangers Station is located 1.2 miles east of River Road.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct wetland restoration activities on the 8,532-acre Myakka State Forest Tract located in southern Sarasota County, Florida. The District will hold a public meeting with adjacent property owners and interested parties.

For more information, you may contact: Philip Rhinesmith at (352)796-7211, extension 4266.

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida 34112

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business.

A copy of the agenda may be obtained by contacting: Kathleen Tetrault at (239)263-7615.

Pursuant to the provisions of 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: Kathleen Tetrault at (239)263-7615. If you are 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: Kathleen Tetrault at (239)263-7615.

The **Big Cypress Basin** announces a workshop to which all persons are invited.

DATE AND TIME: October 22, 2010, 1:30 p.m.

PLACE: Big Cypress Basin Service Center, 2660 Horseshoe Drive North, Naples, FL 34104

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Board Workshop to discuss Water Quality and Restoration in the Big Cypress Basin.

A copy of the agenda may be obtained by contacting: Kathleen Tetrault at (239)263-7615.

Pursuant to the provisions of 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: Kathleen Tetrault at (239)263-7615. If you are 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: Kathleen Tetrault at (239)263-7615.

The **Water Resources Advisory Commission (WRAC)**, Lake Okeechobee Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD Lower West Coast Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding Lake Okeechobee service area water supply needs. 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 website: <http://my.sfwmd.gov/wrac>. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The 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**, St. Johns River Water Management District and Southwest Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: October 27, 2010, 9:30 a.m. – 1:00 p.m.

PLACE: Orange County Utilities Administration Building, 9150 Curry Ford Road, Orlando, FL 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the modeling and environmental team preliminary results of the evaluation of groundwater availability in the Central Florida Region.

A copy of the agenda may be obtained by contacting: [www.cfcawater.com](http://www.cfcawater.com) or the following:

South Florida Water Management District, Dean Powell, Water Supply Management, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-20454, ext. 6787 or (561)682-6787, email: [dpowell@sfwmd.gov](mailto:dpowell@sfwmd.gov)

St. Johns River Water Management District: Dwight Jenkins, 4049 Reid Street, State Road 100 West, Palatka, FL 32177, 1(800)451-7106, ext. 4491 or (386)329-4491, email: [djenkins@sjrwmd.com](mailto:djenkins@sjrwmd.com)

Southwest Florida Water Management District: Roy Mazur, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476, ext. 4400 or (352)796-7211, ext. 4400

Pursuant to the provisions of 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: Chris Sweazy, South Florida Water Management District, Orlando Service Center, (407)858-6100, ext. 3822, email: [csweazy@sfwmd.gov](mailto:csweazy@sfwmd.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [www.cfcawater.com](http://www.cfcawater.com) or the following:

South Florida Water Management District, Dean Powell, Water Supply Management, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-20454, ext. 6787 or (561)682-6787, email: [dpowell@sfwmd.gov](mailto:dpowell@sfwmd.gov)

St. Johns River Water Management District: Dwight Jenkins, 4049 Reid Street, State Road 100 West, Palatka, FL 32177, 1(800)451-7106, ext. 4491 or (386)329-4491, email: [djenkins@sjrwmd.com](mailto:djenkins@sjrwmd.com)

Southwest Florida Water Management District: Roy Mazur, 2379 Broad Street, Brooksville, Florida 34604-6899, (800)423-1476, ext. 4400 or (352)796-7211, ext. 4400.

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

DATE AND TIME: Wednesday, November 10, 2010, Regular Meeting, 9:00 a.m.; Public Hearing is anticipated to start after completion of the Discussion Agenda but may occur earlier or later in the day

PLACE: Florida Gulf Coast University, Student Union Ballroom, 10501 FGCU Blvd., South, Ft. Myers, FL 33965

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing of the Governing Board of the South Florida Water Management District to amend the 2010 Florida Forever Work Plan to add acquisitions pertaining to the C-44 Reservoir and STA and Picayune Strand, CERP projects, located in

Martin and Collier Counties, respectively, included as Chapter 6A; Volume II of the South Florida Environmental Report. Public comments on the Plan amendment may be made by regular mail or email received by the District no later than 5:00 p.m., November 8, 2010 or in person at the public hearing on November 10, 2010. At the conclusion of the public hearing, the District Governing Board will vote on the recommendation to amend the Plan.

For more information regarding the Plan, please contact: Wanda Caffie-Simpson, Land Acquisition Department at (561)682-6445, email: [wsimpso@sfwmd.gov](mailto:wsimpso@sfwmd.gov), South Florida Water Management District Headquarters, 3301 Gun Club Road, Mail Stop Code 7112, West Palm Beach, FL 33406.

A copy of the agenda may be obtained by contacting: (1) District website: [www.sfwmd.gov](http://www.sfwmd.gov) or (2) by writing: South Florida Water Management District, Mail Stop 2114, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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: District Clerk's Office at (561)682-2087.

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## COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Commission for the Transportation Disadvantaged** and the **Volusia County Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2010, 6:00 p.m. – until completion

PLACE: Hilton Daytona Beach Ocean Front Resort, 100 N. Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Disadvantaged Services.

A copy of the agenda may be obtained by contacting: Shawn Daniel at (850)410-5700 or 1(800)983-2435.

Pursuant to the provisions of 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: Shawn Daniel at (850)410-5700 or

1(800)983-2435. If you are 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: Shawn Daniel at (850)410-5700 or 1(800)983-2435.

The **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2010, 10:00 a.m. – until completion

PLACE: Hilton Daytona Beach Ocean Front Resort, 100 N. Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Business Meeting.

A copy of the agenda may be obtained by contacting: Shawn Daniel at (850)410-5700 or 1(800)983-2435.

Pursuant to the provisions of 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: Shawn Daniel at (850)410-5700 or 1(800)983-2435. If you are 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: Shawn Daniel at (850)410-5700 or 1(800)983-2435.

#### DEPARTMENT OF ELDER AFFAIRS

NOTICE OF CHANGE – The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2010, 2:00 p.m. – 3:00 p.m. (EST) (NOTE: Meeting time has changed since original submission that was published in the 9/17/10, Vol. 36/37 issue of the F.A.W.)

PLACE: The Speckled ButterBean, 522 Market Blvd., Webster, FL 33597 (NOTE: Location has changed since original submission that was published in the 8/20/10, Vol. 36/33 issue of the F.A.W.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, Florida 34470, (352)620-3088 or email: andersonm@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: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, Florida 34470,

(352)620-3088, or email: andersonm@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: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, Florida 34470, (352)620-3088 or email: andersonm@elderaffairs.org.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, on behalf of the Bone Marrow Transplant Advisory Panel, announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2010, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Bone Marrow Transplant Advisory Panel will discuss recommendations regarding the bone marrow transplant procedures that are accepted within the appropriate oncological specialty and are not experimental; and any recommended changes to Rule 59B-12.001, F.A.C., defining those treatments that are appropriate for coverage by insurers.

A copy of the agenda may be obtained by contacting: Elizabeth Tull, Bureau of Managed Health Care at (850)412-4317.

For more information, you may contact: Elizabeth Tull, Bureau of Managed Health Care at (850)412-4317.

The **Agency for Health Care Administration**, Drug Utilization Review Board & Prescribing Pattern Review Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, November 13, 2010, 8:00 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will consist of: Review and approve drug use criteria and standards for both prospective and retrospective drug use reviews, apply these criteria and standards in the application of the DUR activities, review and report the results of drug use reviews, recommend and evaluate educational intervention programs.

A copy of the agenda may be obtained by contacting: Vern Hamilton at Vern.Hamilton@AHCA.MyFlorida.com.

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, October 25, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Conference Room 110, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed revisions to proposed Rules 60BB-3.0251, 60BB-3.0252, 60BB-3.0253, and 60BB-3.0254, F.A.C.

A copy of the agenda may be obtained by contacting: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, Tallahassee, Florida 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).

The **Agency for Workforce Innovation**, Early Learning Information System Project Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 26, 2010, 2:00 p.m. – 3:30 p.m.

PLACE: Caldwell Building, Executive Conference Room 114, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/earlylearning/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Workforce Innovation**, Early Learning Information System Project Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 28, 2010, 10:00 a.m. – 11:30 a.m.

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/earlylearning/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **FSECC Statewide Steering Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: 4050 Esplanade Way, Conference Room 101, Tallahassee, FL; Conference Call: 1(888)808-6959, Passcode: 4139503#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and vote on recommendations for employees to serve on the local steering committees. Old and new business will be discussed, as well as an update on FSECC related activities.

A copy of the agenda may be obtained by contacting: Ms. Erin Thoresen at (850)922-1274 or email: [Erin.Thoresen@dms.myflorida.com](mailto:Erin.Thoresen@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 48 hours before the workshop/meeting by contacting: Ms. Erin Thoresen at (850)922-1274 or email: [Erin.Thoresen@dms.myflorida.com](mailto:Erin.Thoresen@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: Ms. Erin Thoresen at (850)922-1274 or email: [Erin.Thoresen@dms.myflorida.com](mailto:Erin.Thoresen@dms.myflorida.com).

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Regulatory Council of Community Association Managers** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 19, 2010, 9:00 a.m.

PLACE: InterContinental Tampa, 4860 West Kennedy Blvd., Tampa, Florida 33609-2524

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

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The **Florida Barbers' Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 1, 2010, 10:00 a.m.

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 Street, Tallahassee, Florida 32399, (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)922-6096.

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 26, 2010, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

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

DATE AND TIME: Friday, November 5, 2010, 9:00 a.m. (Eastern Time) or soon thereafter

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. 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 five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Mobile Home Relocation Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 4, 2010, 2:00 p.m.

PLACE: Conference Call

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 the next meeting 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 **Loxahatchee River Management Coordinating Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2010, 10:00 a.m. – 12:00 Noon

PLACE: FDEP Southeast District office, 400 N. Congress Avenue, Suite 200, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a special meeting between Council members Kennedy and Arrington to discuss the Loxahatchee River District's proposed forcemain project under the Loxahatchee River from Jupiter Farms Rd. to Cartona Blvd.

A copy of the agenda may be obtained by contacting: Ms. Jill King, Florida Department of Environmental Protection, 400 N. Congress Avenue, Suite 200, West Palm Beach, FL 33401, or by email: [Jill.M.King@dep.state.fl.us](mailto:Jill.M.King@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: Ms. Jill King at (561)681-6638. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, November 8, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4513843#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado by email: [rebecca.prado@dep.state.fl.us](mailto:rebecca.prado@dep.state.fl.us) or by phone (850)245-2094, mail: 3900 Commonwealth Blvd., MS #235, Tallahassee, FL 32399.

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

#### DEPARTMENT OF HEALTH

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

DATE AND TIME: December 3, 2010, 7:30 a.m.

PLACE: Marriot Tampa Airport, 4200 George J. Bean Pkwy., Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster at (850)245-4474.

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**NOTICE OF CANCELLATION – The Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** November 11, 2010, 3:00 p.m. – 5:00 p.m. (Reconsiderations); November 12, 2010, 9:00 a.m. – 3:00 p.m. (General Business)

**PLACE:** Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Ft. Lauderdale, FL 33004

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to meeting date.

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The **Board of Orthotists and Prosthetists** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, November 5, 2010, 9:30 a.m. or shortly thereafter

**PLACE:** Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board business.

A copy of the agenda may be obtained by contacting: Bruce Deterding, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or website: [www.doh.state.fl.us/mqa/orthpros/index.html](http://www.doh.state.fl.us/mqa/orthpros/index.html).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Sherra Causey at (850)245-4444, 3617. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Friday, November 5, 2010, 4:00 p.m. or shortly thereafter; Saturday, November 6, 2010, 9:00 a.m. or shortly thereafter

**PLACE:** Renaissance Tampa Hotel International Plaza, 4200 Jim Walker Blvd., Tampa, FL 33607, (813)877-9200

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular board business. A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

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

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

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The Joint Meeting of the **Biomedical Research Advisory Council** and the **Florida Center for Universal Research to Eradicate Disease (FL CURED)**, Advisory Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 26, 2010, 2:00 p.m. – 6:00 p.m.

**PLACE:** Harbor Beach Marriott, 3030 Holiday Drive, Ft. Lauderdale, FL 33316

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Health Disparities Research in Florida. Agenda and meeting materials located at [www.flcured.org](http://www.flcured.org).

A copy of the agenda may be obtained by contacting: Mr. Chuck Wells, Office of Public Health Research at (850)245-4444, ext. 3933.

For more information, you may contact: Mr. Chuck Wells, Office of Public Health Research at (850)245-4444, ext. 3933.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 26, 2010, 9:30 a.m.

PLACE: Department of Children and Families, 1055 US Hwy. 17 N, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Chapter 39, F.S., Local Planning Team. A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)534-7100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, DCF at (863)534-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: October 22, 2010, 11:00 a.m. – 12:00 Noon

PLACE: The meeting will take place by Webinar. A link to access to the Webinar can be found on the Department's Procurement Related Public Meeting Calendar: <http://www.dcf.state.fl.us/admin/contracts/> or by contacting: Joel Atkinson, Procurement Manager at email: [Joel\\_Atkinson@dcf.state.fl.us](mailto:Joel_Atkinson@dcf.state.fl.us).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Webinar for the Pre-Release of the Request for Proposals for the Child Welfare Training Academy.

A copy of the agenda may be obtained by contacting: Department's Procurement Related Public Meeting Calendar at <http://www.dcf.state.fl.us/admin/contracts/> or contact: Joel Atkinson, Procurement Manager at email: [Joel\\_Atkinson@dcf.state.fl.us](mailto:Joel_Atkinson@dcf.state.fl.us).

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

DATE AND TIME: October 22, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: First Floor, Conference Room A-D, 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation Meeting for selection of Community Based Care (CBC) provider for DCF Central Region, Circuit 9.

Any person who is adversely affected by the terms, conditions and specifications contained in this Notice of Intent to Conduct Negotiations with Vendor, including any provisions governing the methods of ranking bids, proposals or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract shall file a notice of protest in

writing within 72 hours (Saturday, Sundays and state holidays excluded) after the posting of the decision, or intended decision. The formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

When protesting a decision or intended decision the protestor must post a bond equal to one percent (1%) of the department's estimated contract amount. The bond is not to be filed with the notice of protest, but must be filed with the formal written protest or within the 10-day period allowed for the filing of the formal written protest. The estimated contract amount is listed in the Invitation to Negotiate number C9CBCITN2011. The estimated contract amount is not subject to protest pursuant to Section 120.57(3), F.S. The bond shall be conditioned upon the payment of all cost and charges that are adjudged against the protestor in the administrative hearing in which action is brought and in any subsequent appellate court proceeding. Failure to file the proper bond at the time of filing the formal protest will result in a rejection of the protest. In lieu of a bond the department may accept a cashier's check, official bank check, or money order in the amount of the bond.

Pursuant to the provisions of 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: Cecilia Ravak at (407)317-7062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Christine Barbery at (407)317-7057.

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The **Department of Children and Families**, Substance Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 2, 2010, 10:30 a.m. – 12:00 a.m.

PLACE: Roberts Building Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Substance Abuse Mental Health office would like to extend an invitation to all ALF operators and Mental Health Care Provider staff in Circuit 4 (Clay, Duval and Nassau counties) to attend a meeting to solicit input regarding service delivery issues and deficits requiring both short and long term planning. The information obtained would be included in an Annual Circuit 4 ALF-LMHL Plan Update.

We will not be taking public comments at this meeting.

**AGENDA**

- A. Discussion on the following requirements is Section 394.4574, F.S.

1. Are assessments to determine appropriateness of residing in an ALF sufficient/appropriate?
2. Do consumer's have access to drop in centers, day support program's?
3. Are the supervision of clinical needs of residents being met?
4. Is access to emergency psychiatric care with specific detailed procedures on how to access clear and available.
5. Discuss how the contractual provisions of LMHL-ALF's are being met for those individuals enrolled in a Medicaid pre-paid or HMO.

B. Describe gaps or deficits in the regions service capacity.  
 A copy of the agenda may be obtained by contacting: Nancy Eisele at (904)723-2068.

Pursuant to the provisions of 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: Nancy Eisele at (904)723-2068. If you are 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: Nancy Eisele at (904)723-2068.

**The Governor's Task Force on Autism Spectrum Disorders** announces a telephone conference call to which all persons are invited.

**DATES AND TIME:** October 19, 2010; October 20, 2010, 1:00 p.m. – conclusion

**PLACE:** Conference Call: 1(888)808-6959, Conference Code: 9439484#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a conference call for the Governor's Task Force on Autism Spectrum Disorders. The Task Force will discuss the scope and prioritization of issues to be addressed as listed in Executive Order 09-82.

Pursuant to the provisions of 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: Deleah Sims at (850)488-9547 or by email: Deleah\_Sims@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [www.healthfloridians.com/autism.html](http://www.healthfloridians.com/autism.html).

**The Agency for Persons with Disabilities** announces a telephone conference call to which all persons are invited.

**DATES AND TIMES:** October 25, 2010, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; October 27, 2010, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; October 28, 2010, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; November 1, 2010, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; November 3, 2010, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; November 4, 2010, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.

**PLACE:** Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of stakeholders to discuss the agency's plan for individual budgets.

Date of Call, Agenda and Conference Call number will be posted on Agency website: <http://apd.myflorida.com/ibudget/meetings-and-schedules/>.

The conference call will take place on only one of these dates. It will take place from 10:00 a.m. – 12:00 Noon on that date. The call may continue from 2 p.m. – 4:00 p.m. on that date if necessary.

Pursuant to the provisions of 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: Mary Beth Date, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4877. If you are 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: Mary Beth Date, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4877.

**The Agency for Persons with Disabilities**, Area 14, Family Care Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 9, 2010, 12:00 Noon

**PLACE:** Faith Lutheran Church, 211 Easton Drive, Lakeland, FL 33803

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Monthly Meeting.

A copy of the agenda may be obtained by contacting: APD Area 14 at (863)413-3360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: APD Area 14 at (863)413-3360. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: APD Area 14 at (863)413-3360.

The **Agency for Persons with Disabilities**, Area 14, Family Care Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2010, 10:00 a.m.

PLACE: Children's Advocacy Center, 1000 S. Highlands Avenue, Sebring, Florida 33872

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: APD Area 14 at (863)413-3360.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: APD Area 14 at (863)413-3360. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: APD Area 14 at (863)413-3360.

The **Department of Children and Families** announces a meeting of the state's Council on Homelessness to which all interested persons are invited.

DATES AND TIMES: Monday, November 8, 2010, 12:00 Noon – 5:00 p.m.; Tuesday, November 9, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will focus on developing the State's strategic actions to address the State's need to address the problems of the growing number of people who are losing their housing due to the economy.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness by calling (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact: Office on Homelessness, (850)922-4691 at least 48 hours in advance of the meeting.

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: Bryant Building Auditorium, 620 South Meridian Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Evaluation Committee for the Florida Boating Improvement Program (FBIP) will meet to score applications for fiscal year 2010-2011 funding.

A copy of the agenda may be obtained by contacting: Tim Woody, Program Administrator at (850)488-5600 or email: FBIP@MyFWC.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Osceola County Commission Chambers, Administrative Building, 1 Courthouse Square, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff from the FWC, as well as the U.S. Fish and Wildlife Service, will be on hand to conduct a meeting to inform concerned stakeholders regarding the upcoming hydrilla treatment plan for Lake Tohopekaliga for fiscal year 2010-2011.

A preview of the public meeting will be offered in the same location from 3:00 p.m. – 4:00 p.m. for governmental officials interested in this topic.

A copy of the agenda may be obtained by contacting: Zach Welch at (352)266-6139.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA coordinator at (850)488-6411. If you are

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

For more information, you may contact: Zach Welch at (352)266-6139.

**DEPARTMENT OF FINANCIAL SERVICES**

The Rules Committee of the **Board of Funeral, Cemetery and Consumer Services**, operating under Chapter 497, Florida Statutes announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2010, 1:00 p.m.

PLACE: Room 230, Alexander Building, 2020 Capital Circle, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee Business.

A copy of the agenda may be obtained by contacting: Division employee LaTonya Bryant-Parker, (850)413-3039 at least 7 days before the meeting. Before traveling to this meeting, interested persons are urged to email or call Division employee LaTonya Bryant-Parker to verify that the meeting has not been cancelled.

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

For more information, you may contact: LaTonya Bryant-Parker at (850)413-3039 or LaTonya.Bryant-Parker@myfloridacfo.com.

**AREA AGENCY ON AGING OF PASCO-PINELLAS INC.**

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

DATE AND TIME: Monday, October 18, 2010, 9:30 a.m.

PLACE: Area Agency on Aging of Pasco-Pinellas Inc., 9887 4th Street North, St. Petersburg, FL 33702

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Brenda Black at (727)570-9696, ext. 233. If you

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

For more information, you may contact: Brenda Black at (727)570-9696, ext. 233.

**FLORIDA E-FILING AUTHORITY**

The **Florida E-Filing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2010, 10:00 a.m.

PLACE: Florida Association of Court Clerks, 3544 Maclay Blvd., Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Authority board of directors will hold a meeting for the purpose of establishing a budget and discussing statutory convenience fees.

A copy of the agenda may be obtained by contacting: Beth Allman at (850)921-0808 or allman@flclerks.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: Beth Allman at (850)921-0808 or allman@flclerks.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: Beth Allman at (850)921-0808 or allman@flclerks.com.

**CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 4:00 p.m. – 7:00 p.m.

PLACE: 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Strategic Planning/Annual Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070. If you are 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: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

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#### **NORTHWOOD SHARED RESOURCE CENTER**

The **NSRC Executive Director Hiring Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 3, 2010, 2:00 p.m.

PLACE: Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hiring of the Executive Director for the Northwood Shared Resource Center.

A copy of the agenda may be obtained by contacting: monica\_cash@nsrc.myflorida.com.

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#### **CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.**

The **Center for Independent Living of South Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 30, 2010, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon, prior to the meeting.

If alternative format (Braille, large print, electronic or audiotape), ASL interpreter, or other accommodation is required, please request at least 14 days in advance of the meeting date. RSVP to: Mary@soflacil.org or call (305)751-8025, (TTY) (305)751-8891.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or call (305)751-8025, ext. 110.

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#### **SOUTHWOOD SHARED RESOURCE CENTER**

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 25, 2010, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the SSRC Board of Trustees to review FY 10-11 cost allocation, spend plans, and agency impacts.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

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

agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

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#### **FLORIDA HIGHER EDUCATIONAL FACILITIES FINANCING AUTHORITY**

The **Florida Higher Educational Facilities Financing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 2, 2010, 12:00 Noon – 1:00 p.m.

PLACE: The Offices of the Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301; Conference Call: 1(866)578-5716, Conference Code: 6813188#

GENERAL SUBJECT MATTER TO BE CONSIDERED: (a) Consider a resolution authorizing the issuance of not exceeding \$30,000,000 in principal amount of refunding revenue bonds of the Authority in order to make a loan to Ringling College of Art and Design, Inc. for the purpose of refunding of up to \$30,000,000 of \$51,625,000 of outstanding revenue bonds of the Authority previously issued for the benefit of Ringling; (b) conduct a public hearing and consider a preliminary approval resolution regarding the issuance of not exceeding \$8,000,000 of revenue bonds of the Authority to fund a loan to St. Leo University; (c) Any other matters that may come before the Authority.

A copy of the agenda may be obtained by contacting: Melissa Armstrong, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

Pursuant to the provisions of 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: Melissa Armstrong, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188. If you are 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: Melissa Armstrong, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

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**SOUTHWEST FLORIDA CRIMINAL JUSTICE  
ACADEMY**

The **Regional 10 Criminal Justice Training School** announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Southwest Florida Public Service Academy, 3800 Michigan Avenue, Fort Myers, FL 33916, (239)334-3897.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Agenda: Pledge of Allegiance; Approval of minutes of May 25, 2010 Meeting; Introduction of guests; Academy report from Sarasota County Technical Institute; Academy report from Southwest Florida Public Service Academy; Old Business-Advanced Course Instructor issue, S.W.F.P.S.A.; New business; Schedule of next meeting; Adjournment.

A copy of the agenda may be obtained by contacting: Angela Esteves at (239)334-3897.

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**FLORIDA SMALL BUSINESS REGULATORY  
ADVISORY COUNCIL**

The **Florida Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 9:00 a.m. (Eastern, via teleconference) to be continued to November 5, 2010 if needed

PLACE: To participate, please call: 1(888)808-6959, Conference Code: 4737801#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Council business and rule reviews.

A copy of the agenda may be obtained by contacting: Vicky Baker at (850)473-7816, or email: vicky.baker@floridasbrac.org.

For more information, you may contact: Vicky Baker at (850)473-7816 or email vicky.baker@floridasbrac.org.

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**PALM BEACH COUNTY LOCAL COORDINATING  
BOARD**

The **Palm Beach County Local Coordinating Board** announces a hearing to which all persons are invited.

DATE AND TIME: October 20, 2010, 9:00 a.m.

PLACE: 3040 South Military Trail, Suite J, Lake Worth, FL 33463

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Discuss Palm Beach County public transportation and to have a public hearing on transportation issues.

A copy of the agenda may be obtained by contacting: Melissa Siladke at (561)649-9848.

Pursuant to the provisions of 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: Melissa Siladke at (561)649-9848. If you are

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

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

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**SOIL AND WATER CONSERVATION DISTRICTS**

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 21, 2010, 9:30 a.m.

PLACE: USDA – FLORIDA CITY SERVICE CENTER, South Dade Soil and Water Conservation District, 1450 N. Krome Ave., Suite 102, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Agenda Items for presentation to the SDSWCD Board of Supervisors, Nursery BMP & MIL Lab Reports, District Projects and Reports.

A copy of the agenda may be obtained by contacting: Norma H. Wilson at (305)242-1288.

For more information you may contact: Mr. Morgan Levy, SDSWCD Administrator at (305)242-1288.

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The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2010, 8:15 a.m.

PLACE: Madison Service Center, 1416 US 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: (850)973-6595.

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**FLORIDA WORKERS' COMPENSATION INSURANCE  
GUARANTY ASSOCIATION**

The Investment Committee of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2010, 9:30 a.m. (Eastern)

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Investment Committee will meet to review and select the Investment Advisor finalists to be interviewed.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

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



agency at least 2 days before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**FLORIDA SURPLUS ASSET FUND TRUST**

The Board of Trustees for **Florida Surplus Asset Fund Trust (FLSAFE)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 4, 2010, 1:00 p.m.

PLACE: Offices of Fishkind & Associate, Inc., 10807 S. W. Traditions Square, Port St. Lucie, FL 32987

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. CALL TO ORDER/ROLL CALL
2. GUEST INTRODUCTIONS
3. BUSINESS ADMINISTRATION
  - a. Minutes of July 21, 2010 board meeting
  - b. First quarter 2010 unaudited financial report
  - c. 2010 Budget update
4. BUSINESS ITEMS
  - a. Resolution 2010-02: Election results
  - b. Amendment 2010-01: Annual report process
  - c. Amendment 2010-02: Highly-rated corporate bonds as a permitted investment
  - d. Approval of designated Nationally Recognized Statistical Rating Organizations (NRSRO)
  - e. Travel Reimbursement Policy: Review by Akerman Senterfitt
5. STAFF REPORTS
  - a. Economic update and portfolio discussion
  - b. Marketing
6. SET NEXT MEETING DATE/ADJOURNMENT
  - a. Future meeting dates.

A copy of the agenda may be obtained by contacting: Bill Spivey, VP, Client Services Manager at 1(866)999-1216 or bill@flsafe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nancy Vogel at (772)345-5101. If you are 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: Bill Spivey, VP, Client Services Manager at 1(866)999-1216 or bill@flsafe.org.

**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 on September 28, 2010, the Electrical Contractors' Licensing Board has received the petition for declaratory statement from Michael P. Donaldson, Esquire, on behalf of Cypress Communications, Inc. The petition seeks the agency's opinion as to the applicability of Sections 489.105(3)(n), 489.505(12) and (19), F.S. and subsections 61G6-7.001(4) and (5), F.A.C. as it applies to the petitioner.

The petition seeks the Board's interpretation of Sections 489.105(3)(n), 489.505(12) and (19), F.S. and subsections 61G6-7.001(4) and (5), F.A.C., as to whether the contractor has to have an Underground Utility and Excavation license in order to do "directional drilling."

A copy of the Petition for Declaratory Statement may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783..

NOTICE IS HEREBY GIVEN THAT on September 24, 2010, the Board of Accountancy has received the petition for declaratory statement from Keith L. Jones, CPA. The petition seeks the agency's opinion as to the applicability of subsection 61H1-21.005(2), Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of subsection 61H1-21.005(2), Florida Administrative Code, and whether contingency fees are permissible given the facts and circumstances as stated in the petition, under Section 473.319, F.S.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of Legal Services has received the petition for declaratory statement from Mark D. Boardman on September 7, 2010. The petition seeks the agency's opinion as to the applicability of Section 626.854 Florida Statutes and Rule 69B-220.201, Florida Administrative Code as it applies to the petitioner.

More specifically, the petition has asked the Department of Financial Services to answer fifteen questions relating to the conduct of public adjusters and contractors dealing with insureds following an insured loss.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Heather Lewis at (850)413-4256, email: Heather.Lewis@myfloridacfo.com.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Office of Insurance Regulation has not ruled on the petition for declaratory statement filed by EliteHealth MD, LLC on August 31, 2009, as the Petitioner has withdrawn its petition.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a petition for declaratory statement on September 28, 2010, from CBRE Capital Markets, Inc. The petition seeks the Office's opinion as to whether CBRE Capital Markets, Inc.'s proposed operation to only seek mortgages from depository institutions, investment banks, life insurance companies, real estate investment trusts, and other business entities that invest in mortgage loans requires licensure as either a mortgage lender or mortgage broker under Chapter 494, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Ekecia Grayson, Esquire.

Please refer all comments to: Ekecia Grayson, Esquire, 200 E. Gaines St., Tallahassee, FL 32399-0376.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

Notice of Bid/Request for Proposal

**NOTICE TO DESIGN BUILDERS**

The University of Central Florida announces that Design Build Services will be required for the project listed below:

Project No.: UCF-559, Project and Location: Academic Villages II Main Campus, University of Central Florida 32816-3020

Project description: The project consists of the new construction of the 670 new beds added to Academic Villages I on the main campus of the University of Central Florida, Orlando, Florida. The new construction will consist of approximately 208,080 GSF.

The selected Design Build (DB) team will provide design, construction documents, and construction services.

Major building systems, including mechanical and the building envelope, will be commissioned by an independent consultant, with whom the Design Builder shall plan and coordinate its efforts. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the US Green Building Council is a mandatory minimum. The proposed team shall include at least one LEED AP design professional and one LEED AP field construction professional that will work with the university's LEED administration.

Conceptual and advanced schematic design phases shall take place at the University of Central Florida employing an interactive style format. The design team shall prepare graphic illustrations of design concepts for review and will participate in the presentation of those concepts.

The total project budget for this project is \$33,292,800, which includes planning, construction, and furniture and equipment. This project is contingent on the availability of funds.

The contract for design build services will consist of two phases. Phase One is for pre-construction services, for which the design builder will be paid a fixed fee. Phase One services include value engineering, constructability analyses, and development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. The Design Builder is the single point of responsibility for performance of the design and construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design builder's contract.

Selection of finalists for interviews will be made on the basis of the design builder's qualifications, including experience and ability, past experience, bonding capacity, cost estimating, and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the final interview requirements, a copy of the University of Central Florida Design and Construction Standards, and the University of Central Florida Design Build agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Carefully review the Design Build Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These

documents can be found on our website at [www.fp.ucf.edu](http://www.fp.ucf.edu) with the advertisement. Please note that the University of Central Florida will not compensate for lodging, food, or travel associated with this project.

Firms desiring to provide design build services for the project shall submit a letter of application and a completed University of Central Florida "Design Builder Qualifications Supplement." Proposals must not exceed 40 pages, including the Design Builder Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a design build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design build firm 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 placement on the convicted vendor list.

The University of Central Florida Design Builder Qualifications Supplement forms and the Project Fact Sheet which contains the Selection Criteria may be obtained by contacting: Gina Seabrook, Office of Facilities Planning at (407)823-2166, Fax: (407)823-5141, email: [gseabroo@mail.ucf.edu](mailto:gseabroo@mail.ucf.edu) or on our website: [www.fp.ucf.edu](http://www.fp.ucf.edu).

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 4:30 p.m. (Local Time), Friday, November 29, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

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#### Notice of Bid/Request for Proposal

#### NOTICE TO DESIGN BUILDERS

The University of Central Florida announces that Design Build Services will be required for the project listed below:

Project No.: UCF-560, Project and Location: Greek Houses and Greek Life Center Main Campus, University of Central Florida 32816-3020

Project description: The project consists of the new construction of two (2) new houses at 80 new beds per house and one (1) Greek Life Center added to Greek Park on the main campus of the University of Central Florida, Orlando, Florida.

The new construction will consist of approximately 25,500 GSF for the two (2) houses and 4,506 GSF for the Greek Life Center.

The selected Design Build (DB) team will provide design, construction documents, and construction services.

Major building systems, including mechanical and the building envelope, will be commissioned by an independent consultant, with whom the Design Builder shall plan and coordinate its efforts. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the US Green Building Council is a mandatory minimum. The proposed team shall include at least one LEED AP design professional and one LEED AP field construction professional that will work with the university's LEED administration.

Conceptual and advanced schematic design phases shall take place at the University of Central Florida employing an interactive style format. The design team shall prepare graphic illustrations of design concepts for review and will participate in the presentation of those concepts.

The total budget for this project is \$6,658,136, which includes planning, construction, and furniture and equipment. The two (2) houses are budgeted at approximately \$5,658,284 with \$999,852 budgeted for the Greek Life Center. This project is contingent on the availability of funds.

The contract for design build services will consist of two phases. Phase One is for pre-construction services, for which the design builder will be paid a fixed fee. Phase One services include value engineering, constructability analyses, and development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. The Design Builder is the single point of responsibility for performance of the design and construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design builder's contract.

Selection of finalists for interviews will be made on the basis of the design builder's qualifications, including experience and ability, past experience, bonding capacity, cost estimating, and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the final interview requirements, a copy of the University of Central Florida Design and Construction Standards, and the University of Central Florida Design Build agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Carefully review the Design Build Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These

documents can be found on our website at: [www.fp.ucf.edu](http://www.fp.ucf.edu) with the advertisement. Please note that the University of Central Florida will not compensate for lodging, food, or travel associated with this project.

Firms desiring to provide design build services for the project shall submit a letter of application and a completed University of Central Florida "Design Builder Qualifications Supplement." Proposals must not exceed 40 pages, including the Design Builder Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a design build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design build firm 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 placement on the convicted vendor list.

The University of Central Florida Design Builder Qualifications Supplement forms and the Project Fact Sheet which contains the Selection Criteria may be obtained by contacting: Gina Seabrook, Office of Facilities Planning at (407)823-2166, Fax: (407)823-5141, Email: [gseabroo@mail.ucf.edu](mailto:gseabroo@mail.ucf.edu) or on our website: [www.fp.ucf.edu](http://www.fp.ucf.edu).

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 4:30 p.m. (Local Time), Friday, November 29, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

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#### Notice of Bid/Request for Proposal

#### NOTICE TO DESIGN BUILDERS

The University of Central Florida announces that Design Build Services will be required for the project listed below:

Project No.: UCF-TBD, Project and Location: Central Energy Plant Main Campus, University of Central Florida 32816-3020.

Project description: The project consists of the design and construction of a new central energy plant. The plant consists of chilled water, hot water, and ice storage for Academic Villages I and II on the main campus of the University of Central Florida, Orlando, Florida. The new construction will

consist of square footage to be determined. The proposal must include a typical retrofit of the existing building from DX to chilled water and a connection to the new central energy plant. The selected Design Build (DB) team will provide design, construction documents, and construction services.

Major building systems, including mechanical and the building envelope, will be commissioned by the Owner, with whom the Design Builder shall plan and coordinate its efforts.

Conceptual and advanced schematic design phases shall take place at the University of Central Florida employing an interactive style format. The design team shall prepare graphic illustrations of design concepts for review and will participate in the presentation of those concepts.

The total project budget for this project is \$4,149,378, which includes planning and construction. This project is contingent on the availability of funds.

The contract for design build services will consist of two phases. Phase One is for pre-construction services, for which the design builder will be paid a fixed fee. Phase One services include value engineering, constructability analyses, and development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. The Design Builder is the single point of responsibility for performance of the design and construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design builder’s contract.

Selection of finalists for interviews will be made on the basis of the design builder’s qualifications, including experience and ability, past experience, bonding capacity, cost estimating, and qualification of the firm’s personnel, staff and consultants. Finalists will be provided with a copy of the final interview requirements, a copy of the University of Central Florida Design and Construction Standards, and the University of Central Florida Design Build agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Carefully review the Design Build Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at [www.fp.ucf.edu](http://www.fp.ucf.edu) with the advertisement. Please note that the University of Central Florida will not compensate for lodging, food, or travel associated with this project.

Firms desiring to provide design build services for the project shall submit a letter of application and a completed University of Central Florida “Design Builder Qualifications Supplement.” Proposals must not exceed 40 pages, including the Design Builder Qualifications Supplement and letter of

application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a design build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design build firm 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 placement on the convicted vendor list.

The University of Central Florida Design Builder Qualifications Supplement forms and the Project Fact Sheet which contains the Selection Criteria may be obtained by contacting: Gina Seabrook, Office of Facilities Planning at (407)823-2166, Fax: (407)823-5141, Email: [gseabroo@mail.ucf.edu](mailto:gseabroo@mail.ucf.edu) or on our website: [www.fp.ucf.edu](http://www.fp.ucf.edu).

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 4:30 p.m. (Local Time), Friday, November 29, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

Notice of Bid/Request for Proposal

Sealed bids for furnishing all labor and material and performing all work necessary and incidental to the completion of

| Bid Group | Bid Package No. & Description           | Bid Group | Bid Package No. & Description          |
|-----------|-----------------------------------------|-----------|----------------------------------------|
| 1         | BP 7.1 – Roofing & Lightweight Concrete | 2         | BP 11.4 – Darkroom Equipment           |
| 1         | BP 7.2 – Fireproofing                   | 2         | BP 12.1 – Science Lab Casework         |
| 1         | BP 7.3 – Caulking/ Sealants/Traffic     | 3         | BP13.3 – Laboratory Equipment          |
| 1         | Coatings                                | 3         | BP 13.3 – Green House                  |
| 1         | BP 8.1 – Doors/ Frames/Hardware         | 3         | BP 12.3 – Millwork                     |
| 1         | BP 8.2 – Overhead Doors                 | 3         | BP 12.4 – Window Treatments            |
| 1         | BP 9.1 – Drywall/ Stucco/Insulation     | 4         | BP 12.6 – Fixed Seating                |
|           | BP 9.2 – Terrazzo                       |           | BP 12.8 – Site Furnishings             |
|           | BP 9.3 – Hard Tile                      |           | BP 32.1 – Landscape & Irrigation       |
|           | BP 9.4 – Flooring/ Carpet               |           | BP13.1 – Fire Protection               |
|           | BP 9.5 – Acoustical Ceilings            |           | BP 13.2 – Controlled Environment Rooms |
|           | BP 9.9 – Painting/ Sealants             |           |                                        |

|   |                               |   |                                 |
|---|-------------------------------|---|---------------------------------|
| 2 | BP 6.1 – Rough                | 4 | BP 15.1 – Plumbing              |
| 2 | Carpentry/Expansion           | 4 | BP 15.2 – HVAC                  |
| 2 | Joint Covers                  | 4 | BP 15.3 – Controls              |
| 2 | BP 10.1 – Specialties         | 4 | BP 16.1 – Electrical/Fire Alarm |
|   | BP 10.4 – Signage             |   |                                 |
|   | BP 10.6 – Operable Partitions |   |                                 |

for UNF Science and Humanities will be received by: Ajax Building Corporation, The Office of Ajax Building Corporation, 1 UNF Drive, Jacksonville, Florida 32224 until 2:00 p.m. (Local Time), November 5, 2010.

Each bid must be accompanied by a Bid Bond on the form enclosed in this package, certified check or cashier’s check in an amount no less than five percent of the total amount of the base bid as guarantee that the bidder will, if awarded the contract, enter into a written contract, satisfactory in form, containing a penalty clause and requiring workers’ compensation and public liability insurance and approval of subcontractor by Ajax Building Corporation and shall be prepared to provide Payment and Performance Bonds on the forms enclosed in this bid package to Ajax Building Corporation in the full amount of the contract price within seven (7) days after acceptance. Bidder must be a licensed Florida Contractor.

Contract documents, as defined in Subcontract Agreement form, may be examined at: The office of Ajax Building Corporation, 1 UNF Drive, Jacksonville Florida 32224.

Interested bidders may obtain pre-qualification forms by contacting Ajax Building Corporation’s office. Only bidders meeting pre-qualification criteria may bid. Bidders must submit a completed experience questionnaire and financial statement on the form entitled “Bidder Qualifications Form – Initial”, incorporated herein by reference. The subcontractor’s financial condition must demonstrate that adequate fixed and liquid assets and equipment are available to properly perform the Subcontract.

Prequalified bidders can obtain contract documents from Ajax FTP Site after notice has been issued by Ajax.

Documents for Science and Humanities Project for these Bid Packages are scheduled to be available as noted above. Building documents are scheduled for Ajax ftp web site. A set of contract documents may be obtained by providing a refundable deposit (conditional) in the amount of \$250.00. Costs for postage shall be separate and non-refundable. Additional sets may be purchased for the cost of reproduction and handling. Checks for refundable deposits must be separate from purchased sets and postage. All checks shall be made payable to Ajax Building Corporation. No bid documents will be distributed within seven (7) days of date of bid receipt.

No bids may be withdrawn after the scheduled closing time for receipt of same for a period of sixty (60) days.

Proposals shall be sealed and plainly marked, “Bid”, with name of project, bid package number, name and address of bidder, time and date due.

The Construction Manager reserves the right to reject any and all bids received and to waive any and all informalities or irregularities in regard thereto.

Pre-Bid Conferences will be held at: University Center, 1 UNF Drive, Jacksonville, Florida 32224, with starting times shown below for the following Bid Packages Groups:

| Bid Group | Pre-Bid Meeting Date | Pre-Bid Time |
|-----------|----------------------|--------------|
| 1         | October 26, 2010     | 9:00 a.m.    |
| 2         | October 26, 2010     | 10:30 a.m.   |
| 3         | October 26, 2010     | 1:00 p.m.    |
| 4         | October 26, 2010     | 2:30 p.m.    |

Dates are subject to change. Notice will be given to Pre-Qualified bidders.

**NOTICE TO PROFESSIONAL CONSULTANTS**

**Request for Qualifications**

**RFQ 11-07**

**A/E – Osprey Dining Facility**

The University of North Florida – Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture and Engineering are required for the project termed Osprey Dining Facility – University of North Florida located at – 1 UNF Drive, Jacksonville, FL.

The scope of work for this project is anticipated to include a project program for a building of approximately 30,000 GSF, configured as either a single or two-story structure. The facility’s first floor will be dedicated to a new UNF dining facility and the remaining space will be either partially or fully built-out, depending on available project funding plus other UNF program requirements. The new facility will be located on the same site as the current UNF dining facility. Demolition documents for the existing Osprey Café (UNF building 14C) will be included in the scope of this project. Applicants are requested NOT to nominate sub-consultants at this time. Selection of sub and specialty consultants will occur at a later date.

The tentative solicitation schedule for this RFQ:

|                                     |                               |
|-------------------------------------|-------------------------------|
| Advertisement                       | October 15, 2010              |
| Submissions due                     | November 15, 2010 @ 2:00 p.m. |
| Evaluation/Short listing            | November/December 2010        |
| Interviews (TBD)/Award              | December 2010                 |
| Existing facility demolition        | May 2011                      |
| Construction substantial completion | August 2012                   |

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application with all of the appropriate documents from the RFQ 11-07 A/E – Osprey Dining Facility.

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 seven (7) 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, required forms and the selection criteria may be obtained electronically online at the UNF Purchasing department website [http://www.unf.edu/anf/purchasing/Bids\\_and\\_Notices.aspx](http://www.unf.edu/anf/purchasing/Bids_and_Notices.aspx) or by emailing:

|                                                                |                                                                                  |                                                              |
|----------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------|
| Dianna White                                                   | AND                                                                              | Angela Dyal                                                  |
| <a href="mailto:Dianna.white@unf.edu">Dianna.white@unf.edu</a> | University of North Florida                                                      | <a href="mailto:angela.dyal@unf.edu">angela.dyal@unf.edu</a> |
| (904)620-1731                                                  | Purchasing Dept. Bldg 53/<br>Suite 2950<br>1 UNF Drive<br>Jacksonville, FL 32224 | (904)620-1733                                                |

Submit one (1) original six (6) complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. local time, on November 15, 2010. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

Notice of Bid/Request for Proposal  
**NOTICE TO PROFESSIONAL CONSULTANTS-OFFICE  
 OF FACILITIES DESIGN AND CONSTRUCTION**

Duval County Public Schools-Request for Proposal (RFP) OFDC RFP-001-11-Building Systems Functional Performance Assurance Services Continuing Contract/Publish date October 8, 2010. The Office of Facilities Design and Construction announces that services are required for a contract for Building

Systems Functional Performance Assurance Services on a Continuing Services Contract basis for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$2,000,000 (construction) and \$200,000 (study fees) respectively, provided for in Section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods. The selected firm(s) shall be required to execute the Duval County School Board standard form of agreement. Applicants are advised that plans, drawings, specifications for these projects become the property of the Owner. Applications are to be sent to: Duval County Public Schools Facilities Design and Construction/1701 Prudential Drive – 5th Floor/Jacksonville, FL 32207-8182

PROJECT MANAGER: Susan Carew

PHONE NO.: (904)858-6362

RESPONSE DUE DATE: RFP RESPONSES ARE DUE ON OR BEFORE NOVEMBER 9, 2010 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

MBE GOALS: Encouragement.

Information on the selection process can be found at [www.duvalschools.org/static/aboutdcps/departments/facilities/selection\\_booklets.asp](http://www.duvalschools.org/static/aboutdcps/departments/facilities/selection_booklets.asp) Selection of the Building Systems Functional Performance Assurance Services on a Continuing Services Contract (DOC)

**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 MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR ELECTRICAL  
 CONTRACTORS**

PROPOSALS ARE REQUESTED FROM QUALIFIED ELECTRICAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM 29003010

PROJECT NAME: Generator Replacement Project, Trammell Building

PROJECT LOCATION: 1313 North Tampa Street, Tampa, Florida 33602

MANDATORY PRE-BID MEETING: Tuesday, November 2, 2010, 2:00 p.m.

BID OPENING: Monday, November 15, 2010, 3:00 p.m.

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$300,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES**

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: MSFM-10003280

PROJECT NAME: HVAC System Clean and Seal with Mechanical Upgrades Phase II, FDLE Main Building

LOCATION: Tallahassee, Florida

SHORTLIST DATE: Tuesday, November 18, 2010

INTERVIEW DATE: Wednesday, December 8, 2010

ESTIMATED CONSTRUCTION BUDGET: \$2,500,000.00 (Current funding is approximately \$1,000,000.00 with additional funding dependant on future appropriation by the Legislature).

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**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 10-10/11

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: Oscar Scherer State Park-Phase I Wastewater Improvements

SCOPE OF WORK: The Contractor shall provide the necessary labor, materials, equipment, and supervision required to construct the two wastewater lift stations; 1,320 LF 8" gravity sewer; 2,350 LF of 4" and 450 LF of 3" wastewater forcemain to connect to Sarasota County; abandon existing septic systems according to the plans and specifications.

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: \$296,000.00

PARK LOCATION: Oscar Scherer State Park in Osprey, Florida.

PROJECT MANAGER: Suzannah Ray, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, FL 32309, (850)488-5372, Fax: (850)488-3539.

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 October 15, 2010, at Oscar Scherer State Park, 1843 South Tamiami Trail, Osprey, Florida 34229, Attention: John Roche, Park Manager at (941)483-5957, Fax: (941) 480-3007.

NOTICE TO ALL VENDORS: All bid solicitations are subject to change. It is the responsibility of the vendor to verify with the Department of Management Services, Vendor Bid System website for any future addendums, questions, revisions, etc., prior to the bid opening. Failure to do so will be the sole responsibility of the vendor. Addenda will be posted only on the Vendor Bid System website. Addenda will not be sent directly to plan holders, except in limited circumstances and at the discretion of the Department. When the Department determines that circumstances warrant sending addenda directly to plan holders, a notice will be posted on the website notifying vendors that addenda have been sent. Addenda must be acknowledged and included in each vendor’s bid package. Failure to include acknowledged addenda in the bid package is grounds for disqualification of the vendor’s bid.

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.

**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, 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 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m. (ET), Tuesday, November 9, 2010 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, (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 16 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, Florida 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.

## **SARASOTA MEMORIAL HOSPITAL**

### **REQUEST FOR STATEMENTS OF QUALIFICATIONS TO CONTRACT FOR ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES FOR MEDICAL WALK-IN CLINIC ON S. TAMIAMI TRAIL FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD SARASOTA MEMORIAL HOSPITAL SARASOTA, FLORIDA**

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting firms. The scope of work may include programming, demolition drawings, schematic design, design development, construction documents, and construction administration for all architectural, civil, site work, mechanical, electrical, plumbing, fire protection, and structural design work for the exterior renovation and interior construction of a 5,700 square foot, plus or minus, 1 story walk-in clinic building to be sited on a parcel located on S. Tamiami Try., north of Stickney Point Road, Sarasota County. Firms to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, civil, mechanical, electrical, plumbing, fire protection, and structural. Firms are required to submit 5 bound qualification statements that include at least the following data, in the order listed below:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Proof of General and Professional Liability Insurability.
3. Proof if the firm or any of the associations are a Minority Business Enterprise
4. Proposed design team with resumes
5. Completed medical walk-in center projects
6. Additional information the respondent considers relevant for this submittal

#### **Comments:**

1. The Hospital reserves the right to reject any or all submittals and to discontinue the selection process at any time
2. The Hospital reserves the right to request information or the submittal of documentation in addition to that set forth above.
3. Questions regarding submissions shall be directed to:

Tom Perigo  
(941)685-9066

4. Only the person listed as the contact person shall be contacted. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.

Submissions shall be titled

Sarasota Memorial Health Care System

Statement of Qualifications for the Walk-in Clinic on South Tamiami Trail

Qualification Statements shall be received no later than Thursday, November 4, 2010, 2:00 p.m. Submittals received after this time will remain unopened and available for pick up.

Attention:

Tom Perigo

Sarasota Memorial Health Care System

1515 S. Osprey, Ave, Building A

Sarasota, Florida 34239-3555

A public meeting will be held at Sarasota Memorial Hospital main campus, Tuesday November 23, 2010, 12:00 Noon – 2:00 p.m. in the Main Campus Auditorium. The top three firms will be ranked.

Negotiations with the number one ranked firm shall begin Monday November 29, 2010. Sarasota Memorial Health Care System (SMHCS) will have 15 working days to negotiate an agreement with the number one ranked firm. If unsuccessful within 15 working days SMHCS will begin negotiations with the number two ranked firm, and have 15 working days to reach an agreement. If unsuccessful within 15 working days SMHCS will begin negotiations with the number three ranked firm and have 15 working days to reach an agreement. If SMHCS cannot reach agreement with any of the top three ranked teams, this Request for Qualifications will be deemed terminated.

**ANNOUNCEMENT OF REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR GENERAL CONTRACTING WORK FOR THE SARASOTA MEMORIAL HOSPITAL WALK-IN CLINIC ON S. TAMIAMI TRAIL FOR THE SARASOTA COUNTY PUBLIC HOSPITAL BOARD**  
SARASOTA MEMORIAL HOSPITAL  
SARASOTA, FLORIDA

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from General Contracting Firms. The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to the construction and construction management services for a 5,700 sq. ft. plus or minus medical walk-in clinic located on S. Tamiami Trail and north of Stickney Point Road, Sarasota County. Firms

interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.
2. Completed AIA Document A305 Contractor’s Qualification Statement, latest edition.
3. Proof of general, automobile and workers’ compensation liability insurance coverage.
4. Proof as to whether the firm is a certified Small/or Minority Business Enterprise.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project.
6. Resumes of key personnel that would be used on this project.
7. Past experience of a successfully completed medical walk-in clinic projects.
8. Location of firm’s main office.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals.
2. The basis for selecting candidates includes, but is not limited to, consideration of related project experience, qualifications of proposed team. The Hospital reserves the right to request additional information beyond the data set forth above.
3. Any general contracting firm previously engaged in phasing, scheduling or pricing on this project is excluded from participating in the selection of or providing general contracting work on this project.

Submissions shall be titled

GENERAL CONTRACTING WORK

for

The Sarasota Memorial Hospital

Medical Walk-in Clinic at S. Tamiami Trail

SARASOTA, FLORIDA

4. Submittals shall not contain pricing information.
5. Submittals must be received by the Hospital no later than 2:00 p.m., Thursday, November 4, 2010 and submitted to Thomas Perigo, Sarasota Memorial Hospital, 1515 S. Osprey Avenue, Building A, Sarasota, Florida 34239. Submittals received after this deadline will remain unopened and available for pick up.
6. The selection committee will meet in a public meeting at: Waldemere Auditorium, 1700 S. Tamiami Try., Sarasota, FL 34239, Level One, Tuesday, November 23, 2010, 2:00 p.m. – 4:00 p.m., to discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

7. Interested persons should contact: Tom Perigo at (941)685-9066 with any project related questions.
8. No attempts shall be made to contact Administrators, Board Members or any SMH staff other than the contact name listed, under the potential penalty of disqualification from the process.

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## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
INTERLOCAL AGREEMENT CONSISTENT WITH  
SECTION 163.3177(2), FLORIDA STATUTES  
DCA DOCKET NUMBER 14-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Desoto County, the City of Arcadia and the Desoto County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Section 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 Central Florida Regional Planning Council, 555 East Church Street, Bartow, Florida 33831.

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 Desoto County, the City Of Arcadia and the Desoto County School Board. 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 32399-3060. 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.

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-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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DCA Final Order No.: DCA10-OR-189

In Re: LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
CITY OF KEY WEST  
ORDINANCE NO.: 10-10

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The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes, (2009), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

#### FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On August 4, 2010 the Department received for review City of Key West Ordinance No. 10-10, which was adopted by the City of Key West City Commission on May 18, 2010, (“Ord. 10-10”).
3. The purpose of Ord. 10-10 is to amend Chapter 108 of the City of Key West Land Development Regulations entitled Planning and Development by amending Article X Part B, Land Development Regulations, Building Permit Allocation and Vested Rights, Division 1; amending Section 108-995 pertaining to Renewal of Allocations; and amending 108-996 pertaining to Beneficial Use.
4. Ord. 10-10 amends Section 108-995 Reporting Requirements and Adjustments in residential allocation schedule to reserve a minimum number of the City’s existing unallocated units for beneficial use claims and the remaining existing unallocated units shall be allocated in accordance with the Comprehensive Plan and land development regulations. Ord. 10-10 amends Section 108-996 Period of Allocation to indicate that a single one year renewal of an allocation shall be granted provided the

applicant applies prior to expiration of the allocation and demonstrates reasonable cause for the extension. Allocations for beneficial use shall be for a period of two years during which time a building permit must be obtained, a single two year extension of a beneficial use allocation shall be granted prior to expiration, and unallocated units will be returned to the system for reallocation.

5. Ord. 10-10 is consistent with the City’s Comprehensive Plan: Objective 1-3.12: Managing Building Permit Allocation.

**CONCLUSIONS OF LAW**

6. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. Sections 380.05(6) and 380.05(11), Florida Statutes (2009).
7. The City of Key West is an Area of Critical State Concern. Section 380.05, Florida Statutes (2009) and Rule 28-36.001, Florida Administrative Code.
8. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 10-10 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the “Principles”). Section 380.05(6), Florida Statutes; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d.*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Florida Administrative Code.
10. The above identified portions of Ord. 10-10, are consistent the following Principles:
  - (a) Strengthen local government capabilities for managing land use and development.
  - (h) Protection of public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.
11. WHEREFORE, IT IS ORDERED that Ord. 10-10 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

CHARLES GAUTHIER, AICP  
 Director, Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this   1st   day of October, 2010.

/s/ \_\_\_\_\_  
 Paula Ford, Agency Clerk

By U.S. Mail:  
 The Honorable Craig Cates  
 Mayor, City of Key West  
 P. O. Box 1409  
 Key West, Florida 33041

Cheryl Smith  
 Clerk to the City Commission  
 P. O. Box 1409  
 Key West, Florida 33041

Amy Kimball-Murley, AICP  
 Planning Director  
 City of Key West  
 P. O. Box 1409  
 Key West, Florida 33041

Larry Erskine  
 City Attorney  
 P. O. Box 1409  
 Key West, FL 33041

By Hand Delivery or Interagency Mail:  
 Rebecca Jetton, ACSC Administrator, DCA Tallahassee  
 Richard E. Shine, Assistant General Counsel, DCA Tallahassee

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of More  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA, Co., Ltd., intends to allow the establishment of Beach Street Bikes, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd. (SHEN) at 910 West International Speedway Boulevard, Daytona Beach (Volusia County), Florida 32114, on or after November 14, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Beach Street Bikes, Inc., are dealer operator(s): Patrick Johnson, 910 West International Speedway Boulevard., Daytona Beach, Florida 32114; principal investor(s): Patrick Johnson, 910 West International Speedway Boulevard., Daytona Beach, Florida 32114, Ronald Hurtibise, 910 West International Speedway Boulevard, Daytona Beach, Florida 32114.

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: Darrell Green, Jonway Motorcycles USA Co., Ltd., 1503 Kelly Boulevard, Carrollton, Texas 75006.

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 Jonway Motorcycles USA Co., Ltd., intends to allow the establishment of MX Global, Inc., d/b/a MX Motorsports as a dealership for the sale of motorcycles manufactured by Shanghai Jmstar Motorcycle Co., Ltd., (JMST) at 4905 Northwest 72nd Avenue, Miami (Miami-Dade County), Florida 33166, on or after November 14, 2010.

The name and address of the dealer operator(s) and principal investor(s) of MX Global, Inc., d/b/a MX Motorsports are dealer operator(s): Rick Marabini, 4905 Northwest 72nd Avenue, Miami, Florida 33166; principal investor(s): Eric Marabini, 4905 Northwest 72nd Avenue, Miami, Florida 33166.

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.

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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: Darrell Green, Jonway Motorcycles USA Co., Ltd., 1503 Kelly Boulevard, Carrollton, Texas 75006.

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 Jonway Motorcycles USA Co., Ltd., intends to allow the establishment of The Navitas Financial Group, Inc., d/b/a Pompano Pat's – Deland as a dealership for the sale of motorcycles manufactured by Shanghai Jmstar Motorcycle Co., Ltd. (JMST) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32724, on or after November 14, 2010.

The name and address of the dealer operator(s) and principal investor(s) of The Navitas Financial Group, Inc., d/b/a Pompano Pat's – Deland are dealer operator(s): Patrick Johnson, 2075 South Woodland Boulevard, Deland, Florida 32724; principal investor(s): Patrick Johnson, 2075 South Woodland Boulevard, Deland, Florida 32724, Ronald Hurtbise, 2075 South Woodland Boulevard, Deland, Florida 32724.

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: Darrell Green, Jonway Motorcycles USA Co., Ltd., 1503 Kelly Boulevard, Carrollton, Texas 75006.

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 Mod Cycles, Corp., intends to allow the establishment of Veruccino Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co., Ltd., (ZHEJ) at 2801 North State Road 7, Hollywood (Broward County), Florida 33021, on or after November 14, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Veruccino Motors, Inc., are dealer operator(s): Isidro L. Acosta, 12 Main Street, Hollywood, Florida 33023; principal investor(s): Isidro L. Acosta, 12 Main Street, Hollywood, Florida 33023.

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: Carlos Ponce, Mod Cycles, Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

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."

**WATER MANAGEMENT DISTRICTS**

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT GIVES NOTICE OF INTENT TO GRANT THREE VARIANCES/WAIVERS – DISTRICT FILES OF RECORD 2010-14, 18 AND 19**

The St. Johns River Water Management District (District) intends to grant/deny three variances/waivers from paragraph 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (July 1, 2007), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to the St. Augustine – St. Johns County Airport Authority, for the construction of: (a) a runway approach lighting system (ALS) in the salt marsh at the end of runway 13-31, (b) the replacement of Taxiway C, relocation of a tidal canal, and runway safety area (RSA) improvements, and (c) a second runway safety area improvement and the restoration of a spoil island. The projects are located in Section 50, Township 6 South, Range 29 East, St. Johns County, Florida. Paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (July 1, 2007), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish

harvesting and do so by limiting the types of activities allowed when the proposed work is located directly in such waters. The petitioner seeks the variances/waivers pursuant to Sections 373.414(17) and 403.201(1)(c), Florida Statutes (F.S.), in conjunction with Environmental Resource Permit Applications 4-109-28307-40, 42 and 43, to undertake the aforementioned construction at the St. Augustine-St. Johns County Airport. The work would occur in the Tolomato River which in this area is a Class II water conditionally restricted for shellfish harvesting. Notice of receipt of the petitions for variance was published in the Florida Administrative Weekly on April 3, 2010 and May 7, 2010. The District's Governing Board/ Executive Director is scheduled to take final action on the petition for variance and the related permit application at a meeting no sooner than October 14, 2010 and no later than November 8, 2010.

#### NOTICE OF RIGHTS

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka, Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within nineteen (19) days of the District depositing the notice of intended District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of intended District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 5 below. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
2. If the District takes action that substantially differs from the notice of intended District decision, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described in paragraph no. 1 above, within nineteen (19) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper or Florida Administrative Weekly publication of the notice of final District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
3. A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by email is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [www.sjrwmd.com](http://www.sjrwmd.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose



substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.

8. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action (in this case, the final order on the petition for variance). A District action is considered rendered after it is signed on behalf of the District and is filed by the District Clerk. Failure to observe the relevant time frames for filing a petition for judicial review will result in waiver of that right to review.

The petitions for variance (F.O.R. 2010-14, 18 and 19) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at District Headquarters. To request copies or inspection of these files, contact: Vance Kidder, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)329-4199. They also can be viewed at the District's E-Permitting site on the District website.

The St. Johns River Water Management District (District) announces its intent to grant a variance from the provisions of paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (February 16, 2010), including Sections 10.1.1(c), 12.1.1(d) 12.2.5(c), (F.O.R. Number 2010-33) to the Indian River County Board of County Commissioners (County). Pursuant to Section 373.414(17), Florida Statutes, the County is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 4-061-114751-2 to construct an extension to a boat ramp dock and dredging activities within the Indian River. The construction is proposed to occur directly in the Indian River, which is located within Class III waters that are also classified by the Department of Agriculture and Consumer Services as restricted for shellfish harvesting. Notice of receipt of the petition for variance was published in the Florida Administrative Weekly on September 3, 2010.

#### NOTICE OF RIGHTS

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter

28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the: District Clerk, District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by email with the District Clerk at Clerk@sjrwmd.com, within nineteen (19) days of the District depositing the notice of intended District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of intended District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 5 below. Mediation pursuant to Section 120.573, Florida Statutes, is not available.

2. If the District takes action that substantially differs from the notice of intended District decision, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) at the: Office of the District Clerk at the mail/street address or email address described in paragraph no. 1 above, within nineteen (19) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
3. A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

5. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at: [www.sjrwmd.com](http://www.sjrwmd.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
8. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action (in this case, the final order on the petition for variance). A District action is considered rendered after it is signed on behalf of the District and is filed by the District Clerk. Failure to observe the relevant time frames for filing a petition for judicial review will result in waiver of that right to review.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on September 28, 2010, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

| CON#  | INITIAL DECISION, | PROJECT,                                                     | CTY,                                                                                                                     |
|-------|-------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
|       | APPLICANT,        | PARTY REQUEST                                                | HEARING (PRH)                                                                                                            |
| 10076 | Approval,         | establish an 18 bed freestanding inpatient hospice facility, | Clay County, North Central Florida Hospice, Inc. d/b/a Haven Hospice, (PRH) Community Hospice of Northeast Florida, Inc. |
| 10078 | Denial,           | establish a pediatric cardiac catheterization program,       | Orange County, The Nemours Foundation, (PRH) same as applicant                                                           |
| 10078 | Supports Denial,  | establish a pediatric cardiac catheterization program,       | Orange County, The Nemours Foundation, (PRH) Orlando Health                                                              |
| 10079 | Approval,         | establish a pediatric cardiac catheterization program,       | Orange County, Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital, (PRH) The Nemours Foundation                |
| 10079 | Approval,         | establish a pediatric cardiac catheterization program,       | Orange County, Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital, (PRH) Orlando Health                        |
| 10080 | Denial,           | establish a pediatric open heart surgery program,            | Orange County, The Nemours Foundation, (PRH) same as applicant                                                           |
| 10080 | Supports Denial,  | establish a pediatric open heart surgery program,            | Orange County, The Nemours Foundation, (PRH) Orlando Health                                                              |
| 10081 | Approval,         | establish a pediatric open heart surgery program,            | Orange County, Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital, (PRH) The Nemours Foundation                |
| 10081 | Approval,         | establish a pediatric open heart surgery program,            | Orange County, Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital, (PRH) Orlando Health                        |

- 10082 Denial, establish a new hospice program, Lee County, Compassionate Care Hospice of Florida, Inc., (PRH) same as applicant
- 10083 Denial, establish a new hospice program, Broward County, Compassionate Care Hospice of Florida, Inc., (PRH) same as applicant
- 10083 Supports Denial, establish a new hospice program, Broward County, Compassionate Care Hospice of Florida, Inc., (PRH) Douglas Gardens of Broward, Inc.
- 10083 Supports Denial, establish a new hospice program, Broward County, Compassionate Care Hospice of Florida, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc.
- 10083 Supports Denial, establish a new hospice program, Broward County, Compassionate Care Hospice of Florida, Inc., (PRH) Hospice of Palm Beach County, Inc.
- 10084 Denial, establish a new hospice program, Broward County, Douglas Gardens of Broward, Inc., (PRH) same as applicant
- 10084 Supports Denial, establish a new hospice program, Broward County, Douglas Gardens of Broward, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc.
- 10084 Supports Denial, establish a new hospice program, Broward County, Douglas Gardens of Broward, Inc., (PRH) Compassionate Care Hospice of Florida, Inc.
- 10084 Supports Denial, establish a new hospice program, Broward County, Douglas Gardens of Broward, Inc., (PRH) Hospice of Palm Beach County, Inc.
- 10085 Approval, establish a new hospice program, Broward County, Hospice of Palm Beach County, Inc., (PRH) Douglas Gardens of Broward, Inc.
- 10085 Approval, establish a new hospice program, Broward County, Hospice of Palm Beach County, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc.
- 10085 Approval, establish a new hospice program, Broward County, Hospice of Palm Beach County, Inc., (PRH) Compassionate Care Hospice of Florida, Inc.
- 10086 Denial, establish a new hospice program, Broward County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc., (PRH) same as applicant
- 10086 Supports Denial, establish a new hospice program, Broward County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc., (PRH) Douglas Gardens of Broward, Inc.

- 10086 Supports Denial, establish a new hospice program, Broward County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc., (PRH) Compassionate Care Hospice of Florida, Inc.
- 10086 Supports Denial, establish a new hospice program, Broward County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, Inc., (PRH) Hospice of Palm Beach County, Inc.
- 10091 Denial, establish a new hospice program, Miami – Dade County, Compassionate Care Hospice of Florida, Inc., (PRH) same as applicant

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**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.”

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**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/). For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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**DEPARTMENT OF HEALTH**

On October 1, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kristin L. Hagan, R.N. License #RN 9274602. 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.

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On October 1, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Margie Karen Manucy, R.N. License #RN 2037912. 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 29, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Felix Rosa, Jr., C.N.A. License #CNA 98714. 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 October 1, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jennifer M. White, C.N.A. License #CNA 189642. 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 October 1, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jessica Mari Sturgess, R.P.T. License #RPT 3206. 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 IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Division 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 Agency Clerk as follows:

|                                |    |                                |
|--------------------------------|----|--------------------------------|
| By Mail or Facsimile           | or | By Hand Delivery               |
| Agency Clerk                   |    | Agency Clerk                   |
| Office of Financial Regulation |    | Office of Financial Regulation |
| P. O. Box 8050                 |    | General Counsel's Office       |
| Tallahassee, Florida           |    | The Fletcher Building          |
| 32314-8050                     |    | Suite 118                      |
| Phone (850)410-9800            |    | 101 East Gaines Street,        |
| Fax: (850)410-9548             |    | Tallahassee, Florida           |
|                                |    | 32399-0379                     |
|                                |    | Phone: (850)410-9896           |

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 5, 2010):

**APPLICATION TO MERGE**

Constituent Institutions: Stonegate Bank, Fort Lauderdale, Florida, and Southwest Capital Bank, N.A., Fort Myers, Florida

Resulting Institution: Stonegate Bank

Received: October 5, 2010

**APPLICATION TO EXPAND FIELD OF MEMBERSHIP**

Specific information regarding the expansion can be found at <http://www.flofr.com/banking/cufm.asp>.

Name and Address of Applicant: Miami Postal Service Credit Union, Post Office Box 520622, Miami, Florida 33152

Expansion Includes: Employee Group

Received: October 1, 2010

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 27, 2010  
 and October 1, 2010

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

|            |         |          |       |  |
|------------|---------|----------|-------|--|
| 19B-4.001  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-4.002  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-4.005  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-5.001  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-5.002  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-5.003  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-5.004  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-5.006  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-6.001  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-9.001  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-9.002  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-9.004  | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-11.001 | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-11.004 | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-11.005 | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-11.007 | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-14.001 | 9/28/10 | 10/18/10 | 36/34 |  |
| 19B-16.002 | 9/28/10 | 10/18/10 | 36/34 |  |

**DEPARTMENT OF CORRECTIONS**

|            |         |          |       |  |
|------------|---------|----------|-------|--|
| 33-210.102 | 10/1/10 | 10/21/10 | 36/35 |  |
| 33-404.107 | 9/27/10 | 10/17/10 | 36/33 |  |

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

|           |         |          |       |       |
|-----------|---------|----------|-------|-------|
| 59G-4.230 | 10/1/10 | 10/21/10 | 36/18 | 36/34 |
|-----------|---------|----------|-------|-------|

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Employees' Insurance**

|            |         |          |       |  |
|------------|---------|----------|-------|--|
| 60P-2.0036 | 9/30/10 | 10/20/10 | 36/34 |  |
| 60P-6.0075 | 9/30/10 | 10/20/10 | 36/34 |  |

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Regulatory Council of Community Association Managers**

|             |         |          |       |       |
|-------------|---------|----------|-------|-------|
| 61E14-4.002 | 9/27/10 | 10/17/10 | 35/42 | 36/32 |
| 61E14-4.003 | 9/27/10 | 10/17/10 | 35/42 | 36/32 |
| 61E14-4.005 | 9/27/10 | 10/17/10 | 35/42 | 36/32 |

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|            |         |         |       |  |
|------------|---------|---------|-------|--|
| 62-550.800 | 10/1/10 | 10/1/10 | 36/32 |  |
| 62-555.900 | 10/1/10 | 10/1/10 | 36/19 |  |

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family**

|             |         |          |       |  |
|-------------|---------|----------|-------|--|
| 64B4-3.008  | 9/27/10 | 10/17/10 | 36/34 |  |
| 64B4-3.0085 | 9/27/10 | 10/17/10 | 36/34 |  |

**Board of Dentistry**

|             |         |          |      |       |
|-------------|---------|----------|------|-------|
| 64B5-16.006 | 9/27/10 | 10/17/10 | 36/6 | 36/27 |
|-------------|---------|----------|------|-------|

**Board of Medicine**

|             |         |          |       |  |
|-------------|---------|----------|-------|--|
| 64B8-9.013  | 9/27/10 | 10/17/10 | 36/33 |  |
| 64B8-11.001 | 9/27/10 | 10/17/10 | 36/33 |  |

**Board of Optometry**

|             |         |          |       |       |
|-------------|---------|----------|-------|-------|
| 64B13-4.004 | 9/28/10 | 10/18/10 | 36/21 | 36/33 |
| 64B13-4.007 | 9/28/10 | 10/18/10 | 36/33 |       |

**Division of Environmental Health**

|            |         |          |      |       |
|------------|---------|----------|------|-------|
| 64E-26.001 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.002 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.003 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.004 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.005 | 9/27/10 | 10/17/10 | 36/3 | 36/20 |
| 64E-26.006 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.007 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.008 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.009 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.010 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.011 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.012 | 9/27/10 | 10/17/10 | 36/3 |       |
| 64E-26.013 | 9/27/10 | 10/17/10 | 36/3 |       |