

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

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.0042	Exemption from Permit
14-26.00425	Criteria for Issuance of Permits
14-26.0043	Multi-State Travel
14-26.0044	Interstate Movements
14-26.0051	Criteria for Issuance of Permits
14-26.006	Procedure for Issuance of Road Use Permits
14-26.007	Liability of Permittee
14-26.008	Schedule of Fees
14-26.009	Exemptions from Fee Requirement
14-26.0091	Tire Requirements
14-26.010	Weight Limitations
14-26.011	Waiver of Axle Limitations
14-26.012	Movement Conditions and Restrictions
14-26.013	Permits to Move Buildings
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.014	Non-Compliance
14-26.015	Penalties

**PURPOSE AND EFFECT:** Rule Chapter 14-26, F.A.C., is being amended to include new rules, revised definitions, repealed rules, and other overall restructuring of the chapter.

**SUBJECT AREA TO BE ADDRESSED:** This is an amendment to Rule Chapter 14-26, F.A.C.

**SPECIFIC AUTHORITY:** 316.550, 334.044(2) FS.

**LAW IMPLEMENTED:** 316.515, 316.516, 316.535, 316.550, 334.044(28) FS.

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

**DATE AND TIME:** March 6, 2009, 8:30 a.m.

**PLACE:** Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

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

**NOTE:** The Preliminary Text will be available: <http://www.fdotmaint.com/permit/>.

**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**

**Northwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40A-3.011	Policy and Purpose
40A-3.021	Definitions
40A-3.037	Water Well Contractor Licensing
40A-3.038	Violations of Licensing Requirements
40A-3.041	Permits Required
40A-3.051	Exemptions
40A-3.201	Permit Application Fees
40A-3.301	Conditions for Issuance of Permits
40A-3.321	Duration of Permits
40A-3.342	Permit Denial
40A-3.451	Emergency Authorization
40A-3.461	Inspections
40A-3.492	Violations of Permits
40A-3.504	Location
40A-3.507	Casing and Liner Pipe Standards
40A-3.512	Standard Well Construction Methods
40A-3.517	Grouting and Sealing
40A-3.521	Well Seals
40A-3.531	Abandoned Well Plugging
40A-3.550	Violations of Construction Standards
40A-3.952	Violations
40A-3.980	Enforcement and Penalties

**PURPOSE AND EFFECT:** Workshops are being held to solicit input on conceptual changes to the rule. The purpose and effect of the proposed rule development is to update the District's Regulation of Wells rule to address changes in industry standards; and, address changes in and maintain consistency with the Florida Statutes and related statewide Department of Environmental Protection Rules. The proposed rule development will also clarify and update language within the District's rule including construction standards.

**SUBJECT AREA TO BE ADDRESSED:** Consistency with DEP statewide rules and industry standards, and clarification of construction requirements and procedures.

**SPECIFIC AUTHORITY:** 373.026, 373.044, 373.046, 373.103, 373.109, 373.113, 373.171, 373.308, 373.309, 373.313, 373.323, 373.326, 373.329, 373.333, 373.337, 373.342 FS.

**LAW IMPLEMENTED:** 373.302, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: March 10, 2009, 8:00 a.m. – 11:00 a.m., Central Time

PLACE: Northwest Florida Water Management District, 800 Hospital Drive, Crestview, Florida 32539

DATE AND TIME: March 10, 2009, 1:00 p.m. – 4:00 p.m., Central Time

PLACE: Commission Chamber at Panama City Hall, 9 Harrison Avenue, Panama City, Florida 32401

DATE AND TIME: March 11 2009, 1:00 p.m. – 4:00 p.m., Central Time

PLACE: County Commission Chamber, 2864 Madison Street, Marianna, Florida

DATE AND TIME: March 12, 2009, 9:00 a.m. – 12:00 Noon Eastern Time

PLACE: Northwest Florida Water Management District, 81 Water Management Drive, Governing Board Room, Havana, Florida 32333

Pursuant to the provisions of 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: Terri Peterson at (850)539-5999 (Voice), (850)539-2777 (Fax). If you are 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: Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (Fax)

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-7.034 RULE TITLE: Alternate-Site Testing

PURPOSE AND EFFECT: The agency is proposing to amend the rule that specifies the types of tests that can be performed at alternate test sites within hospitals.

SUBJECT AREA TO BE ADDRESSED: Rules related to laboratory tests of higher complexity, those that require limited reagent manipulations and to staffing requirements to ensure quality testing and patient care being performed at alternate sites within hospitals. Alternate-site tests are currently limited to those of moderate complexity and that require no reagent manipulations, treatment, extraction and separation or other processing of any kind.

SPECIFIC AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.106, 483.181, 483.201, 483.221, 483.23 FS.

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

DATE AND TIME: March 13, 2009, 1:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-7.035 RULE TITLE: Staffing Requirements

PURPOSE AND EFFECT: The agency is proposing to amend the rule that addresses who must supervise in clinical laboratories.

SUBJECT AREA TO BE ADDRESSED: Revisions to better align the requirements of supervision in clinical laboratories with recent revisions to Chapter 64B3, Florida Administrative Code are being reviewed.

SPECIFIC AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.035, 483.051, 483.111 FS.

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

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

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 59A-7.035 Staffing Requirements.

(1) The laboratory must be staffed with a director(s) who meets the qualifications specified under Chapter 483, Part ~~III~~ ~~IV~~, F.S., for all specialties and subspecialties in which the laboratory is licensed.

(a) No change.

1. The laboratory director, if qualified, is authorized to perform the duties of the general supervisor, and clinical laboratory testing personnel, or delegate these responsibilities to personnel meeting the qualifications set forth in Chapter 483, Part ~~III~~ ~~IV~~, F.S., and Chapter ~~64B3~~ ~~590~~, F.A.C.

2. through 5. No change.

5. If the director is to be continuously absent from the laboratory for more than one month, it shall be the director's and owner's responsibility to make arrangements for a qualified substitute director. Such arrangements must be documented in writing and available for review by the agency.

6. The director must ensure that the laboratory employs personnel qualified under Chapter 483, Part ~~III~~ ~~IV~~, F.S., and Chapter ~~64B3~~ ~~590~~, F.A.C., to provide consultation, supervise and accurately perform tests and report test results according to this Rule and within the limitations described in Section 483.111, F.S.

(b) The laboratory must have at least one director who is qualified under Chapter 483, Part ~~III~~ ~~IV~~, F.S., and provides, in addition to responsibilities specified under paragraph 59A-7.035(1)(a), F.A.C., clinical consultation as required for Clinical Consultants prescribed under the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder as described in subsection 59A-7.020(6), F.A.C.

(2) Supervisor. The laboratory must have one or more supervisors.

(a) The supervisor must be licensed under Chapter 483, Part ~~III~~ ~~IV~~, F.S., in accordance with Chapter ~~64B3~~, F.A.C., for ~~all tests performed in the laboratory all specialties in which the laboratory performs tests~~ except that the supervision of respiratory care practitioners, clinical laboratory personnel, and other persons performing blood gas analysis and specimen collection for the purpose of such analysis shall be specified in rules pursuant to Chapter 483, F.S.

(b) If the requirement of paragraph 59A-7.035(2)(a), F.A.C., is not met, the laboratory is authorized to be staffed with one or more supervisors licensed under Chapter 483, Part ~~III~~ ~~IV~~, F.S., such that all licenses combined provide supervisory coverage for all specialties and subspecialties in which the laboratory is licensed.

(c) No change.

(3) Clinical Laboratory Personnel. In addition to the personnel specified in subsections 59A-7.035(1) and (2), F.A.C., each laboratory must be staffed with technologists or technicians, as applicable, licensed under Chapter 483, Part ~~III~~ ~~IV~~, F.S. Blood gas analysis procedures are permitted to be

performed by an individual licensed as a respiratory care practitioner or a respiratory therapist pursuant to Chapter 468, F.S.

(4) Exclusive Use Laboratories shall be staffed with:

(a) A director qualified under Chapter 483, Part ~~III~~ ~~IV~~, F.S., and at least one director qualifying under paragraph 59A-7.035(1)(b), F.A.C.; and

(b) Clinical laboratory personnel licensed as a clinical laboratory director, supervisor, technologist, technician or exclusive use technician or registered as a trainee as provided under Chapter 483, Part ~~III~~ ~~IV~~, F.S., and Chapter ~~64B3~~ ~~590~~, F.A.C.

(5) Plasmapheresis centers performing only waived tests, total protein by refractometer or ABO and Rh typing shall be staffed with:

(a) A director qualified under Chapter 483, Part ~~III~~ ~~IV~~, F.S., and at least one director qualifying under paragraph 59A-7.035(1)(b), F.A.C.; and

(b) Clinical laboratory personnel licensed as a clinical laboratory director, supervisor, technologist, or technician, as applicable, as provided under Chapter 483, Part ~~III~~ ~~IV~~, F.S.

(6) Sites performing testing authorized under Rule 59A-7.034, F.A.C., must be staffed with personnel qualified under subsection 59A-7.034(5), F.A.C., under the direct supervision of the clinical laboratory director, supervisor or technologist qualified under Chapter 483, Part ~~III~~ ~~IV~~, F.S.

(7) Laboratories located outside Florida and licensed under Chapter 483, Part I, F.S., and facilities issued a certificate of exemption under Section 483.106, F.S., must meet personnel qualification requirements established under the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder as described in subsection 59A-7.020(6), F.A.C. Such personnel shall not be required to be licensed under Chapter 483, Part ~~III~~ ~~IV~~, F.S.

Specific Authority 483.051 FS. Law Implemented 483.031, 483.035, 483.051, 483.111 FS. History—New 11-20-94, Amended 12-27-95, \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES****Agency for Workforce Innovation**

RULE NO.: 60BB-8.204  
 RULE TITLE: Uniform Attendance Policy for Funding the VPK Program

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise the Agency's Rule 60BB-8.204, Florida Administrative Code, to incorporate recent legislative amendments by establishing a minimum requirement for student attendance of eighty (80) percent of the total program hours for the program type (school-year or summer) in which a student is enrolled, redefining a student's absence for good cause, and providing for methods of payment depending upon student attendance.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed by the proposed rule are minimum requirements for student attendance, student absences for good cause, and methods of provider payment based upon student attendance.

SPECIFIC AUTHORITY: 1002.61(6)(d), 1002.79(2) FS.

LAW IMPLEMENTED: 1002.61(6)(d) FS.

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

DATE AND TIME: March 11, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: TCC Capitol Center, 300 W. Pensacola Street, Tallahassee, FL 32312

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 60BB-8.204 follows. See Florida Administrative Code for present text.)

60BB-8.204 Uniform Attendance Policy for Funding the VPK Program.

(1) Payment for the VPK program. An early learning coalition shall pay a private provider or public school for the VPK program in accordance with this rule.

(2) Attendance. A student is considered to have attended all of the instructional hours offered by a VPK provider for a day if the student attends any portion of the day.

(3) Minimum requirement for student attendance. A student meets the minimum requirement for student attendance if the student attends 80 percent or more of the program hours for the program type (school-year or summer) in which a student is enrolled. Notwithstanding any other provisions of this section, for purposes of the minimum requirement for student attendance, a student is considered to have attended all of the instructional hours offered by a VPK provider for a day if the VPK provider is out of compliance for the day. A VPK provider shall be deemed to be out of compliance if it fails to comply with the statutes or rules governing the VPK program.

(4) Absences.

(a) Up to 10 (ten) percent of the program hours for the program type in which a student is enrolled may be considered absences for good cause. Instructional days on which a student is absent for good cause shall be considered as hours attended for purposes of meeting the minimum requirement for student attendance.

(b) A student shall be considered absent for good cause if the student is absent for one of the following reasons:

1. Illness or injury of the child which requires hospitalization as documented by a doctor's note; or

2. Compliance with a court order (e.g., visitation, subpoena) as documented by a copy of the court order.

(c) A VPK provider shall maintain documentation of a student's absence for good cause for at least 3 years or, to the extent required, in accordance with the retention schedules and disposal process adopted under Section 119.021(2), Florida Statutes, whichever is greater. The VPK provider shall allow the Agency for Workforce Innovation or its early learning coalition to inspect the documentation during normal hours of operation, and shall submit a copy of the documentation to the Agency or the coalition upon request.

(d) An absence shall not be considered an absence for good cause prior to the student's first day of attendance or after the student's last day of attendance.

(5) Payment of Providers.

(a) If a student meets the minimum requirement for student attendance, a VPK provider shall be eligible to receive the student's full-time equivalent funding.

(b) If a student does not meet the minimum requirement for student attendance, a VPK provider shall be paid on a pro-rata basis for the hours the student attends.

(c) Notwithstanding paragraphs (5)(a) and (5)(b) above, if a student is reenrolled for good cause under Section 1002.71(4)(b), Florida Statutes, a VPK provider shall be paid on a pro-rata basis:

1. For hours a student attends unless the student meets the minimum requirement for student attendance with the provider.

2. For hours a student attends plus the remainder of the student's full-time equivalent funding after pro-rata payments are deducted from the student's full-time equivalent funding.

(d) A VPK provider shall be ineligible to receive a student's full-time equivalent funding if the VPK provider:

1. Fails to offer to the student all VPK program hours for the program type in which the student is enrolled, either through dismissal of the student or through closure, and shall, instead, be paid on a pro-rata basis for the hours the student attends the provider's program.

2. Is found out of compliance with VPK rule or statute and shall instead be paid:

a. On a pro-rata basis for hours a student attends, not including hours attended while the provider is out of compliance, if the student has not met the minimum requirement for student attendance.

b. The student's full-time equivalent funding less funding for hours during which the provider was out of compliance if the student meets the minimum requirement for student attendance.

(6) Temporary closures.

(a) A provider may readjust its calendar to offer the all program hours for the program type (school-year or summer) offered by the provider in the case of a temporary closure if the provider submits written documentation to the coalition which

demonstrates that the closure is temporary and caused by circumstances beyond the provider's control. Circumstances beyond the provider's control are circumstances wherein the provider cannot ensure the health, safety, shelter or well-being of students that are not a result of the actions or inactions of the provider or its employees.

(b) Documentation of the circumstances causing a temporary closure is not required if the private provider's or public school's VPK site is located in a county in which government offices normally open to the public are closed by the county, state, or federal governments, or public schools are closed by the school district, because a state of emergency is declared to exist in the county by the county government, the Governor, or the President of the United States. Documentation is required if government offices remain open or a state of emergency is not declared to exist.

(c) If a provider is unable to offer all of the program hours as a result of temporary closure, the provider shall be paid in accordance with paragraph (5)(b) above.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History--New 8-17-06, Amended 5-24-07,\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-8.700	Low-Performing Provider; Voluntary Prekindergarten Education Program Improvement Plan and Implementation
60BB-8.701	Low-Performing Provider; Voluntary Prekindergarten Education Program First Year Probation
60BB-8.702	Low-Performing Provider; Voluntary Prekindergarten Education Program Second Year Probation
60BB-8.703	Low-Performing Provider; Removal From Voluntary Prekindergarten Education Program Eligibility

**PURPOSE AND EFFECT:** The purpose of the proposed rule development is to implement an improvement plan process by which Voluntary Prekindergarten Education (VPK) Program providers who fail to achieve minimum statewide kindergarten readiness rates, as determined by the State Board of Education, must comply with the provisions of Section 1002.67, Florida Statutes. Section 1002.75, Florida Statutes, requires the Agency for Workforce Innovation (the Agency) to adopt, in consultation with and subject to the approval of the Department of Education, procedures governing the administration of the VPK Program by the early learning coalitions and school districts for approving improvement plans of private prekindergarten providers and public schools under Section 1002.67, Florida Statutes; for placing providers on probation and requiring corrective actions under Section

1002.67, Florida Statutes; and for removing providers from eligibility to deliver the program due to remaining on probation beyond the time permitted under Section 1002.67, Florida Statutes. The proposed rules fulfill the Agency's duty to adopt rules regarding the improvement process.

**SUBJECT AREA TO BE ADDRESSED:** In accordance with Florida Statutes, the proposed rules address the requirements for approving improvement plans submitted by VPK providers; the corrective actions providers are required to implement when on probation; and the procedures for removal of a VPK provider by coalitions or school districts as a result of remaining on probation beyond the time permitted by statute.

**SPECIFIC AUTHORITY:** 1002.79(2) FS.

**LAW IMPLEMENTED:** 1002.67(c), 1002.75(3)(a), 1002.75(3)(b), 1002.75(3)(c) FS.

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

**DATE AND TIME:** March 11, 2009, 1:00 p.m. – 3:00 p.m.

**PLACE:** TCC Capitol Center, 300 W. Pensacola Street, Tallahassee, FL 32312

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

60BB-8.700 Low-Performing Provider; Voluntary Prekindergarten Education Program Improvement Plan and Implementation.

(1) Improvement Plans. An early learning coalition or school district, as applicable, shall require any Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State Board of Education under Section 1002.69(6), F.S., to submit an improvement plan under Section 1002.67(3)(c)1., F.S., in accordance with this rule. Prior to submitting an improvement plan, a VPK provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C. An improvement plan shall include:

(a) A self assessment conducted within the last VPK program year, as defined in subsection 60BB-8.100(11), F.A.C. If a self assessment has not been conducted within the last VPK program year, then conducting a self assessment must be part of the improvement plan. A self assessment shall address at a minimum the following areas of the provider's program:

1. Administrative and management practices, including training, educational level, and retention or turnover of prekindergarten instructors;

2. Developmentally appropriate curricula;
3. Classroom learning environment;
4. Classroom instructional practices;
5. Child developmental screenings and assessments;
6. Social-emotional interactions among prekindergarten instructors and children; and

7. Family involvement in the early childhood program.

(b) A description of strategies for improvement of the provider's VPK program and an implementation schedule that includes:

1. A list of target areas for the VPK provider's improvement based on the self assessment conducted under paragraph (1)(a) and any additional areas a provider deems important to its improvement;

2. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider shall submit its improvement plan as required in subsection (4) of this rule to the early learning coalition or school district, as applicable, within 30 days of acknowledging the VPK provider's designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C.

(b) An early learning coalition or school district, as applicable, shall approve or disapprove of a VPK provider's improvement plan within 14 days of receipt of the improvement plan. The early learning coalition or school district, as applicable, shall approve the improvement plan if the plan is complete and submitted in accordance with this rule. If the improvement plan is incomplete or insufficient, the early learning coalition or school district, as applicable, shall disapprove of the improvement plan and it shall be returned to the VPK provider with instructions for revision. An amended improvement plan must be submitted by the VPK provider within 30 days of the VPK provider's receipt of notification of disapproval of its improvement plan and instructions for revision.

(c) A VPK provider's improvement plan shall be deemed insufficient by the early learning coalition or school district, as applicable, only if implementation would negatively impact the health, safety, or well-being of children:

1. For a licensed VPK provider, in accordance with the standards set forth in Chapter 65C-20 or 65C-22, F.A.C.; and

2. For an accredited VPK provider, in accordance with the health, safety, and child well-being standards of an accrediting association pursuant to the provisions of subsections 1002.55(3)(b)1. and 2., Florida Statutes.

(d) If an insufficient improvement plan is submitted, the early learning coalition or school district, as applicable, shall offer to work with the VPK provider to revise the improvement plan to establish compliance with the applicable provisions of subsection (c) of this paragraph.

(e) A VPK provider's improvement plan shall be complete if it complies with the provisions of paragraphs (1)(a) and (1)(b) and is submitted in accordance with this rule.

(f) If a VPK provider does not submit its improvement plan as required, the early learning coalition or school district, as applicable, shall not pre-pay the VPK provider nor allow the VPK provider to offer the same type (school year program or summer program) of VPK program until the VPK provider has submitted, and the early learning coalition or school district, as applicable, has approved, the VPK provider's improvement plan.

(3) Implementation of the First Year Probation Improvement Plan. A VPK provider with an approved improvement plan shall submit periodic reports on its progress in implementing the plan to the early learning coalition or school district, as applicable, in accordance with this paragraph.

(a) A VPK provider shall submit four (4) periodic progress reports each year.

(b) A VPK provider shall submit its first periodic progress report 60 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate. If the day upon which the progress report is due is a weekend or state recognized holiday, the report shall be submitted on the following business day. The second, third, and fourth periodic progress reports shall be submitted in the same fashion 150 days, 240 days, and 330 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate, respectively.

(c) Periodic progress reports shall contain the following information:

1. A description of the use of a developmentally appropriate curricula; and

2. A description of strategies for improvement of the VPK program and an implementation schedule that includes the following:

a. A list of target areas for the VPK provider's improvement based on the self assessment conducted under paragraph 60BB-8.700(1)(a), F.A.C., and any additional areas a provider deems important to its improvement;

b. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

c. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(d) An active VPK provider must continue to submit periodic reports of progress until the Department of Education publishes a kindergarten readiness rate for the VPK provider which meets or exceeds the minimum satisfactory rate adopted by the State Board of Education under Section 1002.69(6), F.S.

(4) Electronic Submission of Improvement Plan; Alternative Submission Methods.

(a) Except as provided in paragraph (4)(b) of this rule, a private provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C., submit its improvement plan, and submit its periodic reports electronically through the website <http://www.ImproveVPK.org>.

(b) A VPK provider which is not able to electronically submit the information required by this rule may, upon request, be permitted to submit the information through an alternative method approved by the Agency for Workforce Innovation. A request must be submitted to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/TDD (800)955-8771, Voice (800)955-8770.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)1., 1002.75(3)(a) FS. History—New \_\_\_\_\_.

60BB-8.701 Low-Performing Provider; Voluntary Prekindergarten Education Program First Year Probation.

(1) Probation. An early learning coalition or school district, as applicable, shall place on probation any Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State Board of Education under section 1002.69(6), F.S., two consecutive times in accordance with Section 1002.67(3)(c)2., F.S. An early learning coalition or school district, as applicable, shall place a VPK provider on probation by sending a letter of probation notification to the VPK provider via certified mail or via email with a S/MIME receipt confirmation or other comparable receipt confirmation requested. The letter of probation notification shall contain at least the following provisions:

(a) Notification of the date on which the VPK provider was deemed to have been eligible for placement on probation;

(b) Notification that the VPK provider must resubmit an improvement plan in compliance with the requirements of this rule;

(c) Notification that the VPK provider must use a curriculum approved by the Department of Education;

(d) Information regarding the manner in which the VPK provider may obtain a list of the curriculum approved by the Department of Education;

(e) Notification that, according to statute, if the provider fails to meet the minimum kindergarten readiness rates for an additional two consecutive years, it will be removed from eligibility to provide the voluntary prekindergarten education program type (summer or school year) for which it has failed to meet the minimum kindergarten readiness rate; and

(2) Corrective Actions. An early learning coalition or school district, as applicable, shall require a VPK provider which has been placed on probation under subsection (1) of this rule to take certain corrective action(s) including submission of a first year probation improvement plan under Section 1002.67(3)(c)2., F.S., to the early learning coalition or school district, as applicable, in accordance with this rule. Prior to submitting a first year probation improvement plan, the VPK provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C. A first year probation improvement plan must include strategies for improvement of the provider's VPK program and an implementation schedule that includes the following:

1. A list of target areas for the VPK provider's improvement that includes;

(a) A description of the use of a developmentally appropriate curricula; and

(b) A description of at least one strategy for improvement of the VPK program;

2. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed corrective action(s).

(3) Use of Department of Education Curriculum. An early learning coalition or school district, as applicable, shall require a VPK provider who has been placed on probation to use a curriculum approved by the Department of Education under Section 1002.67(2)(c), F.S.

(4) Submission and Approval of a First Year Probation Improvement Plan.

(a) A VPK provider shall submit its first year probation improvement plan as required in paragraph (4) of this rule to the early learning coalition or school district, as applicable, within 30 days after acknowledging the VPK provider's designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C.

(b) An early learning coalition or school district, as applicable, shall approve or disapprove of a VPK provider's first year probation improvement plan within 14 days of receipt of the first year improvement plan. The early learning coalition or school district, as applicable, shall approve the first year probation improvement plan if the plan is complete and submitted in accordance with this rule. If the first year probation improvement plan is incomplete or insufficient, the

early learning coalition or school district, as applicable, shall disapprove of the first year probation improvement plan and it shall be returned to the VPK provider with instructions for revision. An amended first year probation improvement plan must be submitted by the VPK provider within 30 days of the VPK provider's receipt of notification of disapproval of its first year probation improvement plan and instructions for revision.

(c) A VPK provider's first year probation improvement plan shall be deemed insufficient by the early learning coalition or school district, as applicable, only if implementation would negatively impact the health, safety, or well-being of children in accordance with the following:

1. For a licensed VPK provider, the standards set forth in Chapter 65C-20 or 65C-22, F.A.C.:

2. For an accredited VPK provider, the health, safety, and child well-being standards of an accrediting association pursuant to the provisions of Section 1002.55(3)(b)1. and 2., Florida Statutes:

(d) If an insufficient first year probation improvement plan is submitted, the early learning coalition shall offer to work with the VPK provider to revise the plan to establish compliance with the applicable provisions of paragraph (4)(c) of this rule.

(e) A VPK provider's improvement plan shall be complete if it complies with the provisions of subsection (1) of this rule and is submitted in accordance with this rule.

(f) If a VPK provider subject to this rule does not comply with its provisions, the early learning coalition or school district, as applicable, shall not pre-pay the VPK provider nor allow the VPK provider to begin instruction for a new VPK program of the same type (summer program or school year program) until the VPK provider has complied with the provisions of this section and the early learning coalition or school district, as applicable, approves the VPK provider's first year probation improvement plan.

(5) Implementation of the First Year Probation Improvement Plan. A VPK provider with an approved first year probation improvement plan shall submit periodic reports on its progress in implementing the plan to the early learning coalition or school district, as applicable, in accordance with this paragraph.

(a) A VPK provider shall submit four (4) periodic progress reports each year.

(b) A VPK provider shall submit its first periodic progress report 60 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate. If the day upon which the progress report is due is a weekend or state recognized holiday, the report shall be submitted on the following business day. The second, third, and fourth periodic progress reports shall be submitted in the same fashion 150

days, 240 days, and 330 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate, respectively.

(c) Periodic progress reports shall contain the following information:

1. A description of the use of a developmentally appropriate curricula; and

2. A description of strategies for improvement of the VPK program and an implementation schedule that includes the following:

a. A list of target areas for the VPK provider's improvement based on the self assessment conducted under paragraph 60BB-8.700(1)(a), F.A.C., and any additional areas a provider deems important to its improvement;

b. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

c. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(d) An active VPK provider must continue to submit periodic reports of progress until the Department of Education publishes a kindergarten readiness rate for the VPK provider which meets or exceeds the minimum satisfactory rate adopted by the State Board of Education under Section 1002.69(6), F.S.

(6) Electronic Submission of Improvement Plan; Alternative Submission Methods.

(a) Except as provided in paragraph (6)(b) of this rule, a private provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C., submit its improvement plan, and submit its periodic reports electronically through the website <http://www.ImproveVPK.org>.

(b) A VPK provider which is not able to electronically submit the information required by this rule may, upon request, be permitted to submit the information through an alternative method approved by the Agency for Workforce Innovation. A request must be submitted to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/TDD (800)955-8771, Voice (800)955-8770.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)2., 1002.75(3)(b) FS. History--New \_\_\_\_\_.

60BB-8.702 Low-Performing Provider; Voluntary Prekindergarten Education Program Second Year Probation.

(1) Probation. An early learning coalition or school district, as applicable, shall place on probation for a second year any Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State



Board of Education under Section 1002.69(6), F.S., three consecutive times in accordance with Section 1002.67(3)(c)3., F.S. An early learning coalition or school district, as applicable, shall place a VPK provider on second year probation by sending a letter of second year probation notification to the VPK provider via certified mail or via email with a S/MIME receipt confirmation or other comparable receipt confirmation requested. The letter of second year probation notification shall contain at least the following provisions:

(a) Notification of the date on which the VPK provider was deemed to have been eligible for placement on second year probation;

(b) Notification that the VPK provider must continue to submit periodic progress reports as part of its corrective actions based upon the target areas identified in the provider's first year probation improvement plan submitted in accordance with Rule 60BB-8.701, F.A.C.;

(c) Notification that the VPK provider must continue to use a curriculum approved by the Department of Education under Section 1002.67(2)(c), F.S.;

(d) Information regarding the manner in which the VPK provider may obtain a list of curriculum approved by the Department of Education under Section 1002.67(2)(c), F.S.;

(e) Notification that, according to statute, if the provider fails to meet the minimum kindergarten readiness rate the following year, it will be removed from eligibility to provide the voluntary prekindergarten program type (summer or school year) for which it has failed to meet the minimum kindergarten readiness rate; and

(2) Corrective Actions. An early learning coalition or school district, as applicable, shall require a Voluntary Prekindergarten (VPK) provider who has been placed on second year probation to continue the corrective actions enumerated in Rule 60BB-8.701, F.A.C., by continuing to submit periodic progress reports as part of its corrective actions based upon the target areas identified in the provider's improvement plan submitted in accordance with Rule 60BB-8.701, F.A.C., and using a Department of Education approved educational curriculum.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)2., 1002.75(3)(b) FS. History–New \_\_\_\_\_.

60BB-8.703 Low-Performing Provider: Removal From Voluntary Prekindergarten Education Program Eligibility.

An early learning coalition or school district, as applicable, shall remove a private Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State Board of Education under Section 1002.69(6), F.S., four consecutive times from eligibility to offer the program type (school year or summer) for which the

VPK provider has failed to meet the minimum kindergarten readiness rates. The early learning coalition or school district, as applicable, shall remove such a VPK provider by:

(1) Issuing a Letter of Removal to the provider via certified mail or via email with a S/MIME receipt confirmation or other comparable receipt confirmation requested. A Letter of Removal shall contain at least the following provisions:

(a) Notice of the program type (school-year or summer) for which the provider is ineligible;

(b) The date upon which the provider was deemed ineligible to offer the program type;

(c) Notice of termination of current provider agreements under which the provider is offering or would offer in the future the program type for which the provider has been deemed ineligible; and

(d) The effects of ineligibility, including but not limited to the provider's inability to submit requests for payment for offering the program type which the provider is ineligible following receipt of the Letter of Removal; and

(2) Removing the provider from VPK payment rosters, the VPK provider designation from Child Care Resource and Referral Databases, and from VPK provider profiles.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)4., 1002.75(3)(c) FS. History–New \_\_\_\_\_.

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Board of Cosmetology**

RULE NO.: 61G5-18.0055  
 RULE TITLE: Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The purpose and effect is to implement House Bill 601.

SUBJECT AREA TO BE ADDRESSED: Supervised Cosmetology Practice Exception.

SPECIFIC AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4) FS.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-18.0055 Supervised Cosmetology Practice Exception.

Following the completion of the first licensing examination by a graduate of licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an

applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

(1) No change.

~~(2) An applicant who fails any part of the examination may not practice as a cosmetologist and may immediately apply for re-examination. In the event that the applicant fails to obtain a passing score on either the written or clinical examination on the first attempt, the applicant shall not be eligible to practice cosmetology under this rule until the applicant:~~

~~1. Applies to the Department for authorization to retake the failed portion(s) of the examination; and~~

~~2. Presents the salon owner a copy of both the reexamination application and the examination scheduling authorization letter from the testing vendor.~~

~~3. Upon completion of these conditions, the applicant is eligible to practice cosmetology in a licensed cosmetology salon subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results for both examinations at their work station with a recent photograph affixed thereto, which practice may extend for a period of no more than 60 days from the date of the reexamination application. The applicant must discontinue practicing when 180 days have passed from the date the original examinations were taken if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the testing vendor.~~

~~(c) All cosmetology services performed by the applicant under this exception shall be performed under the supervision of a licensed cosmetologist. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing cosmetology services.~~

~~(2) In the event an applicant, who previously failed either or both of the examinations on the first attempt, fails to obtain a passing score on either or both of the second licensure examination(s), the applicant is no longer eligible to practice eosmetology under this exception and must immediately discontinue practicing cosmetology until the applicant has been issued a license to practice by the Department.~~

Specific Authority 477.016, 477.019(4) FS. Law Implemented Section 29, HB 601, 477.019(4) FS. History—New 11-25-98, Amended 2-25-07, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-22.010  
 RULE TITLE: Qualifying Activities for Laws and Rules Requirements

PURPOSE AND EFFECT: The purpose and effect is to eliminate obtaining PDH's in laws and rules of the Board by attending a board meeting and to revise and clarify what board members will receive for their service as members.

SUBJECT AREA TO BE ADDRESSED: Qualifying Activities for Laws and Rules Requirements.

SPECIFIC AUTHORITY: 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.010 Qualifying Activities for Laws and Rules Requirements.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

(a) Either completing a continuing education course, as detailed in subsection (2) below, ~~by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or~~

(b) By serving as a board member, as detailed in subsection (3) below, or

(c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2) No change.

~~(3) Four PDH's in laws and rules of the Board may be obtained by attending one full day, regardless of actual length, or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Professional Engineers and complying with the following:~~

~~(a) The licensee must sign in with staff of the Board before the meeting day begins.~~

~~(b) The licensee must remain in continuous attendance.~~

~~(c) The licensee must sign out with staff of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive PDH credit in laws and rules for attending the board meeting only if he or she is attending on that date solely for that purpose. He or she may not receive such credit if appearing at the Board meeting for another purpose.~~

~~(3)(4) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for their service as board members conducting these meetings.~~

(4) No change.

Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 1-16-03,\_\_\_\_\_.

**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 NO.: 64B8-1.007  
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address revised Physician Assistant and Anesthesiologist Assistant application forms in the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised forms.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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 Speech-Language Pathology and Audiology**

RULE NO.: 64B20-2.001  
 RULE TITLE: Licensure by Certification of Credentials

PURPOSE AND EFFECT: The proposed rule amendment is to incorporate Form SPA-1 by reference.

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

SPECIFIC AUTHORITY: 456.013(7), 468.1135(4) FS.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 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: Kaye Hawerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-4.001  
 RULE TITLE: Certification of Assistants

PURPOSE AND EFFECT: The proposed rule amendment is to incorporate Form SPA-3 by reference.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

SPECIFIC AUTHORITY: 468.1125(9), 468.1135(4) FS.

LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 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: Kaye Hawerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-503.002  
RULE TITLE: Renewal of an Active License  
PURPOSE AND EFFECT: To update the rule by removing out of date and inaccurate information about the renewal period.  
SUBJECT AREA TO BE ADDRESSED: Renewal of an Active License.  
SPECIFIC AUTHORITY: 120.53(1), 490.015 FS.  
LAW IMPLEMENTED: 490.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, 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 Respiratory Care**

RULE NO.: 64B32-6.001  
RULE TITLE: Continuing Education Requirement  
PURPOSE AND EFFECT: The Board proposes the rule amendment to disallow Basic Life Support (BLS) classes as continuing education.  
SUBJECT AREA TO BE ADDRESSED: Continuing education requirements.  
SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.  
LAW IMPLEMENTED: 468.361 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 Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-45.008  
RULE TITLE: Assessment of Administrative Penalties for Violations relating to Blue Crab Management

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish administrative penalties for violations relating to the blue crab management. These administrative penalties would apply when criminal violations such as trap molestation, trap theft, illegal bartering of tags, and fishing with untagged traps are committed. The purpose of creating Rule 68B-45.008, F.A.C., is to fulfill a requirement of Florida Statute 379.366(4)(a) that states “the Commission shall adopt by rule the administrative penalties authorized by this subsection”. The proposed draft rule amendment would create a standardized tiered penalty system that allows the penalties to be assessed relative to the severity of the violation and the number of previous violations up to the maximum amount allowed as defined in Section 379.366 F.S. This proposed rule would be consistent with existing rules establishing administrative penalties for the stone crab and spiny lobster fisheries in Chapters 68B-13 and 68E-18, F.A.C., respectively.  
SUBJECT AREA TO BE ADDRESSED: Administrative fees for blue crab violations.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**DEPARTMENT OF FINANCIAL SERVICES**

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

RULE NO.: 69K-25.004  
 RULE TITLE: Limited License for Retired Professionals During Times of Critical Need

PURPOSE AND EFFECT: Section 497.143, F.S., authorizes the Department to adopt rules permitting practice by retired professionals as limited licensees during times of critical need. The proposed rule sets forth the procedures for obtaining such a limited license.

SUBJECT AREA TO BE ADDRESSED: Limited licensure for retired professionals during times of critical need.

SPECIFIC AUTHORITY: 497.103(5)(b), 497.143 FS.

LAW IMPLEMENTED: 497.143 FS.

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

DATE AND TIME: March 16, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-25.004 Limited License for Retired Professionals During Times of Critical Need.

(1) A limited licensee shall only provide services during times of critical need within the State and shall work for an entity licensed under Chapter 497, F.S. A limited license shall be effective for so long as the executive order from the Governor or federal order declaring a state of emergency remains in effect including the time the state of emergency is extended as authorized by law.

(2) Each person desiring to obtain a limited license as a retired funeral director, embalmer, or combination funeral director/embalmer shall apply to the Department by submitting the following:

(a) A completed "Application for Retired Professionals," Form DFS-N1-1746, effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C., and is available on the Department's website (www.myfloridacfo.com/FuneralCemetery) or by contacting the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

(b) A notarized affidavit stating that the applicant:

1. Has been licensed to practice in any jurisdiction in the United States for at least ten years in the profession for which the applicant seeks a limited license;
2. Has retired from the practice of that profession;
3. Intends to practice only pursuant to the restrictions of the limited license; and
4. Shall not engage in preneed sales under such license.

Specific Authority 497.103(5)(b), 497.143 FS. Law Implemented 497.143 FS. History-New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-149.150  
 RULE TITLE: Dependent Coverage

PURPOSE AND EFFECT: To solicit information and questions from the public regarding implementation of newly created Section 627.6562, F.S.

SUBJECT AREA TO BE ADDRESSED: Dependent Coverage for Health Insurance.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.6562(2) FS.

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

DATE AND TIME: March 26, 2009, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Beth Senkewicz, Deputy Commissioner, Life and Health, Office of Insurance Regulation, E-mail Marybeth.Senkewicz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: PERSONS ARE REQUESTED TO PROVIDE ANY AND ALL QUESTIONS THEY MAY HAVE ABOUT THIS NEW LEGISLATION TO GARY EDENFIELD, AT gary.edenfield@flor.com

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

## Section II Proposed Rules

### AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

**RULE NO.:** 71-1.001      **RULE TITLE:** Delegation of Authority

**PURPOSE AND EFFECT:** The purpose of the proposed new Rule 71-1.001, F.A.C., is to grant delegation of authority to the Executive Director of the Agency for Enterprise Information Technology (AEIT) from the Governor and Cabinet for the general day-to-day administrative duties of the agency and for those duties and responsibilities outlined in Florida Statute Ch. 14.204, establishes the AEIT, and outlines the responsibilities of the agency in regards to enterprise IT services in the State of Florida; Ch. 282.201, F.S. outlines the duties and responsibilities of the AEIT concerning the State Data Center System; and Ch. 282.318, F.S. outlines the duties and responsibilities relating to enterprise information security. Duties which cannot be delegated, and which require approval of the Governor and Cabinet by statute, include (1) final approval of the Agency’s Annual Operational Work Plan; (2) Initiation of the rule-making process; and (3) Final approval of rules created by the Agency.

**SUBJECT AREA TO BE ADDRESSED:** Delegation of Authority.

**SPECIFIC AUTHORITY:** 14.204, 282.201, 282.318 FS.

**LAW IMPLEMENTED:** 14.204, 282.201, 282.318 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 2 days before the workshop/meeting by contacting: Dawn Creamer at (850)922-7502. If you are 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:** Dawn Creamer at (850)922-7502

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

**RULE NO.:** 5B-57.012      **RULE TITLE:** Casuarina Cunninghamiana Windbreaks

**PURPOSE AND EFFECT:** The purpose of this rule is to establish procedures for propagating male Casuarina cunninghamiana trees in nurseries to be used as windbreaks around commercial citrus groves, and permitting procedures that grove owners or operators must follow to plant and maintain Casuarina cunninghamiana windbreaks in designated areas of Indian River, Martin and St. Lucie Counties. The effect will be to provide fast growing trees to serve as windbreaks to protect citrus groves in those counties from the spread of citrus canker disease while ensuring that the Casuarina cunninghamiana trees will not spread into and disrupt the environment.

**SUMMARY:** This rule requires nurseries to obtain a permit from the Department in order to propagate Casuarina cunninghamiana trees. It requires the trees to be vegetatively propagated from registered source trees that have been certified as male trees by the Department. It also requires citrus growers in the three counties to obtain a permit from the Department in order to plant Casuarina cunninghamiana windbreaks. It establishes requirements for maintenance of the windbreak plantings, and destruction of the windbreaks if they are no longer properly maintained, the grove is no longer operating, or hybridization is found to occur. It also establishes fees for the permits.

**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.

**SPECIFIC AUTHORITY:** 570.07(23), 581.031(1), (3), (8), 581.091 FS.

**LAW IMPLEMENTED:** 570.07(2), (13), 570.32(5), (6), 581.031(1), (17), 581.091 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:** Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-57.012 *Casuarina Cunninghamiana* Windbreaks.

Purpose. – The Department is authorized pursuant to Section 581.091, F.S., to develop and administer a pilot program to allow for, under special permits, the propagation of male *Casuarina cunninghamiana* trees, and the planting of those trees as windbreaks for commercial citrus groves in Indian River, Martin and St. Lucie Counties. The program is a five-year pilot that may be extended and expanded if so approved at the end of five years by the Noxious Weed and Invasive Plant Review Committee, the Department of Environmental Protection, the Department and a representative of the citrus industry, as provided in Section 581.091(5)(b), F.S.; or permanently suspended if hybrids are found that the Department determines, pursuant to Section 581.091(5)(k), F.S., have a high potential to be invasive.

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

(a) *Casuarina cunninghamiana* means a perennial tree in the family Casuarinaceae commonly called the “river she-oak.”

(b) Commercial citrus grove means a contiguous planting of 100 or more citrus trees where citrus fruit is produced for sale.

(c) Department means the Florida Department of Agriculture and Consumer Services.

(d) Registered source tree means a *Casuarina cunninghamiana* male tree of Florida origin that the Department has verified as sexually mature and horticulturally true to type and for which the Department has assigned a source tree registration number.

(2) Nursery Propagation Permit Application Requirements. The following requirements must be met in order obtain a permit to propagate *Casuarina cunninghamiana* for use as a windbreak around commercial citrus groves:

(a) *Casuarina cunninghamiana* may only be propagated by nurseries registered with the Department pursuant to Section 581.031(21), F.S.

(b) The nursery must submit an application for a special permit to propagate *Casuarina cunninghamiana*. The form titled Application and Compliance Agreement Permit To Propagate *Casuarina Cunninghamiana* (DACS-08446, Rev. 02/09) is hereby adopted and incorporated herein by reference. The form may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(c) The application must be accompanied by a fee of \$200.

(d) The Compliance Agreement included in the application shall include a statement that the owner or operator acknowledges that this is a pilot program, and that the

Department may order the destruction at owner’s or operator’s expense of all *Casuarina cunninghamiana* trees propagated pursuant to the permit.

(e) Within 30 days of receipt of a complete permit application and signed compliance agreement that meet the requirements of this rule, the Department shall issue the applicant a Special Permit for Propagation of *Casuarina cunninghamiana*.

(f) If the application is not complete, the Department shall notify the applicant in writing of the reasons that the permit will not be issued and any corrective measures that the applicant must take to obtain approval.

(g) The special permit expires twelve months after the date of issuance.

(h) Application for renewal of the special permit for propagation must be received by the Department at least 60 days prior to its expiration and be accompanied by the application fee of \$200.

(3) Propagation Permit Requirements.

(a) All *Casuarina cunninghamiana* plants must be vegetatively propagated from registered source trees.

(b) An annual fee of \$50 must be paid for each registered source tree and each registered source tree must be labeled with a permanent tag that contains the source tree registration number assigned by the Department.

(c) Each plant propagated from the registered source tree must be labeled with a permanent tag that contains the source tree registration number.

(d) Propagations from each registered source tree shall be maintained in nursery rows or on greenhouse benches so that each group can be identified as originating from an individual registered source tree.

(e) Source tree registration numbers of the parent plants must be documented on each invoice provided to the buyer.

(f) Nurseries may only sell *Casuarina cunninghamiana* to a person with a Special Permit for *Casuarina cunninghamiana* Windbreaks. The nursery must include the buyers permit number on each invoice.

(g) Copies of *Casuarina cunninghamiana* invoices must be maintained for 5 years and be made available to the Department upon request.

(h) Upon expiration of the Special Permit to Propagate *Casuarina cunninghamiana* issued by the Department, all remaining propagations must be destroyed, or sold or transferred to a nursery that has a current Special Permit to Propagate *Casuarina cunninghamiana*.

(i) The destruction or movement of any *Casuarina cunninghamiana* plants must be done under the direct supervision of the Department.

(4) Citrus Grove Windbreak Permit Application Requirements. The following requirements must be met in order obtain a permit to plant a *Casuarina cunninghamiana* Windbreak around commercial citrus groves:

(a) *Casuarina cunninghamiana* windbreaks may only be planted around a commercial citrus grove as defined in paragraph 5B-57.012(1)(b), F.A.C., located in areas of Indian River, Martin, or St. Lucie Counties in which the Department has determined that citrus canker is widespread.

(b) The property owner or operator must submit an Application and Compliance Agreement for a Special Permit for *Casuarina cunninghamiana* Windbreaks. The form titled Application and Compliance Agreement For *Casuarina Cunninghamiana* Windbreaks (DACS-08445, Rev. 02/09) is hereby adopted and incorporated herein by reference. The form may be obtained from the Florida Department of Agriculture and Consumer Services; Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(c) A separate permit must be obtained for each noncontiguous commercial citrus grove where the applicant intends to plant the windbreak.

(d) Each application must include the following:

1. The name of the applicant and the applicant's address or the address of the applicant's principal place of business and the location and multiblock numbers of each commercial citrus grove for which a permit is sought. If the applicant is a corporation, partnership, or other business entity, the applicant must also provide in the application the name and address of each officer, partner, or managing agent.

2. An application fee in the amount of \$200.

3. A baseline survey of all lands within 500 feet of the proposed windbreak to detect any *Casuarina* species. If any *Casuarina* species is detected, a map showing the location and identification of each *Casuarina* species must be provided. Identifications must be verified by the Department prior to issuance of a permit.

(e) An estimate of the cost of removing and destroying the proposed *Casuarina cunninghamiana* windbreak and the basis for calculating the estimate.

(f) A signed compliance agreement stating that the property owner or operator will abide by all permit conditions. The compliance agreement in the application shall include a statement that the owner or operator acknowledges that this is a pilot program, and that the Department may order the destruction at owner's or operator's expense of all *Casuarina cunninghamiana* trees planted pursuant to the permit.

(g) Within 30 days of receipt of a complete application and signed compliance agreement that meets the requirements of this rule, the Department shall issue the applicant a Special Permit For *Casuarina cunninghamiana* Windbreak or notify the applicant in writing of the reasons that the permit will not be issued and any corrective measures that applicant must take to obtain approval of the permit.

(h) The Special Permit for *Casuarina cunninghamiana* Windbreaks shall be valid for 5 years from the date of issuance and is transferable to subsequent owners or operators upon approval by the Department.

(i) Application for renewal of the special permit for a *Casuarina cunninghamiana* windbreak must be received by the Department at least 60 days prior to its expiration and be accompanied by the application fee of \$200.

(5) Citrus Grove Windbreak Permit Conditions. The special permit shall require the property owner or operator to:

(a) Maintain the commercial citrus grove in such a manner to facilitate inspections and to provide unrestricted access to the site for purposes of inspecting the *Casuarina cunninghamiana* windbreaks;

(b) Notify the Department within 30 days following the initial planting and any subsequent planting of *Casuarina cunninghamiana*;

(c) Be responsible for the removal of *Casuarina cunninghamiana* if invasive populations or other adverse environmental factors are determined to be present by the Department as a result of the use of *Casuarina cunninghamiana* windbreaks;

(d) Maintain all records of the invoices documenting the purchase of the *Casuarina cunninghamiana*, including the source tree registration numbers as stated in paragraph 5B-57.012(1)(d), F.A.C., and make those records available to the Department during normal business hours for their review.

(e) Notify the Department within 30 business days of any change of address or change in the principal place of business.

(f) Notify the Department of the property owner's intent to sell or otherwise transfer the ownership of the property at least 30 days prior to the transfer of ownership. The permit holder shall provide the new owner with a copy of the Special Permit and of all invoices and certification documents prior to closing.

(g) The permit holder shall remain responsible for all aspects of the permit until the Department has issued a new permit to the new owner.

(h) The application must be accompanied by a fee of \$200 for each non-contiguous citrus grove.

(i) This special permit expires 5 years after issuance.

(6) Additional Permit Requirements For Maintenance And Mitigation.

(a) If the property owner or operator detects any *Casuarina* seedlings within 500 feet of the planted windbreak, the property owner or operator shall notify the Department immediately. Once notified, the Department shall follow the procedures in subsection 5B-57.012(7), F.A.C.

(b) The property owner or operator shall inspect the windbreak at least one time per month for any signs of female flowers or cones and shall notify the Department immediately if any are detected. Records of each inspection shall be maintained by the property owner or operator and be available for inspection by the Department.



(7) Destruction of *Casuarina cunninghamiana* Windbreaks. *Casuarina cunninghamiana* windbreaks shall be destroyed under any of the following circumstances and conditions:

(a) By the property owner within 6 months after:

1. The property owner takes permanent action to no longer use the site for commercial citrus production; or

2. The site has not been used for commercial citrus production for five years; or

3. The Department determines the *Casuarina cunninghamiana* on the site has become invasive based on its own determination or on the recommendation of the Noxious Weed and Invasive Plant Review Committee and the Department of Environmental Protection and in consultation with a representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak.

4. If the owner or operator neglects or refuses to comply, the Department shall destroy the plants, assess the expense against the owner and if payment is not received, record a lien against the property.

(b) Within a time specified by the Department if the Department determines that female flowers or cones have been produced on any *Casuarina cunninghamiana* plant within a windbreak.

(c) By immediate final order if the Department determines that:

1. The permit holder is no longer maintaining the *Casuarina cunninghamiana* subject to the provisions of the special permit and has not removed and destroyed the trees; or

2. The continued use of *Casuarina cunninghamiana* as windbreaks presents an imminent danger to public health, safety, or welfare; or

3. The permit holder has violated the conditions of the special permit;

(d) In cases governed by subparagraph 5B-57.012(7)(c)1.-3., F.A.C., above, the Department may issue an immediate final order, which shall be immediately appealable or enjoined as provided by Chapter 120, Florida Statutes, directing the permit holder to immediately remove and destroy the *Casuarina cunninghamiana* authorized to be planted under the special permit.

(e) The permit holder may make a written request to the Department for a specified extension of time to remove and destroy the *Casuarina cunninghamiana* as ordered in the immediate final order. The request must demonstrate specific facts showing why the *Casuarina cunninghamiana* could not reasonably be removed and destroyed in the applicable timeframe.

(f) Upon a showing that the permit holder has demonstrated the need for additional time to destroy the trees, the Department may specify a later date by which the trees subject to the special permit must be destroyed.

(g) If upon issuance by the Department of an immediate final order to the permit holder, the permit holder fails to remove and destroy the *Casuarina cunninghamiana* subject to the special permit within 60 days after issuance of the order, such other extended time as granted by the Department, or such shorter period as is designated in the order as public health, safety, or welfare requires, the Department may remove and destroy the *Casuarina cunninghamiana* that are the subject of the special permit.

(h) The reasonable costs and expenses incurred by the Department for removing and destroying the plants shall be paid out of the Citrus Inspection Trust Fund and shall be reimbursed by the party to which the immediate final order is issued.

(i) If the party to which the immediate final order has been issued fails to reimburse the state within 60 days, the Department may record a lien on the property. The lien shall be enforced by the Department.

(8) Evaluation of Seedlings.

(a) *Casuarina* Seedlings discovered within 500 feet of a *Casuarina cunninghamiana* windbreak shall be identified by the Department to species level, removed and evaluated by the Department to determine whether hybridization has occurred.

(b) If the Department determines that hybridization has occurred, the Department shall initiate action to determine the invasiveness of the hybrids.

(c) The Department shall report its findings to a reviewing group consisting of the Noxious Weed and Invasive Plant Review Committee, the Department of Environmental Protection and the citrus industry.

(d) If after consulting with the reviewing group the Department determines the hybrids have a high potential to become invasive, this program shall be permanently suspended, all propagation and windbreak special permits shall be rescinded, and *Casuarina cunninghamiana* planted pursuant to special permits shall be destroyed.

(9) Department Monitoring and Response. The Department shall:

(a) Conduct inspections of the windbreak within 30 days of the initial planting and any subsequent plantings, and

(b) Conduct inspections of the windbreak and all areas 500 feet from the windbreak at least annually thereafter.

(c) Conduct any other inspections needed to determine whether the *Casuarina cunninghamiana* has spread beyond the permitted location.

(10) Reevaluation, Extension and Expansion of Pilot Program.

(a) The program shall be evaluated annually by the Department to determine any adverse environmental impacts of the pilot program.

(b) In 2013, the Department shall conduct a comprehensive review and evaluation of the pilot program. The Department shall review and evaluate any adverse

environmental impacts of the pilot program and determine the potential for future adverse environmental impacts from the use of *Casuarina cunninghamiana* as windbreaks around commercial citrus groves, and put its findings in a report.

(c) After the Department has completed its review, the pilot program and report shall be evaluated by a reviewing group consisting of the Noxious Weed and Invasive Plant Review Committee, the Department of Environmental Protection and a representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak.

(d) If the reviewing group determines that there is a low potential for adverse environmental impacts from the program, the Department may extend and expand the use of the windbreaks to other areas of the state. Any such extension or expansion shall be by Department rule.

(e) If the reviewing group determines that additional time is needed to determine the impacts of *Casuarina cunninghamiana* windbreaks, the Department shall allow the program to remain in place but shall not expand the areas to be planted until such time as the evaluation is complete and the Department, in consultation with the reviewing group, determines that there is a low potential for adverse environmental impact.

Specific Authority 570.07 (23), 581.031 (1), (3), (8), 581.091 FS. Law Implemented 570.07 (2), (13), 570.32(5), (6), 581.031 (1), (17), 581.091 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services, The Capitol, 400 South Monroe Street, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:	RULE TITLES:
5M-11.001	Purpose
5M-11.002	Approved Best Management Practices
5M-11.003	Presumption of Compliance
5M-11.004	Notice of Intent to Implement
5M-11.005	Record Keeping

PURPOSE AND EFFECT: The purpose of this proposed rule is to adopt agricultural Best Management Practices for Florida cow/calf operations and to provide a mechanism for ranchers to enroll in the program by submitting Notices of Intent to Implement.

SUMMARY: The proposed rule establishes a procedure for submitting a "Notice of Intent" to implement agricultural Best Management Practices, and identifies the conditions that provide a presumption of compliance with state water quality standards for those pollutants addressed by the practices. The rule also provides that records maintained by the producer must be retained for at least 5 years, and are subject to periodic inspection.

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.

SPECIFIC AUTHORITY: 403.067(7)(c)2., 570.07(23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-11.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of agricultural Best Management Practices (BMPs) that may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(c)2., 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History--New \_\_\_\_\_.

5M-11.002 Approved Best Management Practices.

The manual titled *Water Quality Best Management Practices for Florida Cow/Calf Operations* (2008 Edition), DACS P-01280, is hereby adopted and incorporated by reference. Cow/calf operations in the Lake Okeechobee Watershed must follow the requirements of Chapter 5M-3, F.A.C. Copies of the manual may be obtained from the University of Florida Cooperative Extension Service county office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203

Governor's Square Boulevard, Suite 200, Tallahassee, FL, 32301 or by visiting <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>.

Specific Authority 403.067(7)(c)2., 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

#### 5M-11.003 Presumption of Compliance.

Pursuant to Section 403.067(7)(c)3., F.S., implementation, in accordance with adopted rules, of BMPs that have been verified by the Florida Department of Environmental Protection as effective in reducing target pollutants provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices. In order to meet the requirements for presumption of compliance and release from Section 376.307(5), F.S., the producer must:

(1) Submit a Notice of Intent to Implement, as provided in Rule 5M-11.004, F.A.C., that identifies the applicable BMPs;

(2) Implement all applicable BMPs in accordance with the timeline requirements in Rule 5M-11.004, F.A.C.; and

(3) Maintain records to document the implementation and maintenance of the identified BMPs, in accordance with Rule 5M-11.005, F.A.C.

Specific Authority 403.067(7)(c)2., 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

#### 5M-11.004 Notice of Intent to Implement.

A Notice of Intent to Implement BMPs and the accompanying checklist, both of which are in the Appendix of the manual referenced in Rule 5M-11.002, F.A.C., shall be submitted to the FDACS Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) The Notice of Intent shall include:

(a) The name of the property owner, the location of the property, and the property tax ID number(s) or other property identification information;

(b) The acreage on which BMPs will be implemented;

(c) The name and contact information of an authorized representative;

(d) The signature of the owner, lease holder, or an authorized agent;

(e) A BMP checklist with a schedule for implementation, as contained in the manual. The producer shall select the applicable BMPs by following the instructions in the manual. Except as provided in the manual, all applicable Level I BMPs must be implemented as soon as practicable, but no later than 18 months after submittal of the Notice of Intent to Implement; and

(f) If applicable, a copy of the Conservation Plan developed pursuant to the manual or the Conservation Plan otherwise developed that contains practices identified in the Notice of Intent to Implement.

(2) Submittal of the Notice of Intent to Implement enables the producer to receive assistance with BMP implementation.

Specific Authority 403.067(7)(c)2., 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

#### 5M-11.005 Record Keeping.

All participants must keep records as directed in the manual to document implementation and maintenance of the practices submitted in the Notice of Intent to Implement. Records must be retained for at least 5 years. All documentation is subject to inspection.

Specific Authority 403.067(7)(c)2., 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard J. Budell, Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

## **DEPARTMENT OF EDUCATION**

### **State Board of Education**

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish a June 1 deadline each year for private schools participating in the McKay Scholarship Program to submit requests to reconcile scholarship payments. This assures that all monetary transactions for each school year are completed within the corresponding fiscal year.

SUMMARY: This amendment will ensure that funds generated through the FEFP for the McKay Scholarship Program will be disseminated within the timeframe of the fiscal year in which the student participated in the program.

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

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

SPECIFIC AUTHORITY: 1002.39(1) FS.

LAW IMPLEMENTED: 1002.39 FS.

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

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399; (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, Florida Statutes, in an effective and equitable manner that will maintain the integrity of the program.

(1) through (4) No change.

(5) Scholarship payments. The following provisions detail information related to scholarship payments including timeframes, eligibility, and Departmental procedures.

(a) through (e) No change.

(f) To ensure proper administration of scholarship funds, all claims by private schools for missed scholarship payments must be made by June 1 of the fiscal year in which the scholarship payment was originally due ~~within one (1) year of the date the payment was originally due.~~

(6) through (9) No change.

Specific Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History—New 1-18-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2009

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

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-204.003  
 RULE TITLE: Food Services – Standards of Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the form documenting substitution of food items from DC6-229, Daily Record of Segregation, to DC6-209, Housing Unit Log, and DC6-210, Incident Report. This amendment is made for efficiency.

SUMMARY: The proposed rule changes the form used for documenting food substitutions from DC6-229, Daily Record of Segregation, to DC6-209, Housing Unit Log, and DC6-210, Incident Report.

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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-204.003 Food Services – Standards of Operation.

(1) No change.

(2) Confinement.

(a) All inmates in confinement shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate utensils shall be substituted. Substitutions shall be documented on the Housing Unit Log, DC6-209 and Incident Report, DC6-210 ~~Daily Record of Segregation, Form DC6-229.~~ Form DC6-209 is DC6-229 has been previously incorporated by reference in Rule 33-601.800 33-602.220, F.A.C. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) through (d) No change.

(3) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Terrell, Director of Field Support Services, Institutional Support Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2008

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.102                      RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what may be included in legal mailings and how such mailings shall be addressed.

SUMMARY: The proposed rule requires the return address of outgoing legal mail to include the inmate’s identifying information and the return address of incoming legal mail to identify the sender; requires legal mail to be marked as such; clarifies the acceptable methods of packaging legal mail and provides procedures for the return of undeliverable or unauthorized mail; provides methods for translating the letterhead of legal mail written in a foreign language; clarifies that indigent inmates will be provided envelopes for sending legal mail and will receive postage for mailing complaints of inadequate assistance of counsel to the Florida Bar; and incorporates by reference Form DC2-528, Legal Mail – Unable to Deliver.

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.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as:

(a) Mail to and from municipal, county, state, and federal courts.

(b) through (g) No change.

(3) through (5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications), and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in subsection 33-210.101(2), F.A.C.:

1. Greeting cards, blank greeting cards, stationery or other blank writing paper or envelopes;

2. through 4. No change.

(b) through (c) No change.

(7) When an inmate is prohibited from receiving any item of legal mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. Form DC2-521, The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If unauthorized items are discovered in the mail (other than items of an illegal nature), the unauthorized item and the correspondence will be returned to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8) Processing of Legal Mail.

(a) The return address of incoming legal mail shall contain sufficient information to identify the sender as one of the persons or entities identified in subsection (2).

(b) Except as provided in Rule 33-603.103, F.A.C., the address on all incoming legal mail shall contain the inmate’s committed name, identification number, institutional name, and address. The inmate’s dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail – Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

(d) The sender of incoming legal mail shall mark the outside of the envelope "legal-confidential," "legal-open only in the presence of the addressee," or similar language which would put the reader on notice that the mail is legal mail of a confidential nature. Mail from courts that is subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. Incoming mail which does not include a marking on the outside of the envelope requesting that it be treated as confidential legal mail shall be treated as routine mail and shall be opened and examined, and is subject to being read by a designated employee outside the presence of the inmate.

(e) All incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no unauthorized items. Only the signature and letterhead may be read.

(f) If legal mail is written in a foreign language the signature and letterhead shall be translated to confirm that it is legal mail. If the signature and letterhead indicate that it is legal mail, the mail shall be provided to the inmate. If the letterhead and signature cannot be translated by an employee at the facility, the envelope, letterhead, and signature of the correspondence may be photocopied and sent to another institution or the central office for translation. If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (8) of this rule because it was being transmitted under the guise of legal mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(g) The return address on all outgoing legal mail must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

(h)(b) Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail, bears that inmate's return address and signature, and that it contains no unauthorized items. Only the address may be read to determine whether it is properly addressed to a person or entity identified ~~agency listed~~ in subsection (2) of this rule. If the outgoing mail contains unauthorized items or is not legal mail, the inmate shall be subject to disciplinary action. If the outgoing mail is legal mail and it contains no unauthorized items, the mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp. For confinement areas, the staff member who picks up the legal mail each day shall stamp the documents, have the inmate place his or her initials next to the stamp, and have the inmate seal the envelope in the staff member's presence. The use of mail drop boxes for outgoing legal mail is prohibited.

(i)(e) Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 hours of receipt by the mail room, excluding weekends and holidays.

(9) Inmates shall be allowed to keep legal material in their living area subject to storage limitations. The Department of Corrections will not be responsible for lost or stolen or misplaced legal materials. The institution shall provide white paper, envelope(s), and pen for the preparation of legal documents and legal mail for those inmates without necessary funds to purchase their own paper, envelopes, and pen. Inmates shall not utilize hand-made envelopes or packages to send out legal mail. Mail enclosed in such materials will be returned to the inmate without processing. Outgoing packages and envelopes will not bear any artwork, additional lettering, or designs other than the required address and return address.

(10)(a) The institution shall furnish postage for mail to ~~persons or entities identified in subsection (2), courts and attorneys~~ and for pleadings to be served upon each of the parties to a lawsuit and for mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the inmate's criminal case for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two copies except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary. Submission of unstamped legal mail to the mailroom or mail collection representative by an inmate without sufficient funds shall be deemed to constitute the inmate's request for the institution to provide postage and place a lien on the inmate's account to recover the postage costs when the inmate receives funds.

- (b) No change.
- (11) through (12) No change.

~~(13) The address on all incoming legal mail should contain the inmate's committed name, identification number, institutional name and address; the inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail - Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 9-25-03.~~

~~(14) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.~~

(13)(15)(a) Anytime legal mail is received for an inmate who has been transferred within the Department, the institution will return the correspondence within 5 working days to the post office with the forwarding address of the facility where the inmate is presently incarcerated. If additional postage is required to forward the legal mail, regardless of the class, to the transferred inmate's new institutional assignment, the Department will pay the cost of this additional postage as long as the mail contained sufficient postage for delivery to its original destination.

(14)(b) Anytime legal mail is received for an inmate who has been released from the Department, it shall be returned to the post office within 5 working days with a forwarding address, if available, and a request will be made to postal authorities to forward the legal mail to the former inmate. If there is no available forwarding address, all legal mail shall be returned to the sender.

(15)(16)(a) All incoming legal mail received for an inmate shall be entered on the Incoming Legal And/Or Privileged Mail Log, Form DC2-522. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was

received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the form is 12-4-02.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.102(13)(16), F.A.C., Form DC2-522 shall be completed as required in subsection paragraph 33-210.102(15)(17)(a), F.A.C., except that mailroom staff shall write "Transferred" or "Released" in the "Date Mail Received By Institution" section; and shall write the date that the mail was forwarded in the "Inmate Signature" section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History-New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, 12-23-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-501.401  
 RULE TITLE: Admissible Reading Material  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the rule, amend the process by which inmates request changes in the publications they receive and types of bindings and covers which are allowed, and amend Form DC5-101, Notice of Rejection or Impoundment of Publications, in order to provide consistency throughout the Department.

SUMMARY: The proposed rule clarifies what constitutes admissible reading material, including the types of covers, bindings, and advertisements that are permissible. Form DC5-101, Notice of Rejection or Impoundment of Publications, is amended to reflect these changes. The proposed rule clarifies the process by which inmates may request changes in the publications they receive and creates a religious publication exception to the limit on inmates' receipt of periodicals.

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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) The provisions of this section shall apply to all publications, including books, newspapers, magazines, journals and diaries ~~brochures, flyers, and catalogues~~, calendars and any other printed materials addressed to a specific inmate or found in the personal property of an inmate. Personal correspondence and ~~commercially reproduced~~ photographs are not publications. No photograph will be approved and issued to an inmate as admissible reading material. Policy governing the receipt of photographs by inmates through the mail is established in Rule 33-210.101, F.A.C.

(2) Definitions.

~~(a) General circulation newspaper — a publication issued daily or weekly under the same title that contains current news, editorials, feature articles, and usually advertising.~~

~~(a)(b) Hard-cover bound book — a publication with a rigid, pressboard or cardboard cover that is commonly attached to the book through use of end sheets.~~

(c) through (e) renumbered (b) through (d) No change.

~~(e)(f) Non-print media — publications published in formats other than on paper. Examples include microfilm, microfiche, computer disks, CD-ROM disks, DVDs, audio cassettes, and VHS audio-tapes.~~

~~(f)(g) Periodical — a publication issued under the same title and published at regular intervals of more than once a year. Examples of periodicals include journals and magazines, and some newspapers and catalogs.~~

~~(g)(h) No change.~~

~~(h)(i) Publication — a document that is offered to the public by sale or by gratuitous distribution. Examples of publications include periodicals and books. Single photographs are not publications.~~

(j) through (k) renumbered (i) through (j) No change.

~~(l) Religious testament — sacred texts, prayer books, and devotional books for the inmate's recorded faith orientation.~~

~~(k)(m) Soft-cover book — a bound publication with a flexible, paper cover, also referred to as a softbound or paperback book.~~

(3) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution housing inmates committed to the custody of under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (c) No change.

~~(d) It is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;~~

(e) through (h) No change.

(i) It depicts sexual conduct as follows:

1. No change;

~~2. Deviate sexual intercourse;~~

3. through 8. renumbered 2. through 7. No change.

(j) No change.

~~(k) It contains criminal history, offender registration, or other personal information about another inmate or offender, which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;~~

~~(l) It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication.~~

~~1. Three-way calling services;~~

~~2. Pen pal services;~~

~~3. The purchase of products or services with postage stamps; or~~

~~4. Conducting a business or profession while incarcerated.~~

~~(m)(n) No change.~~

~~(4) Advertising. A publication will not be rejected based upon inclusion of an advertisement promoting any of the following if the publication is otherwise admissible and the advertisement is merely incidental to, rather than being the focus of, the publication.~~

~~(a) Three-way calling services;~~

~~(b) Pen pal services;~~

~~(c) The purchase of products or services with postage stamps; or~~

~~(d) Conducting a business while incarcerated.~~

~~(4)(5)(a) The department shall maintain a list of all rejected publications that shall identify all publications that have been reviewed and rejected by the literature review~~



committee. The list of ~~reviewed~~ ~~rejected~~ publications shall be updated after every meeting of the literature review committee. All institutions shall keep a current copy of the list of ~~reviewed~~ ~~rejected~~ publications in every institutional mailroom and at a location accessible by inmates.

~~(b) The department shall maintain a list of approved publications that shall identify all publications that have been approved for receipt by inmates after being impounded by institutions and forwarded to the literature review committee for review. All institutions shall keep a current copy of the list of approved publications in every institutional mailroom and at a location accessible by inmates.~~

~~(5)(6)~~ A subscription to a periodical ~~publication~~ cannot be totally rejected by the institution, but each issue of the subscription shall be reviewed separately and impoundment or rejection shall be based on the criteria established in subsection (3).

~~(6)(7)~~ No change.

~~(7)(8)~~ Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department's literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department's literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 9-5-05. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor. Form DC5-101. A Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~, shall address only one publication. If a single mailing ~~notice~~ includes more than one rejected publication Form DC5-101, a Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~ shall be prepared for each.

~~(8)(9)~~ Incoming publications that have not been previously rejected by the literature review committee.

(a) The warden or designee shall impound and not issue to inmates any publication that he or she finds to be inadmissible pursuant to the criteria in subsection (3) within 15 calendar days of receipt of the publication at the institution. If only a portion of a publication meets one of the criteria for rejection established in subsection (3), the entire publication shall be

impounded. For the purposes of approving the impoundment of publications, the warden's "designee" shall be limited to the assistant warden.

(b) The warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific reasons for the impoundment within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the form to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the completed form to the publisher, mail order distributor, bookstore or sender, and to the literature review committee. The copy of the impoundment notice that is sent to the literature review committee shall also include as attachments a copy of the publication's front cover or title page and a copy of all pages cited on Form DC5-101, Notice of Rejection or Impoundment of Publications, as including inadmissible subject matter. The actual date that Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore or sender shall be documented by date stamp on the copies provided to the publisher or sender, the literature review committee, and the institution's copy. ~~A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.~~

(c) The impoundment of a publication by a warden or authorized designee of any correctional facility of the department shall result in that publication being impounded at all correctional facilities until such time as the literature review committee reviews the action. Inmates at other institutions who also receive the impounded publication shall be provided with Form DC5-101, a Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~, explaining that it has been impounded pending review for admissibility; Form DC5-101, ~~the~~ Notice of Rejection or Impoundment of Publications, ~~Form DC5-101~~, shall also detail the specific reasons why the publication was impounded. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor.

(d) Due to the necessity of securing outside translation assistance, the time frames for review of admissible reading material specified in this section shall not apply to ~~foreign~~ language publications in languages other than English or Spanish.

~~(9)(40)~~ Admissible Reading Material in an Inmate's Property.

(a) The review criteria established in subsection (3) of this rule also apply to publications found in an inmate's personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and ~~DC~~ Form DC6-220, Inmate Impounded Personal Property

List, shall be completed as required by Rules 33-602.201 and 33-602.203, F.A.C. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C.

(b) If correctional staff believe that a publication found in an inmate's personal property is inadmissible per subsection (3) of this rule, it shall be impounded and ~~DC~~ Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by Rules 33-602.201 and 33-602.203, F.A.C. The publication shall then be forwarded to the warden or his or her designee for review. The warden or warden's designee shall review the publication within 15 days of impoundment. If the publication is found to be inadmissible, the warden or warden's designee shall prepare Form DC5-101, a Notice of Rejection or Impoundment of Publications, advising Form DC5-101, that ~~advises~~ the inmate of the specific reasons for the impoundment. ~~The Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If more than one publication is determined to be inadmissible, a separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.~~ The inmate shall be provided with two copies of the form.

~~(10)(11) Publications Single issues of periodicals and newspapers, any book, and any other printed material addressed to a specific inmate or found in the property of an inmate shall be impounded when circumstances detailed in an individual inmate's criminal conviction, detailed in departmental disciplinary reports, or detailed in prior criminal convictions, indicates it would be a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person to allow the inmate access to subject matter in that publication.~~

(a) When a warden or assistant warden believes that an individual should be denied a publication because receipt of same would be contrary to treatment or rehabilitative objectives or might encourage or contribute to the conduct or commission of acts that violate department rules, he ~~or she~~ shall forward the publication to institutional health or mental health services professionals for review and evaluation. If health or mental health services professionals concur that the inmate should be denied access to the publication, the warden or assistant warden shall impound the publication. The warden or assistant warden shall provide the literature review committee with a copy of the opinion prepared by the health or mental health services professional and any other information that justifies denying the inmate the publication.

(b) Publications received through the mail. Within 15 calendar days of receipt of the publication at the institution, the warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that

justify denying the individual inmate access to the publication. The warden or designee shall provide a copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, to the publisher, mail order distributor, bookstore, or sender. The actual date that ~~the~~ Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore, or sender shall be documented by date stamp on the copies provided to the publisher or sender, the literature review committee, and the institution's copy. The inmate also shall be provided two copies of the form. ~~Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each.~~

(c) Publications found in an inmate's personal property. Correctional staff shall impound the publication and complete ~~DC~~ Form DC6-220, Inmate Impounded Personal Property List, as required by Rules 33-602.201 and 33-602.203, F.A.C. The publication shall then be forwarded to the warden or his or her designee for review. The warden or warden's designee shall review the publication within 15 days of impoundment. If the warden or designee agrees that the publication should be impounded, he ~~or she~~ shall prepare a Form DC5-101, Notice of Rejection or Impoundment of Publications, identifying the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that justify denying the individual inmate access to the publication. Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. ~~If more than one publication is determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each.~~ The inmate shall be provided with two copies of the form.

(d) No change.

(e) Publications that are impounded pursuant to this subsection shall be handled as provided in subsections (8)(9) and (9)(10) of this rule.

(f) Inmates may appeal impoundment decisions undertaken pursuant to this subsection through use of the inmate grievance procedure as provided in subsection (13)(14) and paragraph (14)(15)(c) of this rule and Chapter 33-103, F.A.C.

1. No change.

2. If the impoundment decision is approved, the institution shall advise the inmate that he ~~or she~~ has 30 days from date of receipt of notice that the grievance appeal has been denied to make arrangements to have the publication picked up by an

approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.

(g) Impoundment decisions that are approved pursuant to this subsection are individualized in nature and do not have affect on any other inmate. If institution staff believe that a publication is inadmissible per the criteria established in subsection (3) of this rule, and should be denied to all inmates, they shall follow the procedures established in subsections ~~(8)(9)~~ and ~~(9)(10)~~ of this rule.

(h) No change.

~~(11)(12)~~(a) Rejected and impounded publications shall be held at the institution for 30 days. Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, an inmate shall have 30 days to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.

(b) The 30 day limit shall not include any time that a grievance is pending provided that:

1. No change.

2. In grievances challenging the impoundment or rejection of publications pursuant to the criteria established in subsections (3) and ~~(10)(11)~~ of this rule, the inmate provided the warden with written notice of his or her intent to file a grievance with the office of the secretary as prescribed in paragraph ~~(13)(14)~~(b) of this rule.

(c) No change.

~~(12)(13)~~ No change.

~~(13)(14)~~ Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) No change.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and ~~(10)(11)~~ of this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary as prescribed by Rule 33-103.007, F.A.C.

1. through 5. No change.

6. The inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he ~~or she~~ intends to appeal the impoundment or rejection to the office of the secretary if he ~~or she~~ wishes to have the order to dispose of the publication within 30 days stayed while the grievance is pending. The written notice shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

~~(14)(15)~~ Literature Review Committee.

(a) through (c) No change.

(d) Decisions relating to the review of impounded or rejected publications shall be communicated to all institutions of the department and any ~~all~~ privately operated institutions housing inmates committed to the custody of under contract ~~with~~ the department. When an impoundment decision is overturned, institutions shall issue the publication to all affected inmates as soon as possible. Decisions relating to grievance appeals shall be communicated to the chief of the bureau of inmate grievance appeals or designee who shall then approve or deny the grievance based upon the committee's decision.

(e) If the inmate's grievance appeal is approved or if the literature review committee notifies institutions that the impoundment of a publication has been overturned, the institution shall issue the publication to the inmate. The following guidelines shall be followed:

1. through 2. No change.

3. The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he ~~or she~~ has signed and dated the form.

4. No change.

~~(15)(16)~~ No change.

~~(16)(17)~~(a) Inmates may subscribe to, purchase, or receive no more than one periodical which is printed and distributed more frequently than daily or weekly general circulation newspaper and four other periodicals which are printed and distributed weekly or less frequently than weekly, except as otherwise provided in Rule 33-601.800, F.A.C. Religious publications as defined in Rule 33-503.001, F.A.C., shall not be counted against these limits.

(b) No inmate shall be allowed to receive or keep more than one copy of any volume, issue or edition of any book, periodical or other publication. For example, an inmate shall ~~will~~ be allowed to keep the January and February 1994 issues of a specific magazine, but shall ~~will~~ not be allowed to keep two copies of the January 1994 issue. No inmate shall be issued admissible reading material if he ~~or she~~ can not store it in his or her personal living area without creating a fire, safety, or sanitation hazard. Inmates shall be limited to no more than 2 single issues of a periodical which is printed and distributed more frequently than weekly daily or weekly newspaper title and 8 single issues of periodicals which are printed and distributed weekly or less frequently than weekly, except as otherwise provided in Rule 33-601.800, F.A.C a periodical.

(c) Inmates shall be allowed to order single issues of periodicals ~~and newspapers~~ from publishers' wholesale or mail-order distributors and bookstores in lieu of purchasing subscriptions; however, the possession limits referenced in paragraph (16)(b) all of the above-referenced limits shall still apply.

~~(d)~~(e) Inmates subscribe to and purchase periodicals or other reading materials at their own risk and expense. Inmates will not be reimbursed by the Department of Corrections for materials that are rejected or for the expense for mailing rejected items to other persons or entities.

~~(e)~~(d) Except as otherwise provided in Rule 33-601.800, F.A.C., inmates shall be limited to the possession of 4 personal books. Religious publications Religious testaments, correspondence study materials, and law books not available in the institution's law library collection shall not be counted against this limit. ~~Religious testaments include sacred texts, prayer books and devotionals.~~

~~(f)~~(e) Inmates may only receive and possess print media publications. Incoming publications published on non-print media or print media publications that include non-print media that are an integral part of the publication will be rejected and returned to the sender along with an explanation as to why the material is being rejected. However, unsolicited promotional computer diskettes and CD-ROMs that are mailed with a publication periodical issue, e.g., the CD-ROMs promoting America Online's Internet service, will be handled as provided in subsection ~~(25)~~(26) of this rule.

(f) renumbered (g) No change.

~~(h)~~(g) Inmates shall not order publications from publishers or senders on a "bill me later" basis. All publication book or periodical subscription purchases that are initiated by inmates shall include an Inmate Bank Trust Fund Special Withdrawal, Form DC2-304, that covers the complete cost of the purchase, and postage, if necessary, and shall include an envelope that is properly addressed to the publisher or sender. Such requests shall be submitted to the warden or designee for approval. If approved, the warden or designee shall forward the request to the Bureau of Finance and Accounting, Inmate Bank Section, for processing. Any outgoing correspondence that does not comply with these requirements shall be returned to the inmate. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(i) Inmates who subscribe to a periodical shall notify mailroom staff on Form DC6-236, Inmate Request, if they want to discontinue receiving one title in order to receive another. Requests to discontinue receipt of specific periodical titles shall not be approved more often than once every 90 days unless the inmate presents evidence that the subscription has expired and shall not be renewed.

(j) Inmates in maximum management shall not be permitted to receive or possess publications except as provided in Rule 33-601.820, F.A.C.

~~(17)~~(18) Bindings and covers.

(a) Bindings.

1. Metal bindings, other than staples are not allowed. Metal bindings include: paperclips, binder clips, and other metal fasteners. Staples are not allowed in the following types

of housing units: death row, administrative or disciplinary confinement, close management, maximum management, and mental health in-patient housing including transitional care units, crisis stabilization units, and correctional mental health institutions.

2. Spiral bindings are not allowed.

(b) Covers.

1. Due to security concerns, inmates at Florida State Prison Main Unit or in death row or close management status in any institution shall not be allowed to receive hard-cover publications bound books. However, if a publication book is unavailable in soft-cover and no alternatives exist to allow access to the publication book, the inmate may receive the publication book only after the hard cover has been removed. The inmate shall make the decision whether to return the publication book to the sender or to receive the admissible portions after the institution has excised the hard-cover, and the inmate may appeal an institution's determination that the hard cover must be excised or returned. The institution shall not take any action to excise the hard-cover or return the publication book to sender until the inmate's appeal is concluded or the time for appeal has passed. Documentation of the inmate agreeing to the removal of the hard-cover shall be obtained prior to removal of the cover. This documentation shall at a minimum be filed in the inmate file. If the inmate does not agree or does not provide documentation that he ~~or she~~ wishes to have the cover removed, the publication shall be returned to the publisher or sender.

2. Hard or soft covers may be made of paper or leather materials and shall not be made of metal.

~~(18)~~(19) Books, Periodicals or other publications shall be sent directly from the publishers, mail order distributors or bookstores to the inmate unless otherwise authorized by the warden.

~~(19)~~(20) Books, Periodicals or other publications forwarded to inmates must be sent through the United States Postal Service. Materials received from other sources or without return addresses identifying the sender shall be refused.

~~(20)~~(21) The address of all incoming books, periodicals and other publications must contain the inmate's committed name, identification number, and institutional address.

~~(21)~~(22) Training materials and correspondence study programs.

(a) Publications and training materials selected for use in authorized programs of the Department, or any ~~in~~ privately operated correctional institutions housing inmates committed to the custody of operated under contract with the Department, PRIDE or the Corrections Medical Authority shall be reviewed by the department head or person designated by the warden to

ensure that the subject matter contained therein is admissible and does not meet any of the criteria for inadmissibility in subsection (3).

(b) Institutions shall permit inmates to enroll in correspondence study programs provided that the subject matter of course materials is not inadmissible pursuant to the criteria stated in subsection (3). The warden shall designate one or more department heads to screen and approve all materials received pursuant to participation in correspondence study programs. Individual items shall be inspected by institution staff upon receipt and shall either be approved and issued to the inmate, or rejected and handled as contraband in accordance with Rules 33-602.201 and 33-602.203, F.A.C.

1. No change.

~~2. Inmates in close management or on death row shall not be permitted to receive hard bound cover correspondence study materials. Soft cover Paperback materials shall not have metal or spiral bindings.~~

~~2.3-~~ All educational correspondence study materials shall be mailed directly from the course provider to the institution's education department via U.S. Postal Service mail.

~~(22)(23)~~ Inmates shall be prohibited from posting or otherwise displaying any pictures or portions of ~~books or~~ publications. Such activity will subject the inmate to disciplinary action and ~~will cause~~ the posted or displayed material ~~shall to~~ be confiscated as contraband.

~~(23)(24)~~ Calendars.

(a) Restrictions.

1. through 3. No change.

~~4. Binding—limited to staple and glue bindings; calendars with metal or spiral bindings shall not be permitted;~~

~~5. Cover, if any—limited to flexible paper (paperback);~~

~~4.6-~~ Can not have any audio or electronic components.

(b) through (d) No change.

~~(24)(25)~~ Blank journals or diaries.

(a) Restrictions.

1. Quantity – see possession limits set forth in paragraph ~~(16)(e) (17)(d);~~

2. Size – limited to 9" x 12" or smaller;

3. No change;

~~4. Binding—limited to glue bindings; journals with staples or metal or spiral bindings shall not be permitted;~~

~~5. Cover, if any—limited to paper materials; hard bound back or cardboard covers are authorized except where possession of books is otherwise prohibited by rule (paperback);~~

~~4.6-~~ Can not have any audio or electronic components.

(b) through (c) No change.

~~(25)(26)~~ Whenever an otherwise admissible periodical or other publication ~~magazine~~ is received that includes product samples or advertising with product samples attached, the products shall be removed and the publication itself shall be

issued to the inmate recipient. Any inmate who wishes to object to the removal of product samples from his or her publications shall submit a written request on Form DC6-236, Inmate Request, to the warden asking that product samples not be removed. Thereafter, any publication sent to the requestor that contains product samples shall be held by the institution for 30 days or 30 days after exhaustion of grievance appeals. It shall be the inmate's responsibility to arrange for the mailing of the entire publication out of the institution at the inmate's expense. Any publication not mailed out within the 30 days ~~shall will~~ be destroyed.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05, 8-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Allen Overstreet, Consultant Manager, Operations and Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-504.101  
RULE TITLE: Probation and Restitution Centers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: substantially reword and reorganize the rule for clarity; provide for residential and non-residential services; describe the process for placement, criteria for ineligibility, responsibilities of department employees and contract providers, requirements for program completion, and conditions under which offenders are discharged from programs; provide minimum standards that must be required by probation and restitution centers.

SUMMARY: The proposed rule amends the definition of probation and restitution centers (PRCs) to include both residential and non-residential services; clarifies eligibility requirements and methods of referral to PRCs; names the Bureau of Substance Abuse Program Services as the entity responsible for contract management of PRCs; sets forth the responsibilities of contracted providers and offenders assigned to PRCs and establishes program completion requirements; establishes criteria for discharge from the program.

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

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

SPECIFIC AUTHORITY: 944.026, 944.09 FS.

LAW IMPLEMENTED: 921.187, 944.026, 948.03, 958.04 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, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 33-504.101 follows. See Florida Administrative Code for present text.)

33-504.101 Probation and Restitution Centers.

(1) General. Probation and restitution centers (PRCs) are community-based facilities that offer residential and non-residential services to offenders within a structured environment to assist the offenders with the development of skills needed to comply with conditions of supervision and to achieve successful transition and re-entry into the community.

(2) Referral and Placement. Offenders are assigned to PRCs in the following ways:

(a) Court ordered or releasing authority ordered residential placement or non-residential participation in specific programs at the PRC as a condition of supervision. Offenders are referred to the PRC by the Correctional Probation Officer in a violation of probation report or pre-sentence investigation as a sentencing option or as a possible alternative to a recommendation of imprisonment when it is determined that a more structured supervision, programming and control is needed.

(b) Referral by Department of Corrections staff for inmates who are being released from Department custody without supervision to follow and who have the need for additional transitional services to aid in community re-entry. The released inmate's participation is voluntary.

(3) Eligibility. The following offenders shall be ineligible for assignment to a PRC:

(a) Convicted of or currently charged with a capitol or life felony;

(b) Conviction for sexual battery pursuant to Section 794.011, F.S.;

(c) Currently has a mental or physical health condition that requires services not available at the PRC; or

(d) Physically unable to work.

(4) Responsibilities.

(a) The Bureau of Substance Abuse Program Services shall be responsible for the contract management of PRCs.

(b) The contracted community-based providers shall be responsible for the management of the PRC and the care and monitoring of offenders assigned to the PRC. Contracted providers shall notify the offender's supervising correctional probation officer of any violations by the offender.

1. The PRC provider shall provide payment receipts to each offender for payments received. The PRC provider shall have a written accounting policy and procedure.

2. Center rules governing conduct, program rules and regulations and disciplinary actions for prohibited conduct shall be clearly posted in each center. Program orientation shall include review of center rules.

(e) Supervision of offenders shall continue to be the responsibility of the assigned correctional probation officers.

(f) Transportation shall be the responsibility of the offender. Transportation shall be coordinated by the offender and the center staff as necessary.

(5) Standard Requirements. All PRCs shall require the following:

(a) Payment of Subsistence fees – PRC offenders who reside at the facility and who are employed shall pay a subsistence fee at the rate specified by the Department in writing with the service provider. The rate shall not exceed a \$25.00 daily rate and shall utilize a scale based on the amount earned by the offender.

(b) Drug screening and payment for drug screening – offenders shall submit to drug testing and shall provide payment for the cost of such testing.

(c) Employment on a full time basis or part time employment with a supplemental plan such as school or vocational training, or participation in a substance abuse or other Department-approved program.

(d) Participation in assigned programs, to include budgeting and banking of income and management of financial obligations.

(e) Adherence to curfew (by residents) as set by individual PRC regulations.

(f) Payment of court ordered financial obligations, to include restitution, court costs, and cost of supervision.

(6) Program Completion Requirements.

(a) Subsistence paid in full and current with all other court ordered financial obligations.

(b) Employment on a full time basis or part time employment with a supplemental plan such as school or vocational training, or program participation.

(c) Residential living plan that has been approved by the center staff and the supervising probation officer.

(d) Restitution plan, if applicable.

(e) Service of required period of time.

(7) Discharge from Program.

(a) Offenders' failure to comply with program policies, rules, and regulations shall result in an unsuccessful discharge.

(b) Offenders shall be successfully discharged upon completion of all program requirements and completion of the period of time ordered by the court or releasing authority.

(c) Offenders shall be administratively discharged from the program due to court actions or medical reasons or transfer to another facility based upon the offender's needs.

Specific Authority 944.026, 921.187, 948.03, 958.04 FS. Law Implemented 944.026, 921.187, 948.03, 958.04 FS. History—New 10-26-92, Amended 9-4-95, Formerly 33-24.020, Amended 12-31-00,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Pam Denmark, Deputy Assistant Secretary of Re-Entry

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 5, 2009

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

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.101  
**RULE TITLE:** Incentive Gain Time

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to decrease the time period during which an inmate is ineligible to earn gain time following the month in which a disciplinary infraction occurred and to allow inmates to earn incentive gain time while out to court.

**SUMMARY:** The proposed amendment to Rule 33-601.101, F.A.C., reduces the amount of time an inmate is ineligible to earn gain time as follows: when the final action on an inmate's disciplinary report is less than or equal to 30 days of confinement or loss of gain time, the period during which the inmate is ineligible to receive gain time is reduced from three months to one month following the month in which the disciplinary infraction occurred; when the final action on an inmate's disciplinary report is more than 30 days of confinement or loss of gain time, the amount of time during which the inmate is ineligible to receive gain time is reduced from six months to two months following the month in which the disciplinary infraction occurred. The proposed amendment also removes the restriction on inmates' ability to earn gain time while out to court.

**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.

**SPECIFIC AUTHORITY:** 944.09, 944.275, 944.281 FS.

**LAW IMPLEMENTED:** 944.09, 944.275, 944.281, 944.801(3)(i)5. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.101 Incentive Gain Time.

(1) through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating award which can be modified by the correctional probation officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) Disciplinary or court action. An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of the rules of the Department or the laws of the State for which he is found guilty. Additionally, those inmates on escape status and detained by other agencies may not be awarded incentive gain time for the period of time out of custody even though lodged in another confinement facility. Any inmate who is found guilty of a disciplinary report on or after April 21, 1996 and who is serving a sentence imposed for an offense committed on or after October 1, 1995 shall be eligible to earn incentive gain time as follows:

1. For disciplinary reports in which the final approved action is not confinement or loss of gain time or where the final recommended action is probation, pursuant to paragraph 33-601.308(3)(b), F.A.C., the inmate shall be eligible to earn incentive gain time the month following the month in which the disciplinary infraction occurred. However, if the inmate violates the probation and the original penalty meets the requirements of subparagraphs 2. and 3. below, the inmate is then subject to the limitations on earning incentive gain time as noted.

2. For disciplinary reports in which the final approved action is less than or equal to 30 days confinement or less than or equal to 30 days loss of gain time, the inmate shall not be eligible to earn incentive gain time for one ~~three~~ months following the month in which the disciplinary infraction occurred. The one ~~three~~ month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.

3. For disciplinary reports in which the final approved action is greater than 30 days confinement or greater than 30 days loss of gain time, or where the inmate was convicted of an offense occurring while committed to the Department of Corrections, the inmate shall not be eligible to earn incentive gain time for two ~~six~~ months following the month in which the

disciplinary infraction or offense occurred. The ~~two six~~ month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.

4. The period of ineligibility referenced in subparagraphs 2. and 3. shall be suspended if the inmate leaves the custody of the department before completion of the period of ineligibility. The period of ineligibility will resume upon the inmate's return to department custody and will continue to run until its completion.

5. The failure to serve the confinement imposed does not alter the ineligibility of the inmate to earn incentive gain time as noted in subparagraphs 2. and 3.

6. The ineligibility of the inmate to earn gain time as noted in subparagraphs 2. and 3. remains in effect when, due to unavailability of gain time, unearned gain time is designated as the final approved action.

(b) Inmates who are out of the department's custody during the month on escape, ~~out to court status~~, or on furlough shall not be eligible to receive incentive gain time for that period of the month.

(c) through (8) No change.

Specific Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History--New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.065, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A McNeil, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 24, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.105  
 RULE TITLE: Restoration of Forfeited Gain Time  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the list of release mechanisms to include probation and community control and to clarify the conditions under which inmates are ineligible for restoration on subsequent release violations.

SUMMARY: The proposed amendment to Rule 33-601.105, F.A.C., adds language allowing restoration of forfeited gain time for inmates whose probation or community control status has been revoked and clarifies that inmates who have had forfeited gain time restored are ineligible for subsequent restoration while serving the sentence for the same offense under which gain time was previously revoked.

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.

SPECIFIC AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.28 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, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.105 Restoration of Forfeited Gain Time.

(1) Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(2)(4) Eligibility.

(a) No change.

(b) Restoration of gain time forfeited by violation of the conditions of parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.



1. There must be a minimum of one year from the effective date of the parole revocation probation revocation, community control revocation, or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

2. The inmate must be discipline free (formal reports) since return as a parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

3. The inmate’s adjustment and performance must exceed that which is required to comply with all behavioral objectives since return as a parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

4. No change.

5. Any inmate who receives restoration of gain time forfeited due to parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the sentence for the same offense commitment;

6. No change.

~~(3)(2)~~ How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in subsection ~~(2)(4)~~ of this rule. There is no entitlement for consideration based upon an inmate’s request. The final approving authority for restoration of forfeited gain time will be the Deputy Assistant Secretary of Institutions – Program. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History–New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.820  
RULE TITLE: Maximum Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which an inmate may be confined to maximum management and the conditions under which a maximum management inmate’s status, conditions of confinement, and privileges may change.

SUMMARY: The proposed rule eliminates the Maximum Management Review Team, defines “Institutional Classification Team” for the purpose of Maximum Management status decisions, and clarifies the circumstances under which an inmate may be classified as Maximum Management status. The proposed rule clarifies the intake, placement, and review process for inmates who have been referred for Maximum Management and adds language allowing for period reinstatement of recreation and canteen privileges.

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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.820 Maximum Management.

(1) Definitions.

(a) For the purpose of this rule, the Institutional Classification Team (ICT) – the ICT is the team consisting of the Warden, Assistant Warden, Classification Supervisor, and Chief of Security that is responsible for making inmate status decisions and for making other recommendations to the State Classification Office (SCO), Regional Director, and Warden.

(b)(\*) Maximum Management – refers to a temporary status for an inmate who, through a recent incident or series of recent incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in confinement, close management, or death row. The Secretary has shall designated

~~Florida State Prison (FSP) as the only which institutions are authorized to house maximum management inmates, based upon the needs of the Department.~~

~~(b) Maximum Management Review Team — refers to the committee in Central Office that has approval authority for placement in maximum management and the modification of conditions and restrictions imposed at the time an inmate is initially placed in maximum management. The Maximum Management Review Team shall consist of the following staff or those acting in that capacity:~~

- ~~1. Deputy Assistant Secretary of Institutions — Operations (Chairperson);~~
- ~~2. Chief, Bureau of Classification and Central Records;~~
- ~~3. Chief, Bureau of Security Operations; and~~
- ~~4. Deputy Director of Health Services (Clinical).~~

~~(2) Maximum Management Placement Criteria. An inmate shall have, at a minimum, met the criteria for placement in Close Management I or death row and participated in a recent incident or series of recent incidents in which the inmate has which demonstrate:~~

~~(a) Escaped from or attempted to escape from a secure perimeter. The inmate's ability to effect an escape from a secure environment;~~

~~(b) Demonstrated a The inmate's demonstrated willingness to use deadly force in a correctional setting;~~

~~(c) Been involved in a dangerous act targeting staff or an assault against staff, including sexual assault. The inmate's involvement in dangerous acts which could lead to a person's injury or death, or insurrection; or~~

~~(d) Been involved in a life-threatening inmate-on-inmate assault requiring that the victim receive emergency outside medical treatment. Other management problems that require an immediate level of control which exceeds that available in close management or death row.~~

~~(3) Initial Placement in Maximum Management Housing.~~

~~(a) An inmate may only be referred for initial placement in maximum management housing at Florida State Prison. If an inmate located at any other facility commits an offense that appears to meet the criteria for maximum management placement outlined in subsection (2) of this rule, the institutional classification officer, senior classification officer, classification supervisor, or ICT at the facility shall enter into the Offender Based Information System (OBIS) a Pending Close Management Evaluation transfer request to FSP if the inmate is not already in close management. If the inmate is already in close management or death row, the institutional classification officer, senior classification officer, classification supervisor, or ICT of the facility shall enter into OBIS a request for the type of transfer to FSP that reflects the inmate's current CM level or death row status. The Warden or Regional Director is required to send an e-mail to Central Office requesting transfer approval and the immediate scheduling of a direct transport to FSP indicating the inmate's current status~~

~~and including the request for maximum management placement. A description of the inmate's behavior that warrants review for maximum management placement must be included. Whenever an inmate has met at least one of the conditions above, the Shift Supervisor shall recommend immediate placement in maximum management on Form DC6-101, Referral for Maximum Management. Form DC6-101 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.~~

~~(b) Whenever an inmate housed at FSP or an inmate transferred to FSP pursuant to paragraph (3)(a) has met at least one of the conditions listed in paragraph (2)(a), the Shift Supervisor shall place the inmate in maximum management housing. Immediately after placement, the Shift Supervisor at FSP shall enter in OBIS a referral for maximum management detailing the information and circumstances requiring maximum management placement. The Warden or Duty Warden shall review the Referral for Maximum Management, Form DC6-101, and document his or her decision. Approval from the Warden or Duty Warden is required prior to placement of the inmate in maximum management pending completion of the hearing process in subsection (5).~~

~~(c) Within 24 hours after an inmate is placed in maximum management housing, the Warden or Duty Warden shall review the Shift Supervisor's referral for maximum management and document a decision as to whether it is necessary to keep the inmate in maximum management housing pending completion of the hearing process in subsection (4). If the Warden or Duty warden determines that it is unnecessary to keep the inmate in maximum management housing pending completion of the hearing process, the inmate shall be placed in administrative confinement and the procedure for placement in close management outlined in Rule 33-601.800, F.A.C., shall be followed if the inmate is not already in close management. If the inmate was already in close management or death row status, the inmate shall be returned to that status. If the inmate's recent behavior warrants consideration of an upward modification of his close management level, that action shall take place after his return to close management in accordance with Rule 33-601.800, F.A.C. If the Warden or Duty Warden determines that maximum management placement is appropriate, the inmate will immediately be given a written notice including the reason for the placement referral and informing the inmate that a hearing to review the placement will be held no sooner than 24 hours from the delivery of the notice. The Shift Supervisor who recommended placing an inmate in maximum management shall ensure delivery of the Referral for Maximum Management to the inmate prior of being relieved of duty. The Referral for Maximum management shall inform the inmate of the reason for the placement and that a hearing will be held no sooner than 24~~

~~hours from the delivery of the notice to review the recommendation for placement in maximum management housing.~~ The inmate may waive the 24 hour waiting period or his or her appearance at the hearing by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.

(d) The Classification Supervisor shall docket the inmate's hearing before the ~~ICT Institutional Classification Team~~ for consideration of ~~considering~~ placement in maximum management status ~~in accordance with subsection 33-601.820(3), F.A.C.~~

(4) Initial Placement Hearing and Decision Process.

(a) The ICT shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.

(b) The inmate shall be present for the hearing unless:

1. The inmate waives his right to appear by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104; or

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the ICT chairperson.

3. If the inmate did not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered in OBIS.

(c) If the ICT chairperson determines the need for staff assistance based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(d) The chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(e) The ICT chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be entered in OBIS.

(f) The ICT shall recommend approval or disapproval of the recommendation for placement in maximum management. The ICT's recommendation and the basis for the recommendations shall be entered in OBIS.

(g) The ICT's recommendation shall be forwarded to the Warden for review. The Warden's recommendation for approval or disapproval of maximum management placement conditions and the basis for the recommendations shall be entered in OBIS.

(h) The Warden's recommendations shall be forwarded to the Regional Director for final review. The Regional Director's decision to approve or disapprove maximum management placement and the basis for the decision shall be entered in OBIS. If the Regional Director disapproves the placement, the inmate shall immediately be removed from the maximum

management cell and reclassified to his original status or placed in administrative confinement pending close management referral.

(i) The Classification Supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status changes approved by the Regional Director. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Regional Director's decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

~~(5)(4)~~ Initial Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the Shift Supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The Shift Supervisor shall notify the Warden. If in agreement with the action, the Warden shall notify the Regional Director. ~~If the Regional Director agrees with the action, the Deputy Assistant Secretary of Institutions — Operations will be contacted for final approval no later than the first work day following the Shift Supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. Under no circumstances shall an inmate be left without a means to cover him or herself.~~

(b) Reading materials – possession limited to a bible, religious testament, or other reading material specifically related to the inmate's faith only;

(c) Out-of-doors recreation – limited to two hours once every 30 days for the first 60 days and two hours twice every thirty days thereafter or until the inmate's exercise privileges have been reinstated pursuant to subsection (7);

~~(d) Meals shall be served on paper or styrofoam products only;~~

~~(d)(e)~~ Possession of legal materials shall be permitted, and excess legal materials shall be stored pursuant to subsection 33-602.201(6), F.A.C.;

~~(e)(f)~~ Legal Visits shall be permitted; and

~~(f)(g)~~ Routine bank transactions or canteen purchases shall not be allowed, with the exception of stamp, paper, security pen, and envelope purchases for mail legal work, and inmate requests and grievances.

~~(5) Initial Placement Hearing and Decision Process:~~

~~(a) The Institutional Classification Team (ICT) shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.~~

~~(b) The inmate shall be present for the hearing, unless:~~

1. The inmate waives his right to appear by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104; or

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the Institutional Classification Team chairperson.

3. If the inmate did not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered on Form DC6-171, Report of Maximum Management. Form DC6-171 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is October 30, 2006.

(e) If the Institutional Classification Team chairperson determines the need for staff assistance based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(d) The chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(e) The Institutional Classification Team chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be included in the ICT recommendation entered on the Report of Maximum Management, Form DC6-171.

(f) The Institutional Classification Team shall recommend approval or disapproval of the recommendation for placement in maximum management and modification of the initial conditions of placement as listed in subsection (4), if changes were made. The initial conditions of placement are intended to be short term and should be modified when the inmate's adjustment to maximum management and the inmate's level of threat to the security of the institution indicate that modification is appropriate. These conditions can only be modified to the level permitted for Close Management I inmates. The Institutional Classification Team's recommendations and the basis for the recommendations shall be documented on the Report of Maximum Management, Form DC6-171.

(g) The Institutional Classification Team's recommendations shall be forwarded to the Warden for review. The Warden's recommendation for approval or disapproval of maximum management placement and any modifications of the initial conditions and the basis for the recommendations shall be documented on the Report of Maximum Management, DC6-171.

(h) The Warden's recommendations shall be forwarded to the Regional Director for review. The Regional Director's recommendation for approval or disapproval of maximum management placement and any modifications of the initial

conditions and the basis for recommendations shall be documented on the Report of Maximum Management, Form DC6-171.

(i) The Regional Director's recommendations shall be forwarded to the Maximum Management Review Team for review and final approval or disapproval of the maximum management placement and any modifications of the initial conditions. The Maximum Management Review Team's decisions shall be documented on the Report of Maximum Management, Form DC6-171.

(j) If the Maximum Management Review Team disapproves the maximum management placement, the inmate shall immediately be reclassified to his original status and removed from the maximum management cell.

(k) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the Maximum Management Review Team. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Maximum Management Review Team's decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(l) The Institutional Classification Team at the maximum management facility is responsible for ensuring that staff adhere to any time frames approved in reference to inmate conditions.

(m) An inmate shall not be released from maximum management status or be subjected to modifications of initial placement conditions until the actions are approved by the Maximum Management Review Team except as allowed in paragraph (4)(a) above.

(6) Review of Maximum Management Status and Conditions.

(a) The ~~ICT Institutional Classification Team~~ shall review the inmate's maximum management status, the conditions set forth in subsection (4) above, and previously modified conditions weekly for the first sixty days from the date of placement, and at least monthly thereafter.

1. Weekly reviews by the ~~ICT Institutional Classification Team~~ during the first sixty days of maximum management status and monthly thereafter shall be documented on Form DC6-229, Daily Record of Special Housing.

2. If the ~~ICT Institutional Classification Team~~ recommends the inmate's release from maximum management or a modification of the inmate's conditions during the first sixty days, the ~~ICT Institutional Classification Team~~ shall ~~enter also document~~ its recommendation in OBIS on the Report of Maximum Management, Form DC6-171.

3. All reviews conducted at least monthly by the ~~ICT Institutional Classification Team~~ after the first sixty days of maximum management status shall be entered in OBIS

~~documented on the Report of Maximum Management, Form DC6-171. This documentation shall include any recommendations for modifications of the inmate's conditions.~~

4. The ICT shall enter in OBIS an inmate's guilty findings on any disciplinary reports and all recommendations for modification of the inmate's conditions.

~~(b) All ICT Institutional Classification Team reviews entered in OBIS ~~documented on the Report of Maximum Management, Form DC6-171,~~ shall be reviewed by the Warden. The Warden shall document his or her reason for approval, disapproval, or modification of the ICT Institutional Classification Team recommendations in OBIS on the Report of Maximum Management, Form DC6-171.~~

~~(c) The Warden's recommendations for approval, disapproval, or modification of the inmate's status or conditions shall be reviewed by the Regional Director. The Regional Director shall document approval, disapproval, or modification of the Warden's recommendation in OBIS on the Report of Maximum Management, Form DC6-171.~~

~~(d) If the Regional Director approves the inmate for release from maximum management status, the inmate shall be placed in close management or death row housing. The decision to release the inmate from maximum management status shall be entered in OBIS continuation of maximum management status, no further review of the placement or modification of conditions is required. An inmate shall not be subjected to modification of conditions until the modifications are approved by the Regional Director, except as allowed in paragraph (4)(a) above.~~

~~(e) If the Regional Director recommends release from maximum management status, the recommendation shall be forwarded for review and final decision to the Deputy Assistant Secretary of Institutions — Operations. The Deputy Assistant Secretary of Institutions — Operations shall document approval, disapproval, or modification of the Regional Director's recommendations on the Report of Maximum Management, Form DC6-171.~~

~~(e)(f) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the Regional Director ~~or Deputy Assistant Secretary of Institutions — Operations.~~ The Classification Supervisor at the maximum management facility shall ensure the inmate is immediately removed from maximum management housing if approved by the Regional Director and returned to close management or death row housing.~~

~~(f)(g) The ICT at the maximum management facility shall ensure that staff adhere to any time frames approved in reference to inmate conditions.~~

~~(h) An inmate shall not be released from maximum management status until that action is approved by the Deputy Assistant Secretary of Institutions — Operations.~~

#### (7) Periodic Modification of Conditions.

(a) If after the following time frames the Regional Director determines an inmate has displayed satisfactory adjustment to maximum management based on the severity of any guilty findings on disciplinary reports created since the inmate's initial placement on maximum management status and that reinstatement of privileges is appropriate, privileges shall be reinstated as follows:

1. After six consecutive months on maximum management and with the approval of the Regional Director, the following privileges shall be reinstated:

a. Recreation privileges up to one two-hour session per week; and

b. Property privileges to the extent that the inmate may possess two periodicals and may check out books from the library.

2. After nine consecutive months on maximum management and with the approval of the ICT, the following privileges shall be reinstated:

a. Recreation privileges up to two-hour sessions per week; and

b. Canteen privileges limited to one order per week. The inmate is further limited to five non-food items and five food items. In making this determination, with the exception of stamps, security pens, and notebook paper, it is the number of items counted rather than the type of item. With respect to stamps, security pens, and notebook paper, twenty-five stamps or fewer shall count as one item, three security pens or fewer shall count as one item, and two packages or fewer of notebook paper will count as one item.

3. After 12 consecutive months on maximum management and with approval of the ICT, the following privileges shall be reinstated:

a. Recreation privileges up to three two-hour sessions per week; and

b. Ability to purchase a 'walkman'-type radio, headphones, and batteries or to be issued these items from the inmate's stored property.

(b) If an inmate whose privileges have been reinstated is subsequently found guilty on a disciplinary report, the ICT shall review the report and make a determination as to whether and to what extent privileges shall be revoked.

(c) Any recommendations by the ICT and/or Warden and Regional Director decisions to modify conditions shall be entered in OBIS during weekly or monthly reviews of the inmate's maximum management status. The Classification Supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the Regional Director.

#### (8)(7) On-Site Review of Maximum Management.

(a) If an inmate remains in maximum management status for 90 days, the Regional Director or designee shall conduct an on-site review of the inmate's maximum management status

and conditions ~~in conjunction with the monthly review of the Warden's recommendations.~~ This on-site review shall take place after every 90 day period of continued maximum management status. The Regional Director's designee shall be a Regional Assistant Warden, Regional Classification Administrator, or State Classification Officer.

(b) The ~~ICT Institutional Classification Team~~ shall participate in the review of the inmate's adjustment with the Regional Director or his or her designee.

(c) The Regional Director's decisions made following this on-site review will be entered in OBIS as directed in subsection (7) above documented on the Report of Maximum Management, Form DC6-171.

~~(9)(8)~~ Security Requirements.

(a) All security requirements outlined in Rule 33-601.800, F.A.C., for close management inmates are applicable for all maximum management inmates.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. The inmate shall remove all clothing to allow for a strip search and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.

2. A maximum management inmate shall exit the cell only in handcuffs behind the back with handcuff cover and in the presence of a minimum of two officers.

3. Once out of the cell, the inmate shall be placed in leg irons and escorted by two correctional officers at all times.

4. The cell shall be thoroughly searched each time the inmate exits the cell for any reason, but no less frequently than three times each week.

5. When escorting a maximum management inmate past other maximum management inmate cells, the cells will have the solid security door and cuff/food port closed and secured.

6. Under no circumstances will any two maximum management inmates be out of the cells under escort in the same area at the same time.

7. A maximum management inmate shall submit to a visual strip search and clothing search each time the inmate is returned to the cell from any escort.

(10) Other Conditions of Confinement.

(a) Religious services shall be delivered by institutional chaplaincy staff or approved volunteers only.

(b) Inmates in maximum management shall be required to conduct legal business by correspondence rather than a personal visit to the law library, when possible. If access to the law library is required, a secure cell in the law library shall be used to prevent direct contact with other inmates including law clerks.

(c) Medication shall be dispensed and administered in accordance with Health Services protocols for confinement.

(d) Inmates who are housed in maximum management will have mental health and medical care services to the same extent as all close management inmates. Monitoring of inmates will be as described in Rule 33-601.800, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: RULE TITLE:

40D-2.041 Permits Required

PURPOSE AND EFFECT: The District proposes to make further refinements in the definitions of General and Small General Water Use Permits (WUPs) set forth in Rule 40D-2.041, F.A.C., which was recently amended. General WUPs are issued for combined annual average daily water demands of less than 500,000 gallons per day (gpd) but greater than or equal to 100,000 gpd. Recent amendments elevated certain water demands of less than 100,000 gpd (formerly categorized as Small General WUPs) to the General WUP category, which amendments included defining all permits with surface water withdrawals less than 100,000 gpd as a General WUP. The proposed amendments will clarify that for permits authorizing surface water withdrawals, only those for which the primary source is a surface water and the combined annual average daily water demand is at least 50,000 gpd will be categorized as General Permits. The General WUP category is also amended to include permits with annual average water demands of less than 100,000 gpd when the maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City area of Hillsborough County. In that specific area, WUPs authorizing less than 100,000 gpd will be elevated to the General WUP category if the maximum daily withdrawal quantity for crop protection or other use equals or exceeds 1,000,000 gpd. This is due to the concentration of agricultural water use in that specific area, primarily for strawberries, which require significant crop protection withdrawals during the winter growing season. The effect of these amendments is to limit the Small General WUP category to those combined annual

average water demands of less than 100,000 gpd that require only minimal staff evaluation, due to little-to-no impact upon the water resources.

SUMMARY: Rule 40D-2.041, F.A.C., is amended to revise the definition of a General Water Use Permit when the combined annual average daily demand is less than 100,000 gpd. A permit authorizing a surface water withdrawal will be categorized as a general permit only if the primary withdrawal source is a surface water and only if the combined annual average daily water demand is at least 50,000 gpd. Amendments also provide that a general WUP will be issued for combined annual average daily water demands of less than 100,000 gpd if the maximum daily withdrawal quantity equals or exceeds 3 million gpd for crop protection or other use unless located within the Dover-Plant City area of Hillsborough County, in which case the permit will be issued as a General WUP if the maximum daily withdrawal quantity is 1 million gpd or more.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs (SERC) has been prepared. The proposed revisions to District Rule 40D-2.041, F.A.C., that reclassify formerly Small General permits as General permits based upon maximum daily withdrawal amounts are anticipated to result in some additional regulatory costs to affected permittees. Holders of General permits authorizing surface water withdrawals that would be reclassified as Small General permits would have reduced regulatory costs.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.224, 373.226 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-2.041 Permits Required.
- (1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported

water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. No change.

(b) General. Water Use Permits for the following are issued by District staff as General Water Use Permits, except as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the Basis of Review:

1. A combined annual average daily water demand less than 500,000 gpd but greater than or equal to 100,000 gpd; or

2. A combined annual average daily water demand less than 100,000 gpd when:

a. The drought annual average is 100,000 gpd or more in the Southern Water Use Caution Area;

b. Withdrawal is for mining or dewatering;

c. The primary withdrawal source is a surface water and the combined annual average daily water demand is at least 50,000 gpd; ~~or~~

d. The withdrawals are required by the permit to be metered and withdrawal quantities reported to the District, or

e. The maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City area, in which case the maximum daily withdrawal quantity equals or exceeds 1,000,000 gpd for crop protection or other use.

(c) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: 60BB-8.410  
 RULE TITLE: Voluntary Prekindergarten Education Program Substitute Instructors

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to establish the required qualifications of substitute instructors for the Voluntary Prekindergarten Education (VPK) Program and to define the circumstances and time limits for which a VPK provider may assign a substitute instructor to a VPK classroom.

SUMMARY: The proposed rulemaking addresses the qualifications of substitute instructors for the school-year and summer VPK program types and establishes the circumstances and time limits for which a VPK provider may assign a substitute instructor to a VPK classroom.

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.

SPECIFIC AUTHORITY: 411.01(4)(d)8., 411.01(4)(e), Florida Statutes.

LAW IMPLEMENTED: 411.01(4)(d)8., 411.01(4)(j), Florida Statutes.

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

DATE AND TIME: March 11, 2009, 3:00 p.m. – 5:00 p.m.  
 PLACE: TCC Capitol Center, 300 W. Pensacola Street, Tallahassee, FL 32312

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, M.S.C. #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-8.410 Voluntary Prekindergarten Education Program Substitute Instructors.

(1) As used in this rule, the term “credentialed instructor” means a prekindergarten instructor who has the credentials required under Sections 1002.55(3)(c), 1002.55(4), or 1002.61(4), F.S.

(2) Qualifications. Voluntary Prekindergarten (VPK) substitute instructors must be of good moral character and be screened using the level 2 screening requirements in Section 435.04, F.S. before employment as a private VPK substitute instructor. In addition, a private VPK substitute instructor must meet the following requirements:

(a) Has successfully completed one or more of the following before employment as a VPK substitute instructor:

1. In a school year VPK program class:

a. An associate’s or higher degree in any field of study;

b. A 40-clock-hour introductory course in child care for child care personnel of a child care facility which is approved by the Department of Children and Family Services under Section 402.305(2)(d)1., F.S.;

c. A 40-clock-hour introductory course in group child care for an operator of a large family child care home which is approved by the Department of Children and Family Services under Section 402.3131(3), F.S.; or

d. A 30-clock-hour introductory course in child care for an operator of a family day care home which is approved by the Department of Children and Family Services under Section 402.313(4), F.S.

e. A school district’s requirements to be employed as a substitute teacher as adopted by each school district under Section 1012.35, Florida Statutes.

2. In a summer VPK program class:

a. An associate’s or higher degree in any field of study;

b. A child development associate (CDA) credential issued by the National Credentialing Program of the Council for Professional Recognition; or

c. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the national CDA.

(b) Has met the qualifications of a credentialed instructor.

(3) Circumstances. A VPK provider may assign a substitute instructor when a credentialed instructor is absent from the provider’s premises. A substitute instructor may not be assigned when a credentialed instructor remains on the provider’s premises in order to offer instruction in a classroom other than the one to which the credentialed instructor is assigned.

(4) Time limitation. Substitute instructors may not be assigned to substitute for an absent credentialed instructor in excess of 30 percent of the program hours. A new credentialed instructor must be assigned to replace the absent instructor in the event the absence of the credentialed instructor will exceed 30 percent of the program hours.

(a) A VPK provider shall maintain a record of the number of hours a substitute instructor has been assigned to each VPK classroom.

(b) Records created under paragraph (4)(a) shall be maintained by the VPK provider for a minimum of 1 year and shall be made available for inspection to the VPK provider’s early learning coalition or the Agency during normal hours of operation, and shall submit a copy of the documentation to the coalition upon request.



(5) Before the close of business on the day a substitute instructor is assigned, a VPK provider must provide the following information to its coalition in a manner established by the coalition:

(a) The name of the substitute instructor;

(b) The VPK class to which the substitute instructor is assigned;

(c) Documentation demonstrating that the substitute instructor has a current level 2 background screening and applicable credentials; and

If a particular substitute instructor is assigned to the same VPK classroom on consecutive business days, a VPK provider is not required to resubmit the information on each of the consecutive business days.

(6) Nothing in this rule shall be considered to supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this rule. This exception shall not be construed to permit employment of substitute instructors for time periods greater than those enumerated in this rule.

Specific Authority 1002.55(3)(e), 1002.61(6), 1002.63(7), 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kristin R. Harden

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbara Griffin

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008, Vol. No. 34/50

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-18.011                      RULE TITLE: Definitions

PURPOSE AND EFFECT: Purpose and effect is to amplify and clarify the meaning of “degree of control necessary for the Engineer of Record.”

SUMMARY: The meaning of “degree of control necessary for the Engineer of Record” is amplified and clarified.

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.

SPECIFIC AUTHORITY: 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) “Responsible Charge” shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. The engineer in responsible charge is the Engineer of Record as defined in subsection 61G15-30.002(1), F.A.C.

(a) The degree of control necessary for the Engineer of Record shall be such that the engineer:

1. through 2. No change.

3. Approves the inclusion of standard engineering design details into the engineering work. Standard engineering design details include details mandated or directed to be contained in engineering documents by governmental agencies (such as the Florida Department of Transportation); and details contained in engineering design manuals and catalogues that are generally accepted as authoritative in the engineering profession. In order to approve the inclusion of such details the Engineer of Record must conduct such reasonable analysis of the content of the standard detail(s) as is necessary in the sound professional judgment of the Engineer of Record to be assured that the inclusion of such detail(s) into the engineering work is acceptable engineering practice.

(b) through (d) No change.

(2) through (6) No change.

Specific Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-31.005  
RULE TITLE: Anesthesiologist Assistant Protocols and Performance

PURPOSE AND EFFECT: The proposed rule amendment is intended to permit an anesthesiologist to supervise up to four anesthesiologist assistants.

SUMMARY: The proposed rule amendment permits an anesthesiologist to supervise up to four anesthesiologist assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Larry McPherson, Jr., Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 458.309, 458.3475 FS.

LAW IMPLEMENTED: 458.331(1)(m), 458.3475 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:

64B8-31.005 Anesthesiologist Assistant Protocols and Performance.

(1) through (2) No change.

(3) The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist's practice. The supervising anesthesiologist may supervise up to four (4) anesthesiologist assistants.

(4) through (5) No change.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.331(1)(m), 458.3475 FS. History–New 8-2-05, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 2, 2009

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-2.015  
RULE TITLE: Standards of Nursing Education

PURPOSE AND EFFECT: The purpose of the rule amendment is to conform the rule to the statutory requirements.

SUMMARY: The rule is conformed to the statutory requirements.

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.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-2.015 Standards of Nursing Education.

(1) through (11) No change.

(12) Program Evaluation.

(a) The minimal acceptable level of performance as required by the Board on the National Council of State Boards of Nursing licensing examination for graduates of a nursing education program during the fiscal year of the Department shall be 10% below the national ~~or state average, whichever is lowest~~, as published by the contract testing service of the National Council of State Boards of Nursing.

(b) through (c) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 1-28-02, Amended 10-19-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.:                   RULE TITLE:

64B10-11.003               Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify and adopt the Application for Nursing Home Administrators Reexamination form.

SUMMARY: The rule amendment will modify and adopt the Application for Nursing Home Administrators Reexamination form.

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

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

SPECIFIC AUTHORITY: 456.017(2), 468.1685(1) FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.003 Reexamination.

(1) No change.

(2) An applicant must pass both parts of the examination within one year from first failure; otherwise, the applicant must retake both parts of the examination and pay the full fees. The application shall be made on the Application for Nursing Home Administrators Re-Examination form DH-MQA 1129 (revised 8/08, hereby adopted and incorporated by reference) and can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

Specific Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History–New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00, 11-6-02, 2-15-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2008

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.:                   RULE TITLE:

64B10-11.011               Provisional License

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise the Application for Provisional License form.

SUMMARY: The rule amendment will revise the Application for Provisional License form.

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

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

SPECIFIC AUTHORITY: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.011 Provisional License.

(1) An application for a provisional license must fully explain the circumstances surrounding the unexpected vacancy, include proof of the applicant's designation as next in command, and be accompanied by the appropriate fees. The application shall be made on the Application for Provisional License form DH-MQA-NHA015 (revised 8/08 ~~2/2008~~ hereby adopted and incorporated by reference) and can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

(2) through (5) No change.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History–New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended 10-30-00, 8-30-05, 11-9-06, 8-13-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2008

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-11.013  
RULE TITLE: Temporary License  
PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify when temporary licenses expire.  
SUMMARY: The rule amendment will clarify when temporary licenses expire.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.  
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 468.1685(1),(2) FS.  
LAW IMPLEMENTED: 468.1705 (4) FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.013 Temporary License.

The determination of eligibility for temporary licensure shall be made by a committee appointed by the Chairman, and shall be ratified by the Board at its next meeting. This temporary license shall expire upon notification to the applicant of the applicant’s certified laws and rules examination results 90 days after its issuance or upon receipt of a failed examination score.

Specific Authority 468.1685(1), (2) FS. Law Implemented 468.1705(4) FS. History–New 4-22-87, Amended 12-3-90, Formerly 21Z-11.013, 61G12-11.013, 59T-11.013, Amended 10-12-97, 2-14-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2008

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-4.003  
RULE TITLE: Documentation of Eligibility for Licensure  
PURPOSE AND EFFECT: The purpose and effect is to incorporate application form.  
SUMMARY: The application form is incorporated.  
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.  
SPECIFIC AUTHORITY: 468.802 FS.  
LAW IMPLEMENTED: 456.013(1), (7), 468.803 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.003 Documentation of Eligibility for Licensure.

(1) In order to establish eligibility for licensure as an orthotist or prosthetist under Section 468.803(3)(a) or (b), F.S., the applicant must submit an Application for Licensure, form DH-MQA 1132, 8/08, which is available from the Board office or at the Board’s website, <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

- (a) through (d) No change.
- (2) through (5) No change.

Specific Authority 468.802 FS. Law Implemented 456.013(1), (7), 468.803 FS. History–New 12-10-98, Amended 11-11-02, 11-1-05, 9-21-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Board of Orthotists and Prosthetists  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: November 7, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 30, 2009

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-7.005  
RULE TITLE: Anesthesiologist Assistant Protocols and Performance

PURPOSE AND EFFECT: The proposed rule amendment is intended to permit an anesthesiologist to supervise up to four anesthesiologist assistants.

SUMMARY: The proposed rule amendment permits an anesthesiologist to supervise up to four anesthesiologist assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Kaye Howerton, Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 459.005, 459.023 FS.

LAW IMPLEMENTED: 459.015(1)(o), 459.023 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.005 Anesthesiologist Assistant Protocols and Performance.

(1) through (2) No change.

(3) The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist's practice. The supervising anesthesiologist may supervise up to four (4) anesthesiologist assistants.

(4) through (5) No change.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.015(1)(o), 459.023 FS. History--New 8-2-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anesthesiologist Assistant Committee  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: November 14, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 2, 2009

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-500.002  
RULE TITLE: Application Form Required for Licensure

PURPOSE AND EFFECT: To update and modify questions asked of the applicant in the licensure application.

SUMMARY: This rule updates the application questions effective January 2009 and advises where the application document may be found.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and documents that proposed changes to the form have no effect on the costs related to the application.

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

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006 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, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-500.002 Application Form Required for Licensure.

Any person desiring a license to practice school psychology either through endorsement or by examination shall apply to the Department of Health. The application shall be made on incorporated by reference form DH-MQA 1067, (2/09) Application for School Psychology Licensure, which ~~is hereby adopted and incorporated by reference, revised 05/02,~~ and can be obtained from the Department of Health, 4052 Bald Cypress Way, #Bin C05, Tallahassee, Florida 32399-3255 or at <http://www.doh.state.fl.us/mqa/schoolpsych>.

Specific Authority 490.015 FS. Law Implemented 490.005(2), 490.006 FS. History–New 4-13-82, Amended 2-11-85, Formerly 21U-500.02, Amended 6-21-92, Formerly 21U-500.002, 61E9-500.002, Amended 11-13-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Allen Hall

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: February 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.:                   RULE TITLE:

64B24-2.001                Licensure to Practice Midwifery

PURPOSE AND EFFECT: To update and modify questions asked of the applicant in the licensure application.

SUMMARY: This rule updates the application questions effective January 2009 and advises where the application document may be found.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and documents that proposed changes to the form have no effect on the costs related to the application.

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

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 381.0034, 456.013, 467.011, 467.0125 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: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-2.001 Licensure to Practice Midwifery.

(1) Persons desiring to be licensed as a midwife shall make application to the department and remit all applicable fees as required by Chapter 64B24-3, F.A.C. The application shall be made on incorporated by reference Form DH-MQA 1051, (2/09) Application for Midwifery Licensure, ~~incorporated herein by reference and revised 8/02~~, which can be obtained from the Council of Licensed Midwifery,

Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or at <http://www.doh.state.fl.us/mqa/midwifery>. If incomplete, the application and fees shall expire 1 year from the date on which the application is initially received by the department. After a period of 1 year a new application with required fees must be submitted.

(2) through (4) No change.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 381.0034, 456.013, 467.011, 467.0125 FS. History–New 1-26-94, Formerly 61E8-2.001, 59DD-2.001, Amended 10-29-02, 12-26-06, 2-7-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kaye Howerton

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: February 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NO.:                   RULE TITLE:

64D-4.002                   Definitions

PURPOSE, EFFECT AND SUMMARY: This rule chapter is amended to update the effective date of the federal poverty level (FPL) from February 2008 to January 2009, to comply with the most current federal poverty level standards. The U.S. Department of Health and Human Services updates the federal poverty level annually which is used for eligibility purpose for the HIV/AIDS Patient Care Programs to better serve low-income persons living with HIV disease.

SPECIFIC AUTHORITY: 381.0011(13) FS.

LAW IMPLEMENTED: 381.001(1), 381.003(1)(c), 381.0011(5) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Joseph P. May, Program Administrator, Department of Health, Division of Disease Control, Bureau of HIV/AIDS, Patient Care, 2585 Merchants Row Boulevard, 3rd Floor, Room 345, Tallahassee, Florida 32399-1715

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-4.002 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner:

(1) through (8) No change.

(9) "Federal Poverty Level" (FPL) means the poverty income levels (effective ~~January 2009~~ ~~February 2008~~) as published by the U.S. Department of Health and Human Services (HHS), Federal Office of Management and Budget (OMB), which is incorporated by reference. The federal poverty guidelines are located on the Department of Health, Bureau of HIV/AIDS website, [http://www.doh.state.fl.us/disease\\_ctrl/aids/care/EligibilityAdRule.html](http://www.doh.state.fl.us/disease_ctrl/aids/care/EligibilityAdRule.html) and the [U.S. Department of Health and Human Services website at, http://aspe.hhs.gov/poverty/09poverty.shtml](http://aspe.hhs.gov/poverty/09poverty.shtml) or can be obtained at any Florida county health department.

(10) through (15) No change.

This rule will become effective March 30, 2009.

Specific Authority 381.0011(13) FS. Law Implemented 381.001(1), 381.003(1)(c), 381.0011(5) FS. History--New 1-23-07, Amended 8-31-07, 3-21-08, 10-27-08, 3-30-09.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

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

PURPOSE AND EFFECT: To comply with Section 633.027, Florida Statutes (2008), that requires the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol adopted by rule of the State Fire Marshal on a location near the main entry of the structure.

SUMMARY: The proposed rule establishes the dimensions, color, and location of a symbol to be applied to every commercial, industrial and multiunit residential structure of three units or more constructed of light-frame trusses.

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

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

SPECIFIC AUTHORITY: 633.01(1), 633.022, 633.0215 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215 FS.

IF REQUESTED IN WRITING 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: Tuesday, March 17, 2009, 10:00 a.m.

PLACE: Auditorium, Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, Florida 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3620 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Belinda Chukes at (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (5) No change.

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

(a) Definitions:

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

2. "Approved Symbol" means a Maltese Cross measuring 6 inches horizontally and 6 inches vertically and is of a bright red reflective color and is designed in accordance with Figure 1.

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

(b) Any commercial, industrial, or multiunit residential structure of three units or more, (excluding townhouses) that uses horizontal or vertical light-frame truss-type construction in any portion thereof, shall be marked with a sign displaying an approved symbol designed in accordance with Figure 1. Each approved symbol shall include within the center circle one of the following designations:

1. Structures with light-weight truss roofs shall be marked with the letter "R".

2. Structures with light-weight truss floor systems shall be marked with the letter "F".

3. Structures with light-weight truss floor and roof systems shall be marked with the letters "R/F."

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

1. May be permanently attached to the face of the building on a contrasting background, or

2. May be mounted on a contrasting base material which is then permanently mounted on the face of the building.

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

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

(7) In single tenant structures with multiple main entry doors, such as big box retail stores, department stores and grocery stores, the authority having jurisdiction may require that other main entry doors of the structure be marked with an approved symbol.

(8) In Multiple tenant structures and covered mall buildings with multiple main entry doors, the authority having jurisdiction may require that other main entry doors be marked with an approved symbol. In such structures, approved symbols shall be marked on one side and spaced not closer than 100 feet or at each end of the structure when such structure is less than 100 feet in length.

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

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

(11) Where there is disagreement between the owner of the structure and the authority having jurisdiction as to the presence of light-weight floor or roof systems within the building, the owner shall be granted not more than 45 days to provide written verification of his position from a licensed engineer or licensed architect. Failure to provide the written verification within the allotted time shall require such owner to comply with the rule as though light-weight floor or roof systems are present within the building.

Figure 1:



Light-Weight "Roof" only



Light-Weight "Floor" only



Light-Weight "Floor & Roof"



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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Honorable Alex Sink, Chief Financial Officer, State of Florida, and Agency Head, Department of Financial Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

## DEPARTMENT OF FINANCIAL SERVICES

### Division of State Fire Marshal

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

PURPOSE AND EFFECT: To comply with Section 633.027, Florida Statutes (2008), that requires the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol adopted by rule of the State Fire Marshal on a location near the main entry of the structure.

SUMMARY: The proposed rule establishes the dimensions, color, and location of a symbol to be applied to every commercial, industrial and multiunit residential structure of three units or more constructed of light-frame trusses.

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

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

SPECIFIC AUTHORITY: 633.01(1), 633.022, 633.0215 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215 FS.

IF REQUESTED IN WRITING 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: Tuesday, March 17, 2009, 10:00 a.m.

PLACE: Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd., Ocala, Florida 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3620

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Belinda Chukes at (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 69A-60.008 Notice Required for Buildings with Light-frame Truss-type Construction.

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

#### (2) Definitions.

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

(b) "Approved Symbol" means a Maltese Cross measuring 6 inches horizontally and 6 inches vertically and is of a bright red reflective color and is designed in accordance with Figure 1.

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

(3) Any commercial, industrial, or multiunit residential structure of three units or more, (excluding townhouses) that uses horizontal or vertical light-frame truss-type construction in any portion thereof, shall be marked with a sign displaying an approved symbol designed in accordance with Figure 1. Each approved symbol shall include within the center circle one of the following designations:

(a) Structures with light-weight truss roofs shall be marked with the letter "R".

(b) Structures with light-weight truss floor systems shall be marked with the letter "F".

(c) Structures with light-weight truss floor and roof systems shall be marked with the letters "R/F."

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

(a) May be permanently attached to the face of the building on a contrasting background, or

(b) May be mounted on a contrasting base material which is then permanently mounted on the face of the building.

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

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

(7) In single tenant structures with multiple main entry doors, such as big box retail stores, department stores and grocery stores, the authority having jurisdiction may require that other main entry doors of the structure be marked with an approved symbol.

(8) In Multiple tenant structures and covered mall buildings with multiple main entry doors, the authority having jurisdiction may require that other main entry doors be marked with an approved symbol. In such structures, approved symbols shall be marked on one side and spaced not closer than 100 feet or at each end of the structure when such structure is less than 100 feet in length.

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

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

(11) Where there is disagreement between the owner of the structure and the authority having jurisdiction as to the presence of light-weight floor or roof systems within the building, the owner shall be granted not more than 45 days to provide written verification of his position from a licensed engineer or licensed architect. Failure to provide the written verification within the allotted time shall require such owner to comply with the rule as though light-weight floor or roof systems are present within the building.

Figure 1:



Light-Weight "Roof" only



Light-Weight "Floor" only



Light-Weight "Floor & Roof"

Specific Authority 633.01(1), 633.022, 633.0215 FS. Law Implemented 633.01, 633.022, 633.0215 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Honorable Alex Sink, Chief Financial Officer, State of Florida, and Agency Head, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

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

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.: 59C-1.044	RULE TITLE: Organ Transplantation NOTICE OF CHANGE
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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. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

59C-1.044 Organ Transplantation.

(1) Agency Intent. This rule implements the provision of paragraph 408.036(1)(~~f~~), F.S., which requires the agency to review the establishment of organ transplantation programs under the certificate of need program which shall include heart, kidney, liver, bone marrow, lung, lung and heart, pancreas and islet cells, and intestines. Applications for organ transplantation programs shall be reviewed against the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. This rule defines the minimum requirements for personnel, equipment, and support services for organ transplantation programs. In addition, the rule includes a need methodology for the establishment of organ transplantation programs by type. An applicant shall apply for each type of organ transplantation program. A separate certificate of need is required for pediatric organ transplant programs by type. Applicants for each type of transplantation program shall meet the requirements specified in subsections (3), (4), and (5). Additional requirements for heart transplantation programs are specified in subsection (6); for liver transplantation programs in subsection (7); for kidney transplantation programs in subsection (8); for allogeneic and autologous bone marrow transplantation programs in subsection (9); and for lung, heart and lung, pancreas and islet cells, and intestines transplants, in subsection (10). The following organ transplantation programs shall be restricted to teaching or research hospitals: liver, adult allogeneic bone marrow, pediatric allogeneic and autologous bone marrow, lung, heart and lung, pancreas and islet cells, and intestines.

(2) Definitions.

(a) Bone Marrow Transplantation. Human blood precursor cells, stem cells, administered to a patient to restore normal hematological and immunological functions following ablative or nonablative therapy with curative or life-prolonging intent. Human blood precursor cells may be obtained from the patient in an autologous transplant or from a medically acceptable related or unrelated donor, and may be derived from bone marrow, circulating blood, or a combination of bone marrow and circulating blood. If chemotherapy is an integral part of the treatment involving bone marrow transplantation, the term "bone marrow transplantation" includes both the transplantation and the chemotherapy. (Section 627.4236(1), F.S.).

(b) Organs. Organs as used in this rule include heart, kidney, liver, bone marrow, lung, heart and lung, pancreas and islet cells, and intestines.

(c) Pediatric Patient. A patient under the age of 15 years.

(d) Research Hospital. A hospital which devotes clearly defined space, staff, equipment, and other resources for research purposes, and has documented teaching affiliations with an accredited school of medicine in Florida or another state.

(e) Research Program. An organized program that conducts clinical trial research, collects treatment data, assesses outcome data, and publishes statistical reports showing research activity and findings.

(f) Service Planning Area. Planning for organ transplantation programs shall be done on a regionalized basis. Certificate of need applications shall be competitively reviewed within each of the four service planning areas delineated below:

1. Service planning area one includes district 1, district 2, district 3 excluding Lake County, and district 4 excluding Volusia County.
2. Service planning area two includes district 5, district 6, and district 8 excluding Collier County.
3. Service planning area three includes district 7, district 9 excluding Palm Beach County, and includes Lake and Volusia Counties.
4. Service planning area four includes district 10, district 11, and Collier and Palm Beach Counties.

(g) Teaching Hospital. Any hospital which meets the conditions specified in Section 408.07(~~45~~)(49), F.S.

(h) Transplantation Program. The offering of surgical services by a hospital through which one or more types of organ transplants are provided to one or more patients; and the offering of some or all phases of bone marrow transplantation.

(3) through (4) No change.

(5) Data Reporting Requirements. Facilities with organ transplantation programs shall submit data regarding each transplantation program to the agency or its designee, ~~twice a year. The first submission shall be by August 1 of each year, and shall cover the period between January 1 through June 30~~

~~of the same calendar year. The second submission shall be by February 1 of each year, and shall cover the period between July 1 through December 31 of the preceding year. The following data shall be provided for each type of organ transplanted:~~

- ~~(a) The number of patients by county origin and by zip code.~~
- ~~(b) The average gross revenue per admission.~~
- ~~(c) The average length of stay.~~
- ~~(d) Mortality rates.~~

Within 45 days after the end of each calendar quarter, facilities with organ transplantation programs, shall report to the agency, or its designee, the total number of transplants by organ type which occurred in each month of the quarter.

(6) through (11) No change.

Specific Authority 408.15(8), 408.034(3), ~~(6)(5)~~ FS. Law Implemented 408.034(3), 408.035, 408.036(1)(f), ~~(h), (m), 408.032(17), 408.033(1)(b)4, 11~~, FS. History--New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(x), Formerly 10-5.044, Amended 8-24-93, 12-13-94, \_\_\_\_\_.

**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 Massage Therapy**

RULE NO.: 64B7-26.002      RULE TITLE: Licensure of Massage Establishments  
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 42, of the November 19, 2007, issue of the Florida Administrative Weekly. The change is in response to letters from the Joint Administrative Procedures Committee dated January 8, 2008, February 18, 2008, July 28, 2008 and December 5, 2008. The change is as follows:

The rule shall read as:

64B7-26.002 Licensure of Massage Establishments.

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), Florida Statutes, by submitting a completed form BMT3 (Rev. 4/08 7/97), Massage Establishment Licensure Application Application for License Massage Establishment, incorporated herein by reference, together with the fee set forth in Rule 64B7-27.003, F.A.C. The form and the attached instructions

may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at [http://www.doh.state.fl.us/mqa/massage/ap\\_business.pdf](http://www.doh.state.fl.us/mqa/massage/ap_business.pdf);

(2) through (4) No change.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(1), (2), 483.043(7) FS. History--New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NO.: 64D-4.002      RULE TITLE: Definitions  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.: 69I-20.050      RULE TITLE: Voluntary Disclosure Agreements, Examinations and Audits  
 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. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly.

**CORRECTION TO NOTICE OF CHANGE PUBLISHED ON FEBRUARY 13, 2009**

69I-20.050 Voluntary Disclosure Agreements, Examinations and Audits.

(1) The Department's mission goal is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses ("Holders") inside and outside the State of Florida who are in possession of unclaimed property to comply with Florida's Unclaimed Property Law. This compliance can be achieved using a program called voluntary disclosure. This program provides the following benefits to a Holder holder:

- (a) It relieves the Holder of associated expense and liability holding unclaimed property; and
- (b) Penalties and fines are not assessed by the Department;

~~(e) The reach back period for the review of the Holder's records is five years instead of ten years; and~~

~~(d) The audit period for verification of the disclosure is two years from the date that the report and remittance is accepted by the Department.~~

(2) To participate in this program, the Holder must not:

(a) Be currently under examination or audit; ~~or~~

(b) Have filed an annual report of unclaimed property with the Department;

(c) Have agreed to a Department-assisted or Contractor-assisted self-audit;

(d) Have been requested to conduct a Department-assisted or contractor-assisted self-audit; or

(e) Have been notified by the Department or by one of the Department's contract auditors of the intention or desire to conduct an examination or audit of the Holder.

(3) through(5) No change.

(6) If companies in the same or similar line of business regularly report unclaimed property such as payroll or vendor checks, unclaimed accounts payable, and unclaimed escrow accounts, and the Holder does not, or if companies of the same approximate size regularly report unclaimed property such as payroll or vendor checks, unclaimed accounts payable, and unclaimed escrow accounts of a certain dollar amount, and the Holder has reported a lower dollar amount, an unclaimed property audit or self-audit should be conducted.

(a) The Department's contract auditors shall follow the procedures in Form DFS-UP-200, General Audit Process for the Identification, Authorization, General Ledger and/or Securities Audits, Contractor-Assisted Self-Audits, Collection and Delivery of Unclaimed Property for the State of Florida, effective \_\_\_\_\_.

(b) The Department's contract auditors shall provide Holders with Form DFS-UP-210, Procedures Applicable to the State Authorized Unclaimed Property General Ledger and Securities Audits and Contractor-Assisted Self-Audits, Conducted by Contractors, effective \_\_\_\_\_.

(c) The Department's auditors and supervisors shall follow the procedures in Form DFS-UP-220, State of Florida Bureau of Unclaimed Property Audit Manual, effective \_\_\_\_\_.

(d) The Department's auditors and supervisors shall follow the procedures in Form DFS-UP-230, State of Florida Bureau of Unclaimed Property Self-Audit Manual, effective \_\_\_\_\_.

(e) The forms referred to herein are hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. ~~Once the report and remittance have been reviewed and accepted by the Department, the Department will notify the Holder of the commencement of the two year audit period.~~

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119, 717.129, 717.1301, 717.133(5) FS. History–New 1-3-05, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.:  
69J-7.006

RULE TITLE:  
Grants Directly from the Department to Homeowners

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:  
9BER09-1

RULE TITLE:  
Community Development Block Grant Neighborhood Stabilization Program (NSP)

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Unless these funds are expended quickly in the areas most affected by foreclosures and subprime lending, homes will deteriorate and neighborhoods will suffer blight and degradation.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Promulgation of Rule Chapter 9BER09-1 using emergency rule procedures is the only available mechanism that adequately provides for the expeditious disbursement and use of the federal funds to address foreclosed and abandoned residential properties in order to stabilize and improve Florida neighborhoods.

**SUMMARY:** This rule enables the Department of Community Affairs to distribute and administer CDBG Neighborhood Stabilization Program (NSP) funds in accordance with the provisions of Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110-289.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jacquelyn Dupree, Administrator, CDBG Program, Division of Housing and Community

Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)487-3644

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER09-1 Community Development Block Grant Neighborhood Stabilization Program (NSP) Funding.

(1) The objective of this emergency rule is to establish administrative procedures for implementing and managing NSP funded projects in accordance with Public Law 110-289 and 24 CFR Part 570. This emergency rule applies to all State-funded NSP grant recipients, whether Urban Entitlement or participants of the Florida Small Cities CDBG Program, located in the following jurisdictions:

Alachua County  
Apopka  
Bay County  
Bradenton  
Charlotte County  
Citrus County  
Clay County  
Clearwater  
Davie  
Daytona Beach  
Delray Beach  
Ft. Pierce  
Hernando County  
Indian River County  
Martin County  
Melbourne  
Miami Beach  
Ocala  
Okaloosa County  
Osceola County  
Palm Coast  
Santa Rosa County  
St. Johns County  
St. Lucie County  
Tallahassee  
Titusville

(2) In order to expedite recovery measures, all portions of Rule Chapter 9B-43, F.A.C., are waived by this emergency rule, except the following: subsection 9B-43.0051(2), F.A.C., (Lead Based Paint).

(3) (Rehabilitation Standards), and (8) (Procurement) (selected portions of Grant Administration and Project Implementation). Except as described in the Federal Register Notice (Vol. 73, No. 194), all statutory and regulatory provisions governing the Community Development Block Grant (CDBG) program for states, including 24 CFR part 570 subpart I, for CDBG entitlement communities, including those

at 24 CFR part 570 subparts A, C, D, J, K and O, and applicable program guidance, shall apply to the use of these funds. In addition, the following emergency rule provisions are applicable:

(3) Definitions.

(a) "Activity delivery costs" are non-administrative costs which can be directly associated with and required for an eligible NSP activity and may not exceed 10 percent of the housing construction budget. If paid to the developer, these costs shall be included in the developer fee. Activity delivery costs must be consistent with the guidelines in Technical Memo CDBG – HCD-08-01.

(b) "Affordable rents" is defined as the Fair Market Rents (FMR) as published annually by HUD for the sub-grantees.

(c) "Blighted structure" means a structure that has substantial deterioration in which conditions are leading to economic distress or endangerment of life, the sub-recipient jurisdiction agrees by ordinance that the structure is blighted, and one or more of the following factors are present:

1. Unsanitary or unsafe conditions;
2. Deterioration of site or other improvement; or
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(d) "CATF" means the Citizen Advisory Task Force which the State's sub-recipient must create in order to provide public participation and comply with citizen participation requirements.

(e) "Current market appraised value" means the value of a foreclosed upon home or residential property that is established through an appraisal made in conformity with the appraisal requirements of the URA at 49 CFR 24.103 and completed within sixty (60) days prior to an offer made for the property by a grantee, sub-recipient, developer, or individual homebuyer.

(f) "Day" means calendar day.

(g) "Developer" means an entity provided NSP funds for purchasing, rehabilitating and disposing of properties that have been abandoned or foreclosed upon including maintaining, assembling, and facilitating the redevelopment of vacant property, and/or marketing, and disposing of land-banked properties.

(h) "Developer Fee" is an amount in addition to activity costs paid to a developer in consideration of the developer's efforts. This amount is considered "estimated profit."

(i) "Foreclosed property" has been foreclosed upon at the point that, under state or local law, the mortgage or tax foreclosure is complete. The U.S. Department of Housing and Urban Development (HUD) generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

(j) “Land bank” is a governmental or nongovernmental nonprofit entity established, at least in part, to assemble, temporarily manage, and dispose of vacant land for the purpose of stabilizing neighborhoods and encouraging re-use or redevelopment of urban property. For the purposes of the NSP program, a land bank will operate in a specific, defined geographic area. It will purchase properties that have been abandoned or foreclosed upon and maintain, assemble, facilitate redevelopment of, market, and disposal of the land-banked properties. If the land bank is a governmental entity, it may also maintain abandoned or foreclosed property that it does not own, provided it charges the owner of the property the full cost of the service or places a lien on the property for the full cost of the service.

(k) “NSP Target Area” means a geographical area to be served by an NSP activity.

(l) “State Sub-recipient” refers to the unit of general purpose local government that is eligible to receive State NSP funds.

(m) “Sub-recipient” has the same meaning as in the first sentence of 24 CFR 570.500(c). This includes any nonprofit organization or unit of general purpose local government that the state awards NSP funding.

(n) “Subprime” refers to the credit characteristics of individual borrowers. Subprime borrowers typically have weakened credit histories that include payment delinquencies, and possibly more severe problems such as charge-offs, judgments, and bankruptcies. They may also display reduced repayment capacity as measured by credit scores, debt-to-income ratios, or other criteria that may encompass borrowers with incomplete credit histories. Subprime loans are loans to borrowers displaying one or more of these characteristics at the time of origination or purchase. Such loans have a higher risk of default than loans to prime borrowers. Generally, subprime borrowers will display a range of credit risk characteristics that may include one or more of the following:

1. Two or more 30-day delinquencies in the last twelve (12) months, or one or more 60-day delinquencies in the last twenty-four (24) months;

2. Judgment, foreclosure, repossession, or charge-off in the prior twenty-four (24) months;

3. Bankruptcy in the last five (5) years;

4. Relatively high default probability as evidenced by, for example, a credit bureau risk score (FICO) of 660 or below (depending on the product/collateral), or other bureau or proprietary scores with an equivalent default probability likelihood; and/or

5. Debt service-to-income ratio of 50 percent or greater, or otherwise limited ability to cover family living expenses after deducting total monthly debt-service requirements from monthly income.

(o) “Revenue” for the purposes of section 2301(d)(4) of Title III of HERA has the same meaning as program income, as defined at 24 CFR 570.500(a), with the modifications in this notice.

(4) Interlocal Agreements. Housing acquisition and disposition, including homeownership assistance and counseling, will not require an interlocal agreement. NSP State sub-recipients proposing eligible public facility or infrastructure activities within the boundaries of another jurisdiction shall be required to enter into an Interlocal Agreement. Both jurisdictions must be eligible to participate in NSP. The Interlocal Agreement must include the following provisions, or submit documentation of an established relationship between jurisdictions, which includes the following provisions:

(a) Includes as parties all State sub-recipients whose jurisdictions are included in the project and/or target area(s);

(b) Authorizes the State’s sub-recipient to undertake the activities in all jurisdictions included in the interlocal agreement; and

(c) Affirms that all activities are consistent with each sub-recipient’s comprehensive plan and provides documentation which includes applicable excerpts of each sub-recipient’s comprehensive plan in the supporting documentation section of the application.

(5) Expenditures and Limitations.

(a) State sub-recipients must submit at least one request for funds each month.

(b) Recipients and sub-recipients may maintain no more than \$100,000 cash-on-hand to meet daily cash needs. Amounts greater than \$100,000 shall be expended within twenty-one days or returned to the Department.

(c) Escrow Accounts. Recipients and/or sub-recipients may draw down CDBG funds and deposit them into an interest-bearing escrow account for rehabilitation. The sub-recipient must separately track, for each housing unit, the receipt and disbursement of all escrowed funds, including funds escrowed by a sub-recipient.

1. Funds may be requested only after execution of the contract by the State sub-recipient or their sub-recipients.

2. Escrowed funds must be used in accordance with the escrow agreement. The Department may refuse to disburse funds for escrow accounts if the State’s sub-recipient fails to comply with the terms of prior escrow accounts.

3. Any request for escrow funds shall be accompanied by information identifying the activity and the basis for the amount, i.e., address of the home and the cost for rehabilitation. Escrowed funds must be expended within sixty days from date of deposit in the escrow account or be returned to the Department. At the end of a calendar quarter during which escrow funds were received, the State’s sub-recipient shall submit a report identifying the amount and date escrow funds were received, the amount expended during the quarter

and escrow balance. If there is a balance at the end of the quarter, and the 60-day period has not expired, a final report shall be submitted within seven days after the 60-day period, along with any unexpended balance and interest.

4. Interest earned on escrow accounts shall be returned quarterly to the Department.

(d) A land bank may not hold property for more than ten years without obligating the property for a specific NSP eligible activity. Under no circumstances may NSP grant funds be used to pay more than the appraised value of the property, or for activities that displace a tenant/homeowner.

(e) Up to 6.8 percent of the funds allocated to a jurisdiction may be used for administrative costs as specified in 24 CFR 570.206.

(f) Developer Fees are defined under subsection (3) Definitions, and the amount paid from NSP funds shall be limited to a maximum of 12 percent of the total project cost. Unless a contract involving developer fees is procured by competitive bids, or no NSP funds are used for developer fees, recipients and sub-recipients shall negotiate fair and reasonable developer fees as required by 24 CFR 85.36 (f) (2), which shall include preparing a cost analysis. Written justification for the developer fee amount, based on a cost analysis and consideration of at least the elements identified in 24 CFR 85.36 (f) (2), shall be part of the procurement documentation.

(6) No less than 25 percent of the State's NSP allocation shall be allocated to assist the NSP Low-Income (NSPLI) target population not exceeding 50 percent of area median income. These supplemental funds must be used to provide rental housing for those individuals and families whose incomes do not exceed 50 percent of area median income.

If the NSP sub-grantee does not have at least five years experience providing rental housing to a low-income target population, it must either partner with one or more local housing authorities or non-profit organizations in the county which have such experience, or designate one to be the eligible applicant for supplemental funding.

(7) Recapture and Re-allocation of NSP funds. The Department shall recapture unobligated funds through the following process for all NSP-funded grants.

(a) No later than 10 months following execution of the agreement between HUD and the State, the Department will recapture all unobligated funds (including applicable administrative funds) from the sub-grantee except for a specified percent (applied to all applicable sub-grantees) of the original NSP grant amount.

(b) No later than 15 months following execution of the agreement between HUD and the State, the Department will recapture all unobligated funds from the sub-grantee except for five percent of the original NSP grant amount.

(c) If the State sub-recipient has not spent its entire NSP award amount by the two-year grant completion date, the Department shall evaluate whether the State sub-recipient has

made substantial progress and whether an extension may be granted. If it is determined that substantial progress is being made and at least 50 percent of the funds have been spent, the Department may grant up to two regular contract extensions for a total of no more than 18 months, as warranted by the overall progress, remaining activities, and funding. Following the extension(s), the Department shall recapture all unspent funds except for 10 percent of the original NSP grant amount, which will require a special extension in order to be spent after expiration of the regular extension(s).

(d) Any recaptured funds will be placed in the State's Incentive-Based Set-Aside to be redistributed.

1. Incentive-Based Set-Aside funds shall be distributed to sub-grantees based on the NSP funds they have obligated or spent. Sub-grantees that have funds recaptured are not eligible to receive funds redistributed through the Incentive-Based Set-Aside.

2. If the amount of Incentive-Based Set-Aside funds to be redistributed is deemed to exceed the capacity of the eligible sub-grantees to obligate these additional funds within 18 months from the date an agreement is executed between HUD and the State or to spend these funds within the program's 4-year timeframe, the Department may reallocate these recaptured funds to other sub-recipients eligible for receiving NSP funds directly from HUD or to any other entity it deems appropriate to accomplish the purposes of Florida's NSP program.

(8) Duration of assistance. NSP assistance may be provided for a maximum of four years based on the State's program and availability of funding.

(9) Program Income. Any program income earned as a result of activities funded under this grant shall be returned to the Department within seven (7) days of receipt or as otherwise outlined in the State's substantial amendment to the 2008 Action Plan. Interest earned on escrow accounts shall be considered separately from program income.

(10) The Department shall conduct on-site monitoring visits to determine whether State's sub-recipients are complying with program requirements. Sub-recipients shall respond to any issues identified in a monitoring report within thirty (30) days after receiving the report. Failure to respond may result in the Department rejecting requests to draw funds.

(11) Amendments. All proposed amendments to the Subgrant Agreement must be approved by the Department.

(a) Documentation Required. All requests for subgrant agreement amendments shall include the following written documentation for review by the Department:

1. A cover letter signed by the Chief Elected Official or his or her designee which describes the need for the proposed changes and their effect upon the approved project.

2. All application forms that would be changed by the proposed amendment.



3. A revised activity work plans if activity accomplishments, schedules or expenditures will change as a result of the amendment.

4. A revised budget showing the current and amended budget if amounts for activities will be changed.

5. If there is a change in activity location, a legible map which indicates the proposed change.

6. For amendments involving addition of an activity, reduction or deletion of an activity, or a reduction in proposed beneficiaries, a copy of the minutes of the meeting of the Citizen's Advisory Task Force (CATF) when the proposed amendment was reviewed.

7. A public hearing to obtain citizen comments is required for any amendment involving addition of an activity, reduction or deletion of an activity, or a reduction in proposed beneficiaries. This hearing is in addition to review by the CATF. A copy of this notice must be submitted with the request for an amendment.

8. Signature of the Chief Elected Official, or designee on Form DCA 07.02, Request for Amendment, (as adopted on March 28, 2002).

(b) The amendment must be received by the Department at least forty-five (45) days prior to the end of the subgrant agreement. If the amendment is extending the subgrant agreement period, it must be received by the Department at least ninety (90) days prior to the end of the subgrant agreement. No funds shall be obligated or expended on an activity until the Department approves the amendment if such funds are dependent on the amendment's approval.

(c) If the State's sub-recipient requests administrative closeout prior to the termination date of the subgrant agreement, any amendment affecting closeout and requiring Department approval must be included with the closeout.

(d) Time Extensions to Subgrant Agreements. Any proposed amendment extending the termination date of the subgrant agreement must be approved by the Department. The State's sub-recipient must explain any delay affecting project completion and must justify the need for the extension.

(12) Beneficiaries of Public Improvements. For activities where hookups or connections are required for beneficiary access to NSP-funded infrastructure, low-, moderate-, and middle income area benefit (LMMA) shall be determined by the number of low-, moderate-, and middle-income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. For activities where hookups or connections are required as a condition for beneficiary access to a NSP funded infrastructure, no hookup or connection fees shall be charged to very-low, low-, moderate-, and middle-income beneficiaries. Further, no portion of the project construction costs shall be charged to low-, moderate-, and middle-income beneficiaries.

(13) Housing Rehabilitation Standards. Upon completion of the housing rehabilitation program, all housing units addressed with NSP funds must be in compliance with the subgrantee's local housing code and the HUD Section 8, Housing Quality Standards. This requirement does not apply if the construction activity is limited to water hookups, sewer hookups, the abandonment of wells, or the abandonment of septic systems with no internal or external modifications to the housing structure.

(14) If manufactured housing units are used for replacement housing, they must meet the following specifications:

(a) Manufactured housing units must be built to HUD post-1994 construction standards.

(b) The units must be new, previously uninstalled manufactured housing units.

(c) Units must bear HUD compliance certification meeting HUD wind resistance construction standards for wind zone 3.

(d) The county shall inspect and approve the installation of all manufactured housing units.

(e) Units must be installed to the manufacturer's installation instructions.

(f) These funds may not be used for furniture or interior design costs, insurance, financing points, or add-on structures.

(g) Replacement units may be placed on leased land or resident-owned land.

(h) Site location must meet minimum safety criteria (e.g., not located in floodplain, not in high velocity wind zone, etc.).

(i) Units must be for owner-occupancy.

(j) The costs of each manufactured housing unit must not exceed the appraised value of the unit per the Fannie Mae/Freddie Mac manufactured housing appraisal guidelines currently in effect (e.g., Fannie Mae, Announcement 03-06, Appraisal Guidelines for Manufactured Housing).

(15) Adjustable Rate Mortgages. No adjustable rate mortgages can be obtained by persons acquiring houses assisted with state NSP fund. Mortgages must be for a fixed rate for a minimum of 15 years.

(16) Davis Bacon Labor Standards. Compliance with Davis Bacon Labor Standards will be required for construction, including rehabilitation, contracts that exceed \$2,000 unless the property where rehabilitation or construction will occur contains or, for new construction, will contain less than eight units.

(17) Eminent Domain. State NSP funds cannot be used in conjunction with properties acquired through eminent domain.

(18) Environmental Review. All activities and projects must comply with the requirements of 24 CFR Part 58. An environmental assessment must be submitted to the Department and a Release of Funds sent to the State's subgrantee prior to the obligation or expenditure of more than

\$15,000 in administrative funds. No other funds can be obligated or expended prior to the Release of Funds being sent to the State's subgrantee.

(19) Housing Counseling. Each homebuyer assisted with NSP funds is required to receive and complete at least eight hours of homebuyer counseling form a HUD-approved housing counseling agency before obtaining a mortgage loan. The counseling may be funded with NSP funds.

(20) Property Acquisition. Each foreclosed property acquired with NSP funding must be acquired at a minimum discount of five percent below the current appraised value. The State encourages each applicant to obtain as much discount as possible. The overall portfolio of all properties purchased with the State's allocation must meet a minimum of 15 percent discount. Each transaction will require a current appraisal completed within sixty (60) days of an offer made for the property.

(21) Settlement Cost. Subgrantees are encouraged to minimize settlement costs when selling to eligible property owners.

(22) Relocation Activities. No NSP funds can be used on permanent relocation activities under the State NSP. Temporary relocation is eligible provided the sub-recipient has an approved Anti-Displacement Relocation Policy.

(23) Subprime Mortgages. No subprime mortgages may be obtained by persons acquiring houses assisted with NSP funds.

(24) Uniform Relocation Act. All property acquisition is subject to the requirements of the federal Uniform Relocation and Real Properties Act. This applies to both voluntary and involuntary transactions.

(25) Subgrant Closeout.

(a) An administrative closeout may be submitted only after all activities have been completed and all documents required for final payment for all activities, including, but not limited to final inspections, release of liens, certificates of occupancy, and recording of liens has been received. If the sub-recipient has transferred funds from the NSP operating account or the escrow account and these funds remain under the control of the sub-recipient, the funds are not considered expended for purposes of administrative closeout unless they will be paid out as part of the closeout.

(b) At the time of submission of the closeout report, the State's sub-recipient must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout.

(c) Upon completion of the activities contained in the State's sub-recipient CDBG subgrant agreement, including any amendments, the State's sub-recipient shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all

non-administrative activities are completed and accepted, certifies that all costs except those reflected on the closeout have been paid, and reports the demographics of the program's beneficiaries.

(d) If any change has been made since the application map or the last map amendment, the closeout shall also contain a revised map of the activities completed during the term of the CDBG subgrant agreement.

(e) The closeout shall include a list of the households assisted under the subgrant agreement, and certify that they met NSP household income eligibility requirements. HUD or DCA may require additional information to be submitted.

(f) For activities where hookups or connections are required for beneficiary access to the public improvement, evidence at the time of closeout must show:

1. The total number of persons in all households in the service area;

2. The number of low-, moderate-, and middle-income households (LMMH) connected to the infrastructure; and

3. Projects meeting the low-, moderate-, and middle-income area (LMMA) NSP national objective must document that the number of LMMA persons in households connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher.

(g) The closeout must contain original signatures from the authorized representative of the State's sub-recipient. Facsimile (FAX) submissions are not acceptable.

(h) If a State's sub-recipient fails to meet contractual requirements on time, the Department reserves the right to require that a State's sub-recipient financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.

(i) The closeout is due within forty-five (45) days after expiration or termination of the subgrant agreement.

Specific Authority 290.044 FS. Law Implemented 290.0401-.048 FS. History—New 2-11-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 11, 2009

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on January 29, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Latonya Buchanan filed a request for waiver of Rule 11B-30.006, Florida Administrative Code, on October 30, 2008. The original petition was returned as insufficient. Petitioner refiled her petition on December 11, 2008. That petition was determined to be sufficient. Notice of the petition was filed with the Florida Administrative Weekly on December 24, 2008, for publication in Vol. 35, No. 1, January 9, 2009. Ms. Buchanan wished to waive that portion of the rule which requires a recruit to successfully complete (pass) basic recruit training prior to taking the State Officer Certification Examination. The Commission considered Ms. Buchanan's rule waiver request at its regularly scheduled Business Agenda meeting held in Lake Mary, Florida, on January 29, 2009. Ms. Buchanan was present. The Commission decided that the evidence provided by Ms. Buchanan failed to show that she had even attempted to find employment until she was ineligible to do so, and thus her consideration for whether she had actually passed the firearms and defensive tactics portions of basic recruit training prior to taking the State Officer Certification Examination was untimely and misplaced. As a consequence, the Commission voted to deny Ms. Buchanan's request for a waiver of Rule 11B-30.006, Florida Administrative Code, because Ms. Buchanan did not allege facts that showed that the application of the rule to her circumstances violated the principles of fairness or facts that showed the operation of the rule created a substantial hardship for her. Ms. Buchanan further failed to allege facts that would show that granting her requested waiver would satisfy the purpose of the underlying statutes, Sections 943.12(17), 943.131(2), 943.1397, F.S.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on January 29, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Petition for waiver of paragraph 11B-27.013(8)(f), F.A.C., was received from Alan Kalfus on January 15, 2009. Notice of the petition was published in the Florida Administrative Weekly Vol. 35, No. 4, January 30, 2009. Petitioner sought to waive that portion of the rule that required a canine team evaluator to reapply for authorization to continue evaluating canine teams

four years from the last date of approval, and to provide documentation that verifies that the canine team evaluator applicant has evaluated four canine teams within the four-year period. Mr. Kalfus provided documentation of four evaluations, but had not been aware of the requirement to reapply for continued authorization to perform canine team evaluations. The Commission met on January 29, 2009, and considered Mr. Kalfus' petition. The Commission found that Mr. Kalfus' circumstances are unique and that he demonstrated a substantial hardship in that the teams that he evaluated while not in strict compliance with the rule would be on uncertain ground if required to prove that they were adequately evaluated and met all requirements of rule and statute. Also, Mr. Kalfus provided the Commission with proof that he maintained records continually during the time in question as required by the Commission. Mr. Kalfus demonstrated that the requirements of the underlying statute have been met and will continue to be met through granting this waiver. Accordingly, the Commission granted Mr. Kalfus' request for a waiver of paragraph 11B-27.013(8)(f), F.A.C., on January 29, 2009, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on January 29, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Petition for waiver of subsection 11B-27.00212(14), F.A.C., was received from Alachua County Sheriff's Office and Deputy Steven Kane on December 18, 2008. Notice of the petition was published in the Florida Administrative Weekly Vol. 35, No. 1, January 9, 2009. Petitioner wished to waive that portion of the rule that requires officers to be separated from employment if they do not meet their firearms requalification requirements. Deputy Kane was injured in the line of duty which prevented his timely requalification. He met the firearms requalification standard as soon as he returned to active, full-time duty. He sought to have his break-in-service removed from his officer records because it was through no fault of his own that he was injured in the line of duty and could not meet the rule requirements on time. The Commission met on January 29, 2009, and considered Deputy Kane's petition. The Commission found that Deputy Kane's circumstances are unique and that he demonstrated a that strict application of the rule in his case would violate the principles of fairness in that Deputy Kane was given a break-in-service for failing to timely requalify for firearms when his failure to meet the standard was a direct result of an on-the-job injury which physically prevented him from meeting the rule's standard. Also, Deputy Kane's employer argued that Deputy Kane was eager to come

back to work after his convalescence and met his firearms requirement as soon as he was cleared by his physician to come back to full-time, active duty. Deputy Kane demonstrated that the requirements of the underlying statute have been met and will continue to be met through granting this waiver. Accordingly, the Commission granted Deputy Kane's request for a waiver of subsection 11B-27.00212(14), F.A.C., on January 29, 2009, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

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#### **DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN THAT on February 4, 2009, the Florida Department of Transportation issued an order dismissing the Petition of City of Cocoa Beach, seeking a variance from the provisions of Rule Chapter 14-43, F.A.C. The Petition was received by the Department on October 3, 2008. The Department published its notice of receipt of the petition in the October 24, 2008, edition of the Florida Administrative Weekly. Rule Chapter 14-43, F.A.C., established requirements for banners and overhead encroachments over state rights-of-way. The Department's order, issued in DOT Case No. 08-081, dismissed the petition because the City's request for variance did not conform to the requirements of subsection 28-104.002(a), F.A.C.

A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information contact: James C. Myers at (850)414-5393

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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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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on December 30, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Variance from Melbourne Greyhound Park, LLC, Petitioner, filed November 6, 2008, and advertised in Vol. 34, No. 49, of the Florida Administrative Weekly.

The Final Order on the Petition for Variance from Melbourne Greyhound Park, LLC, Petitioner, in DBPR Case No. 2008060903 (VW 2008-309) grants the Petitioner a variance from cardroom surveillance technology requirements of subsection (3) of Rule 61D-11.0175, F.A.C., and subsections (4) and (5) of Rule 61D-11.025, Florida Administrative Code (F.A.C.), because of substantial financial hardship. The Final Order grants Petitioner a variance from both Rules' electronic surveillance requirements for 90 days from January 1, 2009, and further requires that Petitioner be fully in compliance with both Rules 61D-11.0175 and 61D-11.025, F.A.C., by no later than April 1, 2009.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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NOTICE IS HEREBY GIVEN THAT on December 30, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Variance from Palm Beach Kennel Club, Inc., Petitioner, filed November 6, 2008, and advertised in Vol. 34, No. 49, Florida Administrative Weekly.

The Final Order on the Petition for Variance from Palm Beach Kennel Club, Inc., Petitioner, in DBPR Case No. 2008061227 (VW 2008-310) grants the Petitioner a variance from cardroom surveillance technology requirements of subsections (4) and (5) of Rule 61D-11.025, Florida Administrative Code (F.A.C.), because Petitioner is in the process of renovating its cardroom which, when renovations are complete, will fully comply with the rule's cardroom surveillance technology requirements. The Final Order grants Petitioner a variance from the Rule's electronic surveillance requirements for 90 days from January 1, 2009, and further requires that Petitioner be fully in compliance with Rule 61D-11.025, F.A.C., by no later than April 1, 2009.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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NOTICE IS HEREBY GIVEN THAT on December 30, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Variance from St. Petersburg Kennel Club, Inc., Petitioner, filed November 6, 2008, and advertised in Vol. 34, No. 49, Florida Administrative Weekly.

The Final Order on the Petition for Variance from St. Petersburg Kennel Club, Inc., Petitioner, in DBPR Case No. 2008061233 (VW 2008-311) grants the Petitioner a variance from cardroom surveillance technology requirements of

subsections (4) and (5) of Rule 61D-11.025, Florida Administrative Code (F.A.C.), because Petitioner is constructing a new cardroom facility that will fully comply with the Rule's cardroom surveillance technology requirements. The Final Order grants Petitioner a variance from the rule's electronic surveillance requirements for 60 days from January 1, 2009, and further requires that Petitioner be fully in compliance with Rule 61D-11.025, F.A.C., by no later than March 2, 2009.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on December 18, 2008, by Timothy P. Atkinson, Esq., on behalf of Clinton Hennecey, seeking a permanent waiver or variance of Rule 61G4-15.001, F.A.C., dealing with qualifications for certification, and to verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official.

Comments on this petition should be filed: Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: G. W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

#### **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 JUVENILE JUSTICE**

NOTICE IS HEREBY GIVEN THAT on February 4, 2009, the Department of Juvenile Justice has issued an order.

The Department of Juvenile Justice has denied the Petition for Variance to subparagraph 63E-7.013(19)(a)1., F.A.C., that was filed by Eckerd Youth Alternatives, Inc., on November 12, 2008. Notice of the Petition was published on November 26, 2008. No comments were received. The Petition sought a variance to that portion of the rule restricting home visits for youth held in low- and moderate-risk facilities to the final 90 days of the residential program. On behalf of its three wilderness camps, Eckerd requested that home visits be permitted after the first 60 days in the program. The Department's order, issued in DJJ08-002WV, concluded that

Eckerd failed to demonstrate that the existing rule imposed a substantial hardship, and further failed to show that its requested variance would satisfy the purpose of the underlying statutes.

A copy of the Order may be obtained by contacting: Chakita Jenkins, Agency Clerk, 2737 Centerview Dr., Ste. 3200, Tallahassee, Florida 32399-3100.

#### **DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that it has received a petition, filed on February 5, 2009, by Rania Livada, D.D.S. seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the requirement that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on February 5, 2009, the Board of Medicine, received a petition for waiver or variance filed by Joseph Spector, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school.

Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

The Board of Occupational Therapy hereby gives notice that it has received a petition, filed on February 5, 2009, by Jon Edenfield, M.S. OTR/L, seeking a waiver or variance of Rule 64B11-6.001, F.A.C., regarding the continuing education approval of a college course taken by the petitioner.

Comments on this petition should be filed with: Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Allen Hall, Executive Director, at the above address or telephone (850)245-4444.

NOTICE IS HEREBY GIVEN THAT on February 5, 2009, the Board of Psychology, received a petition for Carmen Thomas-Comeaux, Ph.D., seeking a variance or waiver of paragraph 64B19-11.005(1)(c), F.A.C., which requires that a

supervisor be either a Florida licensed psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on February 2, 2009, the Department of Health, received a petition for Waiver from sections of Chapters 64E-11 and 64E-12, Florida Administrative Code, from Children’s Home Society of Florida – Transitions Home, 1199 W. Lantana Rd., #11, Lantana, Florida. These rules prescribe the minimum requirements and standards for food hygiene, sanitation, and safety at community based residential facilities. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on February 5, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Office of Trauma, received a petition for emergency variance from Rule 64J-2.011, Florida Administrative Code, from Holmes Regional Medical Center. Nature of Rule: Requires a State Approved Level II Trauma Center to abide by the standards set forth in Trauma Center Standards, Florida Department of Health Pamphlet 150-9 (“DHP 150-9”), January 2008.

The petitioner is requesting a permanent variance from Standard III, A.3.b., of DHP 150-9, requiring “documentation that the hospital granted the general surgeon full and unrestricted privileges to provide general surgical and trauma care surgical services for adult and pediatric patients”.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan McDevitt, Director, Office of Trauma, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2760, Fax: (850)488-2512, susan\_mcdevitt@doh.state.fl.us.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on February 9, 2009, the Florida Housing Finance Corporation, received a petition for Waiver or Variance from paragraph 67-48.020(2)(b), F.A.C., or

in the Alternative, For Waiver or Variance from paragraph 67-48.004(14)(a), F.A.C., and Corresponding Application Instructions, from Cypress Senior Village LLC, (“Petition”). The Petition is seeking a waiver or variance from paragraphs 67-48.020(2)(b) or 67-48.004(14)(a), F.A.C., so as to allow Cypress Senior Village to qualify for a 0% interest rate HOME loan.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on February 9, 2009, the Florida Housing Finance Corporation, received a petition for Waiver or Variance From the 2007 Qualified Allocation Plan Requirements for Returning Housing Credit Allocations and for an Immediate Allocation of 2009 Housing Credits, from New Singeltary Scattered Sites Limited Partnership (“Petition”). The Petition is seeking a waiver from Rule 67-48.023, Housing Credits General Program Procedures and Requirements, F.A.C., of the requirement for the petitioner to wait until the last calendar quarter of the year in which the applicant is otherwise required to place its project in service in order to return a housing credit allocation and obtain a reservation for an allocation of Housing Credits for a future year.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on February 10, 2009, the Florida Housing Finance Corporation, received a petition for Petition for Waiver of Part III.D.1.f. of the 2006 Universal Application Instructions to Provide Specific Features in Units Developed for Elderly Residents, from Villa Patricia Phase II, LLC, (“Petition”). The Petition is seeking a waiver from the

Rule 67-48.004, Application and Selection Procedures for Developments, F.A.C., of the requirement to provide specific flooring in units developed for elderly residents.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT on February 6, 2009, the Department of Financial Services, received a petition for Variance from subsection 69B-231.090(6), F.A.C., from Jed Berman, representative for Timothy Michael Crowley, DOAH Rule 28-104.002, F.A.C. The Petition of Variance was an amended petition. Subsection 69B-231.090(6), F.A.C., implements Sections 626.621(6), 624.307(1), 626.611, 626.621, 626.681, and 626.691, Florida Statutes. Mr. Crowley is requesting that the Department of Financial Services grant a variance from the rule and place him on probation for 12 months, require his supervision by a licensed insurance agent during that time, and impose a reasonable fine for violation of Section 626.621(6), Florida Statutes, in lieu of suspending his license for 12 months. Comments on this petition should be filed with: Department of Financial Services, 200 East Gaines Street, Suite 612, Tallahassee, Florida 32399-0333, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michael H. Davidson, Assistant General Counsel, Department of Financial Services, at the above address, or telephone (850)413-4178.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement

- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: March 10, 2009, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative

procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

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

**DATE AND TIME:** Thursday, February 26, 2009, 6:00 p.m.

**PLACE:** Mission San Luis Archaeology Lab, 2021 Mission Road, Tallahassee, FL 32304

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The FOMSL Board will hold a workshop to discuss two items of importance. The first to brainstorm ideas on how to increase deteriorating revenue. The second item will include brainstorming ideas relevant to promotional events surrounding the opening of the Visitor Center.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)487-1666 or [jbshiver@dos.state.fl.us](mailto:jbshiver@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: Jessica Shiver at (850)487-1666 or [jbshiver@dos.state.fl.us](mailto:jbshiver@dos.state.fl.us).

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The **Division of Historical Resources**, Bureau of Historic Preservation announces a public meeting to which all persons are invited.

**DATES AND TIME:** March 23-24, 2009, 9:00 a.m. – 5:00 p.m. each day

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



**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a two day meeting in which a selected panel will review and rank the 2010 Small Matching Historic Preservation Acquisition and Development Grant Applications.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff by phone 1(800)847-PAST(7278) or (850)245-6333, by Fax (850)245-6437, or by mail Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Pursuant to the provisions of 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: Historic Preservation Grants Staff (see contact information above). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Historic Preservation Grants Staff (see contact information above).

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The **Division of Historical Resources**, Bureau of Historic Preservation announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Monday, March 23, 2009, 9:00 a.m. – 5:00 p.m.; Tuesday, March 24, 2009, 9:00 a.m. – 12:00 Noon  
**PLACE:** R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a two day meeting in which a selected panel will review and rank the 2010 Small Matching Historic Preservation Survey and Planning Grant Applications.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff by phone 1(800)847-PAST(7278) or (850)245-6333, by Fax (850)245-6437, or by mail Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Pursuant to the provisions of 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: Historic Preservation Grants Staff (see contact information above). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Historic Preservation Grants Staff (see contact information above).

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The **Division of Historical Resources**, Bureau of Historic Preservation, Florida National Register Review Board announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, March 25, 2009, 1:00 p.m.

**PLACE:** R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review of National Register Nomination Proposals.

A copy of the agenda may be obtained by contacting: The Survey and Registration Section, Bureau of Historic Preservation, Division of Historical Resources by mail at 500 South Bronough Street, Tallahassee, Florida 32399-0250, by telephone at 1(800)847-7278 or by FAX at (850)245-6437.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Survey and Registration Section, Bureau of Historic Preservation, Division of Historical Resources by mail at 500 South Bronough Street, Tallahassee, Florida 32399-0250, by telephone at 1(800)847-7278 or by FAX at (850)245-6437. If you are 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: The Survey and Registration Section, Bureau of Historic Preservation, Division of Historical Resources by mail at 500 South Bronough Street, Tallahassee, Florida 32399-0250, by telephone at 1(800)847-7278 or by FAX at (850)245-6437.

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The **Division of Historical Resources**, Bureau of Historic Preservation and the Florida Folklife Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, March 26, 2009, 9:00 a.m. – until finished

**PLACE:** R. A. Gray Building, First Floor, Gallery for Innovation and the Arts, 500 South Bronough Street, Tallahassee, Florida 32399-0250

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 General business meeting of the Florida Folklife Council.

A copy of the agenda may be obtained by contacting: Florida Folklife Program Staff by mail: Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250, by telephone (850)245-6333, or by Fax: (850)245-6437.

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

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 Folklife Program Staff (see contact information above).

**NOTICE OF CANCELLATION – The State Historical Records Advisory Board** announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 20, 2009, 9:00 a.m. – 12:00 Noon

**PLACE:** Visual Arts Building, 1 Young Circle, Hollywood, FL 33020

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Review of the Board's Strategic Plan; develop measures to assess the goals and objectives outlined in the Board's National Historical Publications and Records Commission Administrative Support Grant; update members on projects and issues of the State Library and Archives of Florida.

A copy of the agenda may be obtained by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

For more information, you may contact: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

The **Department of State, Division of Cultural Affairs** announces grant panel meetings, to which all persons are invited.

**DATE AND TIME:** February 17, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Quarterly Assistance

**DATES AND TIME:** April 21-23, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Arts In Education

**DATE AND TIME:** May 1, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Dance

**DATE AND TIME:** May 5, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Theatre & Sponsor/Presenter

**DATE AND TIME:** May 6, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Multidisciplinary

**DATE AND TIME:** May 7, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Media Arts

**DATE AND TIME:** May 8, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Vocal & Instrumental Music

**DATE AND TIME:** May 13, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Folk Arts & Literature

**DATE AND TIME:** May 14, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Visual Arts & Museums

**DATE AND TIME:** May 18, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Quarterly Assistance, Local Arts Agencies & Underserved Arts Communities Assistance

**DATES AND TIME:** May 20-21, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Culture Builds Florida

**DATES AND TIME:** May 26-27, 2009, 9:00 a.m. – 5:00 p.m. (EST) – until conclusion of business, Historical Museums Grants-In-Aid

**PLACE:** These meetings will be held via teleconference. Please visit <http://www.florida-arts.org/grants/panels/teleconference.instructions.html>, for more instructions.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review grant applications for the 2008-2009 Quarterly Assistance 4th Quarter, 2009-2010 Arts In Education, Cultural Support, Local Arts Agencies, Quarterly Assistance 1st Quarter, Culture Builds Florida, Historical Museums Grants-In-Aid and the Underserved Arts Communities Assistance Grant Programs.

**PLEASE NOTE:** These meetings are subject to cancellation or change. Please call to confirm the date and time.

A copy of the meeting agenda may be obtained by visiting the Divisions website: [www.florida-arts.org](http://www.florida-arts.org).

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

To request accommodations or services contact: Morgan Lewis with the Division at least 48 hours prior to the above stated schedule at (850)245-6470. You may also contact the Division by calling Florida Relay at 711.

For more information, please contact: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or (850)245-6470.

**DEPARTMENT OF LEGAL AFFAIRS**

The Florida **Commission on the Status of Women** announces a public meeting to which all persons are invited.

DATE AND TIME: February 23, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCSW Foundation, Inc. – Florida Conference for Women.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300 Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, 10:00 a.m.

PLACE: Florida Cattlemen's Association, 800 Shakerag Road, Kissimmee, FL 34744

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom board of directors will gather for a regularly scheduled board meeting.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla at gaskalla@ufl.edu.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lisa Gaskalla at gaskalla@ufl.edu. If you are

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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Pursuant to the provisions of 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 Gaskalla at gaskalla@ufl.edu. If you are 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 **Animal Industry Technical Council (AITC)** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 1:00 p.m.

PLACE: By Teleconference: (269)320-8400, Passcode: #217133#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Animal Issues of Importance.

A copy of the agenda may be obtained by contacting: Anne Vuxton at (850)410-0914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are 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 **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: March 5, 2009, 9:00 a.m.

PLACE: Bureau of Pesticides, Conference Room 606, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399-1650, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and make recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)487-2130 or from the PREC Web Site: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

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

DATE AND TIME: March 17, 2009, 3:30 p.m. – 4:30 p.m.

PLACE: Holiday Inn Hotel & Suites, 2725 Graves Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Liquefied Petroleum Gas Advisory Board and representatives of the Florida Department of Agriculture and Consumer Services to discuss department programs and issues of industry interest.

A copy of the agenda may be obtained by contacting: Bureau of LP Gas Inspection at (850)921-8001.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Ms. Bassett at the below number. If you are 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: Lisa M. Bassett, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

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

DATE AND TIME: March 18, 2009, 11:00 a.m. – 12:00 Noon

PLACE: Holiday Inn & Suites, 2725 Graves Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Department of Agriculture and Consumer Services to discuss and review Council programs and budget issues.

A copy of the agenda may be obtained by contacting: Bureau of LP Gas Inspection at (850)921-8001.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Ms. Bassett at the below number. If you are 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: Lisa M. Bassett, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

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

DATE AND TIME: March 27, 2009, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Conference Room, 3125 Conner Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Agriculture and Consumer Services, Division of Forestry, Rural and Family Lands Program Selection Committee public meeting which was scheduled for February 2, 2009 and noticed in the in the Florida Administrative Weekly Vol. 35, No. 3, January 23, 2009 has been postponed and rescheduled for Friday, March 27, 2009. The purpose of the meeting is to have the Selection Committee receive public comment and by majority vote adopt a list of projects, in priority order, that qualify for easement acquisition under the Rural and Family Lands Protection Program.

A copy of the agenda may be obtained by contacting: John E. Browne, Florida Department of Agriculture and Consumer Services, Division of Forestry, Land Acquisition Administrator, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9910.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 15 days before the workshop/meeting by contacting: John E. Browne, Florida Department of Agriculture and Consumer Services, Division of Forestry, Land Acquisition Administrator, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9910. If you are 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: John E. Browne, Florida Department of Agriculture and Consumer Services, Division of Forestry, Land Acquisition Administrator, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9910.

The **Department of Agriculture and Consumer Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, March 12, 2009, 10:00 a.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss proposed legislation for the 2009 Florida session addressing issues of interest to consumers; and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mrs. LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

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The Private Investigation, **Recovery and Security Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 19, 2009, 9:00 a.m.

PLACE: Embassy Suites – Tampa Airport/Westshore, 555 North Westshore Boulevard. Tampa, Florida, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Debbie Barber, Post Office Box 6687, Tallahassee, Florida 32314-6687 or by calling Debbie Barber at (850)245-5500.

Pursuant to the provisions of 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: Debbie Barber at (850)245-5500. If you are 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 Private Investigation, **Recovery and Security Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 25, 2009, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Debbie Barber, Post Office Box 6687, Tallahassee, Florida 32314-6687 or by calling Debbie Barber at (850)245-5500.

Pursuant to the provisions of 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: Debbie Barber at (850)245-5500. If you are hearing

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

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## DEPARTMENT OF EDUCATION

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIMES: An Administrator Hearing Panel, February 26, 2009, 9:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, 9:30 a.m. or as soon thereafter as can be heard

PLACE: Staybridge Suites Tallahassee, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

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The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, February 27, 2009, 9:00 am or as soon thereafter as can be heard

PLACE: Staybridge Suites Tallahassee, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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

agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **University of South Florida**, Covering Kids and Families Coalition announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2009, 10:00 a.m. – 2:00 p.m.

PLACE: University of South Florida, Lawton and Rhea Chiles Center for Healthy Mothers and Babies, 3111 East Fletcher Avenue, Tampa, Florida 33613

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 6C4-9.012, College of Public Health, F.A.C. CHIP Reauthorization; Florida KidCare Streamlining opportunities; Outreach and Retention Activities; Committee Workplans.

A copy of the agenda may be obtained by contacting: Jodi Ray at (813)974-3143.

Pursuant to the provisions of 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: Michelle Melinn at (813)974-8986. If you are 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: Jodi Ray at (813)974-3143.

The Florida **Board of Governors** and the **Division of Community Colleges** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2009, 10:00 a.m. – 11:30 a.m.

PLACE: Via Conference Call: 1(888)808-6959, Conference Code: 2459702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Develop cross-sector distance learning policies.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

The **Florida Community College at Jacksonville District**, Board of Trustees announces the following Executive Session and meetings to which all interested persons are invited.

**EXECUTIVE SESSION**

DATE AND TIME: March 3, 2009, 12:00 Noon – 1:00 p.m.

PLACE: Cecil Center North, Room A-101E, 5640 New World Ave., Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Session and Board discussion regarding Faculty Collective Bargaining Agreement pursuant to Section 447.605, Florida Statutes (2008). Pursuant to Section 447.605, Florida Statutes (2008), the Executive Session is closed to the public and exempt from the requirements of Section 286.011, Florida Statutes (2008). Documents prepared for the Executive Session pertaining to faculty collective bargaining are confidential and exempt from Section 119.07(1), Florida Statutes (2008).

**STRATEGIC CONVERSATION**

DATE AND TIME: March 3, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Cecil Center North, Room A-107, 5640 New World Ave., Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: State College Transition.

**REGULAR MONTHLY BOARD MEETING**

DATE AND TIME: March 3, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Cecil Center North, Room A-109, 5640 New World Ave., Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

**DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING:**

DATE AND TIME: March 3, 2009, 3:00 p.m. – 4:00 p.m.

PLACE: Cecil Center North, Room A-101E, 5640 New World Ave., Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, February 24, 2009, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida Community College at Jacksonville, on or before March 3, 2009. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of March and April 2009, the Board will hold informal meetings each Thursday from 12:00 Noon to

4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

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

**DATE AND TIME:** March 5, 2009, 8:30 a.m. – Until Completion

**PLACE:** Radisson Resort at the Port, 8701 Astronaut Boulevard, Cape Canaveral, Florida 32920, (321)784-0000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Energy Code Work Group to consider and develop a recommendation for a cost effectiveness test for the Florida Energy Code energy efficiency requirements and to provide recommendation for consideration by the Florida Building Commission.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair at (850)644-6320, or go to the following web site: <http://consensus.fsu.edu/FBC/ac.html>, <http://consensus.fsu.edu/FBC/GBW.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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Rick Dixon, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, Website: [www.floridabuilding.org](http://www.floridabuilding.org).

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The **Department of Community Affairs (DCA)** announces a public hearing to which all interested parties are invited.

**DATE AND TIME:** Public Hearing on the Draft of the Action Plan, March 27, 2009, 3:00 p.m. – 5:00 p.m.

**PLACE:** Department of Community Affairs, Room 250-L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the preparation of the Annual Action Plan for Federal Fiscal Year 2009 and to review the draft of the Action Plan once it is completed.

**SUMMARY:** The State of Florida is required to submit an Annual Action Plan to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must specify the manner in which the funds will be distributed to eligible applicants.

**ACTION TO BE TAKEN:** At the public hearing to be held on March 27, 2009, staff from the CDBG, ESG, HOME and HOPWA programs will provide an overview of the programs and answer questions. Interested parties are encouraged to attend. A draft of the Action Plan will be available for review and comment on March 27, 2009, the date of the public hearing. It will also be posted to the Department's website: <http://www.floridacommunitydevelopment.org/cdbg/ConsolidatedPlan.cfm>. Comments on the draft will be accepted from March 27, 2009 through April 30, 2009.

A copy of the agenda(s) may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, Email: [tammy.anderson@dca.state.fl.us](mailto:tammy.anderson@dca.state.fl.us).

Written comments on the draft of the Annual Action Plan are encouraged. They may be made at the public hearing or mailed to the address listed.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact: Department of Community Affairs, (850)487-3644 at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

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The **State Emergency Response Commission**, Sub-Committee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 5, 2009, 10:00 a.m.  
PLACE: Sadowski Building, Room 325E, Tallahassee, FL. The conference call number is (646)558-2101, Access & ID Code: 858-079-691. Note: This conference call will be conducted using Communications Media Technology.  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued development of ToxMedic guidelines. Continued development of Natural Gas and Liquid Propane Gas initiatives.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, Technological Hazards Unit, 2555 Shumard Oak Boulevard, 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 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF LAW ENFORCEMENT

The **Region XIV Trust Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2009, 10:00 a.m.  
PLACE: Miami Dade College, North Campus, Room 9118, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss scheduled classes for the remainder of FY 08-09 and the first six months of next FY 09-10.

For more information, you may contact: Vanessa Ferdinand at (305)237-1329 or email: vferdina@mdc.edu.

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The **Violent Crime and Drug Control Council's Victim, Witness Protection (VWP)** Review Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 25, 2009, 2:00 p.m. (EST)

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council's Victim/Witness Protection (VWP) Review Committee will hold a "CLOSED" conference call meeting of its members on to discuss pending VWP funding requests.

A copy of the agenda may be obtained by contacting: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Office of Field Services, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7096.

Pursuant to the provisions of 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: (850)410-7900 (Voice) or (850)656-9597 (TDD).

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

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The **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 6, 2009, 1:00 p.m.  
PLACE: The Hilton Hotel, 3600 Southwest 36th Avenue, Ocala, Florida 34474, (352)854-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

A copy of the agenda may be obtained by contacting: Mrs. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

Pursuant to the provisions of 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: Mrs. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600. If you are 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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#### DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: March 3, 2009, 8:30 a.m. – until conclusion of business

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Workshop.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by



contacting: Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, MS 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

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

DATE AND TIME: March 3, 2009, 1:00 p.m. – until completion of business

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

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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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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 18, 2009, 6:00 p.m.

PLACE: GTMNERR Marineland Office, 9741 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Advisory Committee to discuss the revision of the Guana-Tolomato-Matanzas National Estuarine Research Reserve Management Plan.

A copy of the agenda may be obtained by contacting: Annette Odom at (904)823-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Annette Odom at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **DEPARTMENT OF CITRUS**

The Florida **Department of Citrus**, Fruit Classification and Standards Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to establish the classification for a new variety, the IFAS Sugar Belle, as required in Chapter 20-13, F.A.C. Additionally, it is hoped that this newly appointed committee can address more effective means of classifying complex citrus hybrids that do not necessarily fit into traditional variety classifications. There will be numerous such selections emerging from intrastate breeding programs in the coming years.

A copy of the agenda may be obtained by contacting: Dan King at (863)295-5935.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2500. If you are 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, March 4, 2009; March 11, 2009; March 25, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, 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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### REGIONAL PLANNING COUNCILS

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

DATE AND TIMES: Thursday, March 5, 2009, Planning and Growth Management Committee, 8:30 a.m.; Personnel, Budget and Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting

PLACE: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly meetings.

A copy of the agenda may be obtained by contacting: Angela Giles at (904)279-0880 or [agiles@nefrc.org](mailto:agiles@nefrc.org).

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

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

DATE AND TIME: March 4, 2009, 9:30 a.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environment and Natural Resources Task Force Meeting of the Heartland 2060 Regional Visioning Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

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

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

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

DATE AND TIME: March 11, 2009, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Boulevard, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or it's Executive Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

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

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

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### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 6, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Rd., Room C307, Hearing Room A, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709.

Pursuant to the provisions of 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: Commission on Ethics at (850)488-7864. If you are 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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### WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: March 10, 2009, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Madison Taylor Timberlands LLC/Aucilla Corridor Addition Property, 1,256 acres +/- in Madison and Jefferson Counties, with funds from the Preservation 2000 Trust Fund.

A trip to Progress Energy Florida, Inc., 4037 River Road, Live Oak, Florida 32060, (386)362-2567, will follow the board meeting.

A copy of the agenda may be obtained by contacting: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only), by emailing: KJC@srwmd.org, 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 business days before the workshop/meeting by contacting: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only) or by emailing: KJC@srwmd.org.

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The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 6, 2009, 10:00 a.m., Projects and Land Committee

PLACE: Heart Island Conservation Area in Volusia County

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee will tour the Heart Island Conservation Area in Volusia County, 10:00 a.m. and discuss the land management road classification system, the work plan development process, natural community condition classing and harvest operations.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Jo Anna Emanuel, Department of Operations and Land Management, 4049 Reid Street, Palatka, FL 32177, (386)329-4879, or by visiting the District's website: [www.sjrwmd.com](http://www.sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jo Ann Emanuel at (386)329-4879. If you are

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 **St. Johns River Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, March 9, 2009, 1:00 p.m., Governing Board Workshop

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational workshop on Strategic Water Conservation Plan and Water Conservation Rule Amendments.

NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, (386)329-4101, or by visiting the District's website: [www.sjrwmd.com](http://www.sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 9, 2009, 4:00 p.m., Projects and Land Committee Business Meeting

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, (386)329-4347, or by visiting the District's website: [www.sjrwmd.com](http://www.sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, March 10, 2009

8:15 a.m. Chair's Meeting

8:45 a.m. Finance, Administration and Audit Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214, or by visiting the District's website at [www.sjrwmd.com](http://www.sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: February 27, 2009, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida

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

DATE AND TIME: Water Resource Study to Address Surface Water in St. Lucie and Indian River Counties, March 3, 2009, 1:30 p.m.

PLACE: University of Florida, IFAS Center, 2199 South Rock Road, Room 100, Ft. Pierce, FL 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Information about the study will be presented and input is requested from the meeting attendees.

A copy of the agenda may be obtained by contacting: Moysey Ostrovsky at (561)682-6525 or by email: [mostrovs@sfwmd.gov](mailto:mostrovs@sfwmd.gov).

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

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

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

The **Water Resources Advisory Commission (WRAC)**, Issues Workshop, River of Grass Project Planning Phase 1 announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: All interested parties are invited to participate in a planning workshop for use in configuration of the River of Grass Restoration Plan. 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: Joni Warner at (561)242-5520, ext. 4221.

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

The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: March 5, 2009, 12:00 Noon – 6:00 p.m.

PLACE: Westgate River Ranch, Main Hall of the Lodge, 3600 River Ranch Boulevard, River Ranch, FL 33867

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.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: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: Quarterly meeting of the Everglades Technical Oversight Committee (TOC), March 24, 2009, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website ([http://www.sfwmd.gov/org/ema/toc/draft\\_agenda.html](http://www.sfwmd.gov/org/ema/toc/draft_agenda.html)) or (2) by writing: South Florida Water Management District, Mail Stop 2130, 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.

#### **COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

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

DATES AND TIME: March 4, 2009; April 7, 2009; May 5, 2009; June 2, 2009; July 7, 2009, 10:00 a.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32301, (850)410-5700. Conference Call Number: (850)410-5666.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Quality Improvement Committee will be meeting the first Tuesday of every month thru the end of the year (March 3, 2009; April 2, 2009; May 5, 2009; June 2, 2009; July 7, 2009; August 4, 2009; September 1, 2009; October 6, 2009; November 3, 2009; December 1, 2009) to discuss the development and implementation of a Quality Improvement Plan for the Medicaid Non-Emergency Transportation Contract and to discuss other Committee business.

A copy of the agenda may be obtained by contacting: Josie West, 605 Suwanee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Josie West, 605 Suwanee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Josie West, 605 Suwanee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

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**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 9:30 a.m.

PLACE: Temple Shalom, 23190 Utica Ave., Port Charlotte, Florida 33980

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Southwest Florida Council Business.

A copy of the agenda may be obtained by contacting: Ann Proie at (239)338-2563.

Pursuant to the provisions of 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: Ann Proie at (239)338-2563. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Proie at (239)338-2563.

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The **Department of Elder Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 5, 2009, 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142163. Leader PIN#: 3742 (This code should be used by the conference call leader only)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Data and Committee Business.

A copy of the agenda may be obtained by contacting: Priscilla Zachary at (850)414-2323.

Pursuant to the provisions of 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: Priscilla Zachary at (850)414-2323. If you are 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: Priscilla Zachary at (850)414-2323.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 9, 2009, 10:00 a.m.

PLACE: 3501 Kirby Loop Rd., Ft. Pierce, Florida 34947

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Treasure Coast District Council Business.

A copy of the agenda may be obtained by contacting: Nancy Schoemig at (772)595-1385.

Pursuant to the provisions of 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: Nancy Schoemig at (772)595-1385. If you are 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 Schoemig at (772)595-1385.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 10, 2009, 10:00 a.m.

PLACE: Elder Source, 4160 Woodcock Drive, Bldg. #2800, 2nd Floor, Jacksonville, Florida 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; First Coast District Council Business.

A copy of the agenda may be obtained by contacting: Michael Milliken at (904)391-3942.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michael Milliken at (904)391-3942. If you are 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: Michael Milliken at (904)391-3942.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 10, 2009, 1:00 p.m.  
 PLACE: 1400 West Commercial Blvd., 2nd Floor, Ft. Lauderdale, Florida 33309  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Broward County District Council Business.  
 A copy of the agenda may be obtained by contacting: Susan Nix at (954)747-7919.

Pursuant to the provisions of 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: Susan Nix at (954)747-7919. If you are 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: Susan Nix at (954)747-7919.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 11, 2009, 10:00 a.m.  
 PLACE: 210 N. Palmetto Ave., Rm. 148, Daytona Beach, Florida 32114  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; First Coast South District Council Business.

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

Pursuant to the provisions of 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: Claudia Dinardo at (386)226-7846. If you are 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: Claudia Dinardo at (386)226-7846.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 10:00 a.m.  
 PLACE: Rath ConNEXTions and Education Center, 1350 E. Main St., Suite #200, Bartow, Florida 33830  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; South Central Florida District Council Business.

A copy of the agenda may be obtained by contacting: Tresa Johnston at (863)413-2764.

Pursuant to the provisions of 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: Tresa Johnston at (863)413-2764. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tresa Johnston at (863)413-2764.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 10:00 a.m.  
 PLACE: 7601 Little Rd., 1st Floor, Suite #100, New Port Richey, Florida 34654  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Pasco and North Pinellas District Council Business.

A copy of the agenda may be obtained by contacting: Susan Strothers or Lynn Penley at (727)943-4955.

Pursuant to the provisions of 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: Susan Strothers or Lynn Penley at (727)943-4955. If you are 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: Susan Strothers or Lynn Penley at (727)943-4955.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 10:30 a.m.  
 PLACE: N. Miami Beach Public Library, 1601 N. E. 164 St., N. Miami Beach, Florida 33162  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; North Dade District Council Business.

A copy of the agenda may be obtained by contacting: Ramon Keppis at (786)336-1418.

Pursuant to the provisions of 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: Ramon Keppis at (786)336-1418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ramon Keppis at (786)336-1418.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 17, 2009, 11:00 a.m.  
PLACE: First Presbyterian Church of Brandon, 121 Carver Ave., Brandon, Florida 33510  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; West Central Florida Council Business.

A copy of the agenda may be obtained by contacting: Robin Baker at (813)588-5591.

Pursuant to the provisions of 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: Robin Baker at (813)588-5591. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Robin Baker at (813)588-5591.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 18, 2009, 9:30 a.m.  
PLACE: DEP, 3800 Commonwealth Blvd., Carr Bldg. #101, Tallahassee, Florida 32303  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Janice Harvey at (850)921-4703.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janice Harvey at (850)921-4703. If you are 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: Janice Harvey, (850)921-4703.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2009, 12:30 p.m.  
PLACE: Haven Hospice, 4200 N. W. 90th Blvd., Gainesville, Florida 32606  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Ryan Miller at (352)955-5015.

Pursuant to the provisions of 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: Ryan Miller at (352)955-5015. If you are hearing

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

For more information, you may contact: Ryan Miller at (352)955-5015.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2009, 1:00 p.m.  
PLACE: Mary Grizzle Bldg., Ste. #303, 11351 Ulmerton Rd., Largo, Florida 33778  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Mid & South Pinellas District Council Business.

A copy of the agenda may be obtained by contacting: Natalie Clanzy at (727)588-6912.

Pursuant to the provisions of 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: Natalie Clanzy at (727)588-6912. If you are 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: Natalie Clanzy at (727)588-6912.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Florida E911 Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 17, 2009, 2:00 p.m. – until conclusion of business; March 18-19, 2009, 9:00 a.m. – until conclusion of business

PLACE: Hilton Garden Inn, Tallahassee, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Grant Committee Meeting scheduled March 17, 2009 to discuss Rural County Grant Applications.

E911 Board Meeting scheduled March 18-19, 2009 to discuss monthly Board business.

A copy of the agenda may be obtained by contacting: Penney Taylor at (850)414-9636.

Pursuant to the provisions of 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: Penney Taylor at (850)414-9636. If you are 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 Management Services** announces a public meeting to which all persons are invited.



DATES AND TIMES: Friday, February 27, 2009, 9:30 a.m. – 12:30 p.m.; Monday, March 2, 2009, 9:00 a.m. – 12:00 Noon; Wednesday, March 4, 2009, 9:00 a.m. – 12:00 Noon; Friday, March 6, 2009, 9:00 a.m. – 12:00 Noon; Thursday, March 12, 2009, 1:00 p.m. – 3:00 p.m.; Friday, March 13, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Meetings scheduled for: February 27, 2009, March 6, 2009, March 13, 2009: Room 152 of the Betty Easley Center, 4075 Esplanade Way, Tallahassee FL; Meetings scheduled for: March 2, 2009, March 4, 2009, March 12, 2009: Room 101, 4050 Esplanade Way, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. The Statewide Steering Committee will review and vote on the 2009 FSECC Working Timeframes schedule.
2. The Statewide Steering Committee will review and vote on determinations for the direct services applications (DMS-ADM-102).

A copy of the agenda may be obtained by contacting: Erin Thoresen at erin.thoresen@dms.myflorida.com or (850)922-1274.

Pursuant to the provisions of 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: Erin Thoresen at erin.thoresen@dms.myflorida.com or (850)922-1274. If you are 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: Erin Thoresen at erin.thoresen@dms.myflorida.com or (850)922-1274.

The **Agency for Workforce Innovation**, Office of Early Learning announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: TCC Capitol Center, 300 West Pensacola Street, Tallahassee, FL 32301. A conference call dial in number is also available: 1(888)808-6959, Access Code: 9213167. A sleeping room block has been reserved at: Residence Inn Tallahassee Universities at the Capitol, 600 W. Gaines Street, Tallahassee, Florida 32304. Contact this hotel at 1(800)228-9290 and reference that you are with the “Agency for Workforce Innovation” group to obtain the rate of \$189 per night.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Early Learning Advisory Council quarterly meeting.

A copy of the agenda may be obtained by contacting: Lisa Billups at (850)921-3413 or lisa.billups@flaawi.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Bureau of Elevator Safety** announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Cabot Lodge Tallahassee Hotel North Monroe, 2735 North Monroe Street, Tallahassee, Florida 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Elevator Safety Technical Advisory Council.

A copy of the agenda may be obtained by contacting: Douglas Melvin, Bureau Chief at Doug.Melvin@dbpr.state.fl.us.

The **Pilotage Rate Review Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 30, 2009, 10:00 a.m., site visit for the Port of Jacksonville; March 31, 2009, 9:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A petition for a change in the rates of pilotage charged by the licensed state pilots and certified deputy pilots at St. Johns Bar Pilot Association has been filed with the Pilotage Rate Review Board, pursuant to Section 310.151, Florida Statutes, and Chapter 61E13, Florida Administrative Code.

The last rate change (increase) granted to the Port of Jacksonville was January 1, 2004. The board intends to consider the following requested rate change (increase) for the Port of Jacksonville:

Effective, after the hearing, for the first year:

Deepest Draft charge increase from \$21.20 per foot to \$22.90 per foot, minimum of 15 feet.

International Gross Registered Tonnage (GRT) charges increase from \$0.04640 minimum, to \$0.0501 per ton, minimum of 3000 GRT.

Fee for use of escort tugs \$230 (Tethered escort required to maneuver the vessel.)

Detention of pilot from \$200 per hour or fraction thereof, \$400 max, to \$250 per hour or fraction thereof, \$500 max.

Cancelled or delayed sailing after pilot reports aboard (not due to weather) from \$200 per hour or fraction thereof, \$400 max, to \$250 per hour or fraction thereof, \$500 max.

Failure to amend ETA before pilot arrives on station from \$200 per hour or fraction thereof, \$400 max, to \$250 per hour or fraction thereof, \$500 max.

Standby of pilot when presence is required onboard as in, but not limited to, a vessel at anchor from \$200 per hour or fraction thereof, no maximum, to \$250 per hour or fraction thereof, no maximum.

Fuel surcharge: The difference between the current price of fuel per gallon and the price of fuel on 1 January 2004 (\$1.00) times 15 gallons per trip. To be set the first day of each month. Based on the cost of fuel at last delivery. The 15 gallon per trip figure was developed as follows. In 2007, 3926 vessel movements used pilot boat services. In 2007, 59,396 gallons of diesel fuel were purchased. This produces an average of 15.1 gallons per trip.

Effective the second year:

Deepest Draft charge increase from \$22.90 per foot to \$24.70 per foot, minimum of 15 feet.

GRT charges increase from \$0.0501 per ton, to \$0.0540 per ton, 3000 minimum GRT.

Effective the third year:

Deepest Draft charge increase from \$24.70 per foot to \$26.50 per foot, minimum of 15 feet.

GRT charges increase from \$0.0540 per ton, to \$0.0580 per ton, minimum of 3000 GRT.

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within thirty (30) days of this publication.

A copy of the agenda may be obtained by contacting: DBPR, Pilotage Rate Review Board, 1940 N. Monroe St., Tallahassee, FL 32399-0773.

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

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

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

DATE AND TIME: March 13, 2009, 9:00 a.m.

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Renese Jones at (850)922-5012 or via Fax: (850)922-2918.

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: Renese Jones at (850)922-5012 or via Fax: (850)922-2918.

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The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, March 11, 2009, 2:00 p.m.; Thursday, March 12, 2009, 8:30 a.m.; Friday, March 13, 2009, 8:30 a.m.

PLACE: Embassy Suites Orlando – North, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary, committee and general business meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL, 32399-1039, (850)922-2887.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887.

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The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, April 8, 2009, 2:00 p.m.; Thursday, April 9, 2009, 8:30 a.m., Friday, April 10, 2009, 8:30 a.m.

PLACE: Hutchinson Island Marriott Beach Resort, 555 N. E. Ocean Boulevard, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary, committee and general business meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing

Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887.

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The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Wednesday, May 13, 2009, 2:00 p.m.; Thursday, May 14, 2009, 8:30 a.m.; Friday, May 15, 2009, 8:30 a.m.

**PLACE:** Embassy Suites Orlando – North, 225 Shorecrest Drive, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Disciplinary, committee and general business meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2887.

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The **Board of Accountancy** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday, March 10, 2009, 10:00 a.m. – until completion of business

**PLACE:** The meeting will be held by Teleconference, using Teleconference Call: 1(888)808-6959, Conference Code: 9299108

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business, the Rules Committee will also meet during this time to discuss possible changes to rules. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: June Carroll. If you are 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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#### **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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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

**DATE AND TIME:** March 4, 2009, 11:00 a.m.

**PLACE:** Room 611, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To present the Department's recommendations and receive public comment on the intended use of funds that would possibly be appropriated by the Congress through American Recovery and Reinvestment Act of 2009 to assist economic recovery through construction of drinking water infrastructure. These potential funds are in addition to the annual capitalization grant received from EPA which will be accounted for in a separate Intended Use Plan. Workshop topics will include project eligibility, project prioritization, types of assistance available, source and use of funds, and a proposed priority list of projects. In addition, specific procedural changes from Chapter 62-552, F.A.C., may be discussed.

A copy of the proposed FY 2009 Intended Use Plan may be obtained by contacting: Paul Brandl, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, (850)245-8373 or e-mail: [paul.brandl@dep.state.fl.us](mailto:paul.brandl@dep.state.fl.us).

A copy of the agenda may be obtained by contacting: Paul Brandl at (850)245-8373.

Pursuant to the provisions of 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: Paul Brandl at (850)245-8373. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, March 9, 2009, 10:00 a.m. – 12:00 Noon, or until Council business is concluded

PLACE: Conference Call Number: 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 at rebecca.prado@dep.state.fl.us.

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

The **Division of Air Resource Management** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, March 11, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is holding a fourth workshop on rulemaking on Rule 62-285.300, F.A.C., to reduce greenhouse gas emissions from the electric utility sector. The rule would establish a cap-and-trade program pursuant to the Florida Climate Protection Act (Section 403.44, F.S.). The purpose of this workshop is to offer conceptual rule proposals and to provide an opportunity for interested persons to provide comments and recommendations to the department as we continue this rulemaking process. There is no draft rule language available at this time.

A copy of the agenda may be obtained by contacting: Mr. Larry George at (850)921-9555 or larry.george@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. Lynn Searce at (850)921-9551. If you are 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 **Electrolysis Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 9, 2009, 9:00 a.m. or soon thereafter

PLACE: 1(888)808-6959. After dialing the meet me number, when prompted, enter conference code 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, BIN C05, Tallahassee, FL 32399-3255, or by calling the Council office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Electrolysis Council office at (850)245-4373, ext. 3467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: Friday, March 6, 2009, 9:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Acupuncture 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 **Board of Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 10, 2009, 1:00 p.m.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 9849329103. Department of Health, 4053 Bald Cypress Way, Tallahassee, Florida.

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

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

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

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The **Board of Dentistry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 20, 2009, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sarah Walls at (850)245-4474.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Sarah Walls, (850)245-4474, at least five calendar days prior to

the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, 12:00 Noon (EST)

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board. This meeting is being scheduled to address any business of the Board of Medicine that requires action before the regularly scheduled Board of Medicine meeting on April 2-4, 2009. This meeting may be cancelled for lack of issues to act upon. Any cancellations will be posted on the Board Web Site at [www.Floridashealth.com](http://www.Floridashealth.com). Please contact Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us) for more information.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us) for more information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us) for more information. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Board of Medicine**, Expert Witness Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, immediately following the Board of Medicine Telephone Conference Call scheduled to begin at 12:00 Noon (EST). If the Board of Medicine Telephone Conference Call meeting is cancelled, the Expert Witness Committee meeting will begin at 12:00 Noon (EST).

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Medicine Expert Witness Committee.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or Gwyn\_Willis@doh.state.fl.us for more information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or Gwyn\_Willis@doh.state.fl.us for more information. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Board of Medicine**, Dietetics-Nutrition and Electrolysis Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, immediately following the Board of Medicine Expert Witness Committee meeting. Meetings will begin at 12:00 Noon – until complete. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at Floridashealth.com for cancellations or changes to the meeting dates.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Medicine.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or Gwyn\_Willis@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or Gwyn\_Willis@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DATE AND TIME: Friday, March 6, 2009, 9:00 a.m. or shortly thereafter

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/optometry/index.html](http://www.doh.state.fl.us/mqa/optometry/index.html).

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

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

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

DATE AND TIME: March 12, 2009, 10:00 a.m.

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft language for Rules 64F-12.012, Records of Drugs, Cosmetics and Devices, and 64F-12.013, Prescription Drugs; Receipts, Storage and Security.

For more information, you may contact: Board of Pharmacy and Drugs, Devices and Cosmetics Program at (850)245-4292.

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The **Department of Health**, Office of Trauma announces a workshop to which all persons are invited.

DATE AND TIME: Friday, March 6, 2009, 10:00 a.m. – 1:00 p.m. (CST) (11:00 a.m. – 2:00 p.m. (EST))

PLACE: Okaloosa County Health Department, Auditorium, 221 Hospital Drive, N. E., Ft. Walton Beach, FL 32358. Individuals may also participate in the workshop via Conference Call Number: 1(888)808-6959, Enter Code: 2354440.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 64J-2.010, Apportionment of Trauma Centers within a Trauma Service Area (TSA), F.A.C. To review and discuss the final report on the Trauma Service Areas One and Two Study, and to receive input from the trauma system stakeholders on the apportionment of trauma centers within those trauma service areas.

A copy of the study may be obtained: Office of Trauma, Susan McDevitt at (850)245-4440, ext. 2760, or via email at [susan\\_mcdevitt@doh.state.fl.us](mailto:susan_mcdevitt@doh.state.fl.us).

A copy of the agenda may be obtained by contacting: Susan McDevitt at (850)245-4440, ext. 2760, or via email at susan\_mcdevitt@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Janet Collins at (850)245-4440, ext. 2775, or via email at janet\_collins@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan McDevitt at (850)245-4440, ext. 2760, or via email at susan\_mcdevitt@doh.state.fl.us.

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### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of committee calls for the Council on Homelessness. These committees are the Executive, Continuum of Care, Supportive Housing, Education and Training, Data Collection, Legal and Law Enforcement.

Committee: Executive

DATES AND TIME: Monday, March 2, 2009; April 6, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Continuum of Care

DATES AND TIME: Wednesday, March 11, 2009; April 8, 2009, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Supportive Housing

DATES AND TIME: Wednesday, March 18, 2009; April 15, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Education and Training

DATES AND TIME: Friday, March 6, 2009; April 3, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Data Collection

DATES AND TIME: Monday, March 9, 2009; April 13, 2009, 1:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Legal and Law Enforcement

DATES AND TIME: Tuesday, March 10, 2009; April 14, 2009, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These committees will continue to discuss proposals and recommendations for consideration by the full Council for inclusion in the Council's 2009 report.

Copies of the agenda for any conference call may be obtained by calling: Office on Homelessness at (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 the Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

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### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2009, 8:30 a.m. – until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.

15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the March 13, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website: [www.floridahousing.org](http://www.floridahousing.org) approximately 2 days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Sheila Freaney, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2009, 11:00 a.m. – or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC II, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.

5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the March 13, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website: [www.floridahousing.org](http://www.floridahousing.org) approximately 2 days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

## DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a workshop to which all persons are invited.

DATE AND TIME: March 26, 2009, 1:00 p.m.

PLACE: Auditorium, Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, Florida 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review a Petition for Rulemaking filed by Anthony C. Apfelbeck and Bart Wright, filed pursuant to Section 120.54(7), Florida Statutes, and discuss proposed amendments to Chapter 69A-39, F.A.C., "Firesafety Inspector Certification."

A copy of the agenda may be obtained by contacting: Charlie Brush at (352)369-2856, [Charlie.Brush@myforidacfo.com](mailto:Charlie.Brush@myforidacfo.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 the person listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities** announces a public meeting to which all persons are invited.

**DATES AND TIME:** Monday, February 16, 2009; Tuesday, February 17, 2009, 9:00 a.m. – 5:00 p.m. There will be opportunities for public comment on both days.

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Ste. 180, Tallahassee, FL 32339. Call-In Number: 1(888)808-6959, Conference Code: 6101108#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Commission is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

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The **Governor's Commission on Disabilities**, Employment Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday, February 24, 2009, 9:00 a.m. – 12:00 Noon

**PLACE:** 4030 Esplanade Way, Suite 315, Tallahassee, Florida 32399. Call-In Number: 1(888)808-6959, Conference Code: 6101108#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

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The **Governor's Commission on Disabilities**, Health Care Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, February 25, 2009, 9:00 a.m. – 12:00 Noon

**PLACE:** 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399. Call-in Number: 1(888)808-6959, Conference Code: 6101108#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

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The **Governor's Commission on Disabilities**, Civil Rights Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, February 25, 2009, 2:00 p.m. – 5:00 p.m.

**PLACE:** 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399. Call-In Number: 1(888)808-6959, Conference Code: 6101108#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Education Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399. Call-In Number: 1(888)808-6959, Conference Code: 6101108#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Independent Living Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399. Call-In Number: 1(888)808-6959, Conference Code: 6101108#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

**JUSTICE ADMINISTRATIVE COMMISSION**

The **Justice Administrative Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 24, 2009, 10:00 a.m. (EST)

PLACE: Justice Administrative Commission, 227 N. Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Jessica Kranert at (850)488-2415 or jessicak@jac.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jessica Kranert at (850)488-2415 or jessicak@jac.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority (TRDA) Audit Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: February 25, 2009, 3:00 p.m.

PLACE: TRDA Business Innovation Center, Conference Room 117C, 1050 West NASA Boulevard, Melbourne, FL 32901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of FY08 Fiscal Audit.

A copy of the agenda may be obtained by contacting: Dave Kershaw at [dkershaw@trda.org](mailto:dkershaw@trda.org) or (321)872-1050, ext. 102.

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**SCRIPPS FLORIDA FUNDING CORPORATION**

The Audit Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 8:00 a.m. (EST)

PLACE: Scripps Florida, 130 Scripps Way, Room B492, Jupiter, Florida 33458. Via Teleconference: (219)509-8322, Passcode: 888954.

GENERAL SUBJECT MATTER TO BE CONSIDERED: TSRI and SF audited and unaudited reports, annual compliance report, SFFC complete single audit and form 990 tax return.

A copy of the agenda may be obtained by contacting: <http://www.flgov.com/scripps> or by email: [jenni.garrison@myflorida.com](mailto:jenni.garrison@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: [jenni.garrison@myflorida.com](mailto:jenni.garrison@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: [jenni.garrison@myflorida.com](mailto:jenni.garrison@myflorida.com).

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The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 2:00 p.m. (EST)

PLACE: Scripps Florida, 130 Scripps Way, Room B492, Jupiter, Florida 33458. Via Teleconference: (219)509-8322, Passcode: 888954.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update from the SFFC Audit Committee and the Scripps Florida Annual Grant Request.

A copy of the agenda may be obtained by contacting: <http://www.flgov.com/scripps> or by email: [jenni.garrison@myflorida.com](mailto:jenni.garrison@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: [jenni.garrison@myflorida.com](mailto:jenni.garrison@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: [jenni.garrison@myflorida.com](mailto:jenni.garrison@myflorida.com).

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**FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION**

The **First Florida Governmental Financing Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 11:00 a.m.

PLACE: Room 100, The Federal Building, 111 South Orange Avenue, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Commission's Member Representatives.

A copy of the agenda may be obtained by contacting: Richard C. Dowdy at (850)878-1874 or [ffgfc@embarqmail.com](mailto:ffgfc@embarqmail.com).

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**ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.**

The **Advocacy Center for Persons with Disabilities, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: March 6, 2009, 9:00 a.m. – 2:00 p.m.

PLACE: Hilton Garden Inn Jacksonville Airport, 13503 Ranch Road, Jacksonville, FL 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the PAIMI Advisory Council.

A copy of the agenda may be obtained by contacting: Leslie Evans at (850)488-9071, ext. 231.

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**SOIL AND WATER CONSERVATION DISTRICT**

The **Choctawhatchee River Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 9, 2009, 6:30 p.m.; June 8, 2009, 7:00 p.m.; September 14, 2009, 7:00 p.m.; December 14, 2009, 6:30 p.m.

PLACE: 239 John Baldwin Road, Ste. B, DeFuniak Springs, FL 32433

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the regularly scheduled supervisor's meetings.

A copy of the agenda may be obtained by contacting: Mellody Hughes.

Pursuant to the provisions of 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: Mellody Hughes. If you are 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: Mellody Hughes.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Audit Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2009, 11:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2008 Financial Audit.

A copy of the agenda may be obtained by contacting: Georgie Barrett at E-mail: gbarrett@fslso.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: Georgie Barrett at E-mail: gbarrett@fslso.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 **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2009, 1:00 p.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting of the FSLSO Board of Governors'.

A copy of the agenda may be obtained by contacting: Georgie Barrett at E-mail: gbarrett@fslso.com or Fax:(850)513-9624.

Pursuant to the provisions of 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: Georgie Barrett at E-mail: gbarrett@fslso.com or Fax:(850)513-9624. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Richard Mihalich, Plans Examiner and Inspector, on behalf of the City of South Daytona Building Department on July 29, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-193. The Commission determined that Section 1205, Florida Building Code, Building Volume (2004 as amended 07/06) requires artificial lighting in all tanning salon rooms including rest rooms, where natural lighting is not provided.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Michael J. Schultz, P.E., on behalf of Buckeye Technologies, Inc., on June 11, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-201. The Commission determined that the Petitioner's product, a concrete admixture made from cellulose fibers, used to control shrinkage and cracking, is not subject to product approval under Chapter 9B-72, Florida Administrative Code, but is subject to approval by the local authority having jurisdiction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Leonard R. Terry, on behalf of Omniconrete Development, Inc., on June 10, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned number DCA08-DEC-168. The Commission determined that the Petitioner's product, a system of construction using autoclaved, aerated concrete, is subject to product approval under Chapter 9B-72, Florida Administrative Code, except to the extent that the system is constructed in accordance with a site-specific plan or design. Elements of such a plan or design could be subject to approval by the local authority having jurisdiction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

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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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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Darrell Beaty, Unit Owner/Petitioner, In Re: Punta Gorda Isles, Section 22 Homeowners Association, Inc., Docket No. 2008064735 on November 14, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order under Section 120.565, Florida Statutes, because the Division does not have jurisdiction to address such issues pursuant to Chapter 720, Florida Statutes; and the Division does not have jurisdiction over community associations that govern condominium property as well as single family homes.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Rick and Christine H. Irizarry, Petitioners/Unit Owners, In Re: Laguna Pointe Condominium Association of Pensacola, Inc., Docket No. 2009006251 on February 3, 2009. The petition seeks the agency's opinion as to the applicability of Sections 718.301(7), 718.113 and 718.303, Florida Statutes, as it applies to the petitioner.

Whether Laguna Pointe Condominium Association of Pensacola, Inc. is required to have a Florida licensed professional architect supervise and approve major damage repairs of over \$50,000 to the common elements under Sections 718.301(7), 718.113 and 718.303, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Charles Pukit, Petitioner/Unit Owner, In RE: Bay Colony Club Condominium, Inc., Docket No. 2008066961 on December 3, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division has not received a copy of Bay Colony Club Condominium, Inc.'s governing documents and may not issue a declaratory statement without reviewing the documents; or where others who will be affected by the decision are not parties to the petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Lori Schmidt, Petitioner, In Re: Atlantic Cloisters Association, Inc., Docket No. 2009006256 on February 2, 2009. The petition seeks the agency’s opinion as to the applicability of Section 718.115(1)(g), Florida Statutes, as it applies to the petitioner.

Whether Atlantic Cloisters Association, Inc. must pass the unpaid common expenses resulting from the foreclosure of a unit to all owners under Section 718.115(1)(g), Florida Statutes, or in accordance with the governing documents.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Steven Simon, Petitioner/LCAM, In Re: The Palms Condominium Association, Inc., Docket No. 2008066965 on December 2, 2008. The following is a summary of the agency’s declination of the petition:

The Division declined to issue an order under Section 120.565, Florida Statutes, because the remedies sought are not available in this proceeding; and the Division has not received a copy of The Palms’ governing documents and may not issue a declaratory statement without reviewing the documents.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on February 10, 2009, the Dietetics and Nutrition Council has received the petition for declaratory statement from Lisa Schaedler. The petition seeks the agency’s opinion as to the applicability of Section 468.516(1)(a), F.S., as it applies to the petitioner.

The petition seeks the Board’s interpretation of Section 468.516(1)(a), F.S., and requests that the Council provide the definition of a dietary plan.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Dietetics and Nutrition Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

**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:**

Florida Chamber of Commerce, Inc.; Florida Land Council, Inc.; and Florida Farm Bureau Federation; Florida Not-For-Profit Corporations vs. Department of Community Affairs; Case No.: 09-0048RP; Rule Nos.: 9J-5.026, 9J-11.023

107th Avenue Gamma, LLC vs. Department of Community Affairs; Case No.: 08-6410RP; Rule Nos.: 9J-36.002, 9J-11.009(8)

Life Insurance Settlement Association vs. Financial Service Commission and Office of Insurance Regulation; Case No.: 09-0386RP; Rule No.: 69O-204.030

Institutional Life Services (Florida), LLC, and David Matthew Janecek vs. Financial Service Commission and Office of Insurance Regulation; Case No.: 09-0385RP; Rule No.: 69O-204.040

Heartland Internal Medicine Associates vs. Agency for Health Care Administration; Case No.: 09-0359RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Interior Design Associations Foundation and Shelley Siegel vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 08-5913RP; Rule No.: 9B-3.047; Dismissed

Interior Design Associations Foundation and Shelley Siegel vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 08-5914RX; Rule Nos.: 9B-3.047, 9B-3.004, 9B-3.050; Dismissed

107th Avenue Gamma, LLC vs. Department of Community Affairs; Case No.: 08-6410RP; Rule Nos.: 9J-36.002, 9J-11.009(8); Voluntarily Dismissed

Robert Dixon, Bradley Beckett, Jeffrey Callahan, Michael Diapoules, Bill Griffin, John Handlen, Matthew Honan, Scott Huffman, Joseph Kostygan, Daniel Lund, Samuel Mahoney, Daniel McCarthy, Merom Michael Mammem, Robert Phillips, Dustin Reagle, Et. Al. vs. Department of Management Services, Division of Retirement; Case No.: 08-3627RU; Dismissed

City of Groveland, Florida and Lake County, Florida vs. St. Johns River Water Management District and Niagara Bottling, LLC (Intervenor); Case No.: 08-5172RU; Dismissed

David Mitchell and Preston Wyatt vs. Agency for Health Care Administration; Case No.: 07-3789RU; Voluntarily Dismissed

**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 AGRICULTURE AND CONSUMER  
SERVICERS**

**REQUEST FOR STATEMENT  
OF QUALIFICATIONS (SOQ)**

As a Civil Engineer, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, hereinafter referred to as Owner.

The Department is seeking the services of a civil engineering firm to prepare the civil drawings and specifications and make application to all required permitting agencies for the site work required for the new facilities at Sebring Forestry Station. The civil engineer will design all of the site requirements including upgraded drive and parking area and the highway entrance improvements with DOT. The total project budget is estimated at \$450,000.00.

**PROJECT NAME AND LOCATION:** The Sebring Forestry Station is located at 8036 County Road South, approximately 1/4 miles south of Highway 98 and 4 miles south of Sebring, Florida.

**SOLICITATION DOCUMENT:** The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number SOQ/DF-08/09-67, or by calling the Purchasing Office at (850)487-3727.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount

provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSMIT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

Statements of Qualifications will be received and publicly opened:

DATE AND TIME: March 20, 2009, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Room SB8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at [http://fc.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fc.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

**DEPARTMENT OF EDUCATION**

Invitation to Bid

ITB 09-29 – ROADWAY LIGHTING

The University of North Florida – Board of Trustees, a public body corporate, announces the need for Roadway Lighting improvements – University of North Florida, Jacksonville, FL.

This project consist of the following scope of work: The Roadway Lighting project will consist of demolition of existing pole mounted light fixtures which includes a survey of existing underground conditions. Existing fixtures are not to be disabled until the new light fixtures are operational to maintain adequate lighting levels. The existing lighting circuits will be demolished and removed to their current location in Building #5. JEA is to provide a new transformer for one location and an existing transformer will be replaced with a larger size to serve the second location. New sod will be provided for all areas affected by excavation and/or demolition of conduit and poles. Successful contractors must have demonstrable previous experience with the described systems and technical requirements. All bidders must be qualified to perform the

work as specified at the time of bid opening in accordance with the ITB 09-29 Bid documents. No submittal material will be returned.

The preliminary schedule for this ITB:

Advertisement	February 20, 2008
Mandatory Pre-Bid	March 5, 2009, 10:00 a.m.
Submissions due	March 24, 2009, 2:00 p.m.
Award	April 2009

Minority Business participation is strongly recommended and supported by the University of North Florida.

The University requires a Bid Bond of five percent (5%) of the bid amount and a Performance Bond for 100% of the amount of the bid. The bid bond is required with the submitted bid.

As required by Section 287.133, Florida Statutes, a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information may be obtained electronically online at the UNF Purchasing department website: <http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Evelyn Jenkins Burton AND	Angela Dyal
e.jenkins@unf.edu	University of North angela.dyal@
(904)620-1732	Florida unf.edu
	**Purchasing Dept. (904)620-1733
	Bldg. 53, Rm. 2950
	1 UNF Drive
	Jacksonville, FL 32224

\*\*New Address as of March 13, 2009\*\*

PRINTED DOCUMENTS: Full sets of bid documents may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, (904)388-7686. Copies may be purchased for the printing and handling cost. NO REFUND WILL BE MADE FOR THESE DOCUMENTS.



Submit FOUR (4) complete copies of bids in full and in accordance with the requirements of the drawings to the above referenced UNF address. Bids must be received no later than 2:00 p.m. (Local Time), March 24, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

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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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### **REGIONAL PLANNING COUNCILS**

#### **REQUEST FOR PROPOSALS "ANNUAL CONTRACT FOR TRANSPORTATION PLANNING CONSULTANT SERVICES" LEE COUNTY METROPOLITAN PLANNING ORGANIZATION**

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, March 27, 2009. Lee County MPO reserves the right to reject any or all proposals.

**SCOPE OF SERVICES:** The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one or more consulting firms to be retained under a two-year contract, with two one-year renewal options. The firms shall be responsible for knowledge of the compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing some or all of the types of transportation planning and engineering services described in the scope of services. The transportation planning work may include, but not be limited to, financial resource forecasting and revenue projections, public involvement, corridor and small area studies, goods movement studies, traffic engineering studies, ITS needs assessment, project cost estimation, land use modeling, GOS assistance, long range transit system planning and modeling, transit authority formation studies, and other miscellaneous studies as directed. Proposals must specify which of the services identified in the scope of services the firm or team is proposing to provide and which it is not.

**INVITATION TO PROPOSE:** The program hereby solicits proposals for selection as on-call consultant for planning services to the Lee County MPO. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

### **REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:**

**(HOW TO APPLY):** A Request for Proposals document may be obtained by contacting, in writing: Ms. Meghan Marion, Lee MPO Designee, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 219, Fax: (239)338-2560 or by email: [mmarion@swfrpc.org](mailto:mmarion@swfrpc.org). Materials will be sent by regular mail to the requester within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m., March 13, 2009. Proposals must then be received by the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, March 27, 2009.

This public notice was posted in the lobby of the offices of: Southwest Florida Regional Planning Council and the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, Friday, February 13, 2009. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

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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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#### **NOTICE OF INVITATION TO BID BID NO. BDC 75-08/09**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered General contractors for the project listed below:

**PROJECT NAME:** Guana River HVAC and Roof Replacement.

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials to permit, fabricate, and construct new construction and modifications for the Guana-Tolomato-Matanzas National Estuarine Research Reserve's Heating and Air Conditioning System and Roof System at the existing Educational Learning Center. Project consists of the demolition and removal of the existing HVAC system, including ductwork, and the demolition and removal and replacement of the existing standing seam roof with a new roofing system. Work also consists of modifications to interior walls. Contractor shall build to compliance with the 2004 Florida Building Code, Revised.

**PARK LOCATION:** Guana-Tolomato-Matanzas National Estuarine Research Reserve, 505 Guana River Road, Ponte Vedra Beach, FL 32082 (St. Johns County).

**PROJECT MANAGER:** Jason Russell, Coastal & Aquatic Managed Areas, Douglas Building, 3900 Commonwealth Blvd., M.S. 235, Tallahassee, Florida 32399-3000, (850)245-2148, Fax: (850)245-2110, email: jason.russell@dep.state.fl.us.

**PROJECT BUDGET:** \$850,000.00

**FUNDING** is through a Grant from the National Oceanic & Atmospheric Administration and state matching funds. Federal and state construction laws apply.

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on February 20, 2009 at: Douglas Building, Room 432, 3900 Commonwealth Blvd., M.S. 235, Tallahassee, FL 32399-3000, Attention: Ken Fish, Administrative Clerk, (850)245-2094, Fax: (850)245-2110.

**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, March 24, 2009, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Friday, March 27, 2009, unless extended by the Department for good cause.

**NOTICE OF RIGHTS:** Notice of Intent to Protest the Bid Specifications must be filed with (received by) the: Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, Fax (850)245-2303, lea.crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

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## Section XII Miscellaneous

### DEPARTMENT OF EDUCATION

**NOTIFICATION OF INTENT TO OPERATE THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN** in accordance with title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for fiscal year 2009. The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation. Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or a local public educational agency or a local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped. The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or non-profit private school, nonprofit private school, nonprofit private organization, residential or non-residential camp,

government organization, or a National Youth Sports Program. For more information please contact Food and Nutrition Management, Summer Food Services Program for children at 1(800)504-6609.

“In accordance with Federal law, and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis or race, color, national origin, sex, age or disability. To file a complaint of discrimination write: USDA Director, Office of Civil Rights, 1400 Independence Avenue, S. W., Washington, DC 20250-9410 or call 1(800)795-3272 (Voice) or (202)7220-6382 (TTY). USDA is an equal opportunity provider and employer.”

**PUBLIC NOTICE FOR FOOD SERVICE VENDORS TO REGISTER WITH THE FLORIDA DEPARTMENT OF EDUCATION TO SELL AND DELIVER UNITIZED MEALS AND SNACKS TO THE SUMMER FOOD SERVICE PROGRAM 2009**

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue administering the Summer Food Service Program (SFSP) for the federal fiscal year ending September 30, 2009.

The primary purpose of the Program is to provide breakfast, lunch and/or snacks to economically needy children during periods when public schools are generally closed for summer recess. Food service vendors who wish to participate in the SFSP may write this agency for a vendor registration guidance package to the address given below. Successful registration will require copies of the following: A current Florida business license as a restaurant, food service caterer or a Food Service Management Company; the two most recent health inspection reports; a completed SFSP vendor registration form; Evidence of general and product liability insurance; and insurance coverage for food service delivery vehicles. The prospective vendor’s registration forms and other documentation must be returned to this Agency by March 15, 2009. U.S. Postal Service date marks or private carrier dates will be used to determine the timeliness of submissions.

For additional information, please contact: Food and Nutrition Management Section of FLDOE at 1(800)504-6609. The primary contact person for vendor registration is David Whetstone and the SFSP Program Manager is Michelle Morris. Please direct written inquires to: Florida Department of Education, Food and Nutrition Management Section, 325 West Gaines Street, Room 1034, Tallahassee, FL 32399-0400.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of

Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-06-2008-004  
 DATE RECEIVED: February 9, 2009  
 DEVELOPMENT NAME: POINCIANA  
 DEVELOPER/AGENT: /RJ Whidden & Associates  
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.  
 LOCAL GOVERNMENT: Osceola County

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 01-04**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Alachua County School Board and the City of Gainesville, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Gainesville, Department of Community Development, 200 East University Avenue, Gainesville, Florida 32601.

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: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Alachua County School Board and the City of Gainesville. 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: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida

32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

\_\_\_\_\_  
-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
INTERLOCAL AGREEMENT CONSISTENT WITH  
SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
DCA DOCKET NO. 48-13**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Orange County School Board and the Town of Windermere, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Windermere, Town Hall, 614 Main Street, Windermere, Florida 34786.

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: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Orange County School Board and the Town of Windermere. 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: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

\_\_\_\_\_  
-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA09-OR-043

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND

DEVELOPMENT REGULATIONS ADOPTED

BY MONROE COUNTY

ORDINANCE NO. 028-2008

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On December 22, 2008, the Department received for review Monroe County Ordinance No. 028-2008 (“Ord. 028-2008”), adopted by Monroe County on November 19, 2008.
- Ord. No. 2008-28 amends Section 9.5-68 and 9.5-69, Monroe County Code, concerning Conditional Uses.
3. The purpose of Ord. No. 2008-28 is to clarify the application, submittal and procedural requirements for Minor and Major Conditional Uses.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2007) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 028-2008 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Florida Statutes See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 028-2008 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (d) To ensure the maximum well being of the Florida Keys and its citizens through sound economic development.
9. Ord. 028-2008 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 028-2008 furthers Monroe County Comprehensive Plan Objective 102.3 requiring Monroe County to adopt Land Development Regulations which will direct new development to areas having appropriate topography and soil conditions and to where site disturbance and man’s activities will have fewer adverse effects on natural vegetation, terrestrial wildlife, natural landforms and marine resources.

WHEREFORE, IT IS ORDERED that Ord. 028-2008 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP  
 Director, Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING 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 5th day of February, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable George Neugent  
Mayor of Monroe County  
Florida Keys Marathon Airport  
9400 Overseas Highway, Suite 210  
Key West, Florida 33050

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Andrew Trivette  
Growth Management Director  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

Final DCA Order No.: DCA09-OR-041  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: LAKE COUNTY LAND DEVELOPMENT  
REGULATIONS APPROVED BY  
LAKE COUNTY ORDINANCE NO. 2008-52

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. §380.0551(1), Florida Statutes (2008).
2. On December 17, 2008, the Department received for review Lake County Ordinance 2008-52 ("Ord. No. 2008-52") adopted by the Lake County Board of County Commissioners on August 5, 2008.
3. Ord. No. 2008-52 creates Article VIII, Chapter 6, Lake County Code, entitled Green Building Standards and creates Sections 6-106 through 6-117, Lake County Code. The purpose of Ord. No. 2008-52 is to establish goals, programs and procedures for the Lake County Green Building and Development Code to define a certification-based green-building and development program with incentives and an educational component.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Florida Statutes (2008).
5. Lake County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2008-52 promotes and furthers the following Principles: consistent with the Principles in Subsection 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved:
  - (a) Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood-retention areas.
  - (b) Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
  - (c) Protect the normal supply of ground and surface water.
9. Ord. No. 2008-52 is not inconsistent with the remaining Principles. Ord. No. 2008-52 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2008-52 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 CHARLES GAUTHIER, AICP  
 Director, Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR

PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of February, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:  
Sanford A. Minkoff  
County Attorney  
Lake County  
P. O. Box 7800  
Tavares, FL 32778-7800

Final DCA Order No.: DCA09-OR-042  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: LAKE COUNTY LAND DEVELOPMENT  
REGULATIONS APPROVED BY  
LAKE COUNTY ORDINANCE NO. 2008-60

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. § 380.0551(1), Florida Statutes (2008).

- 2. On December 17, 2008, the Department received for review Lake County Ordinance 2008-60 ("Ord. No. 2008-60") adopted by the Lake County Board of County Commissioners on September 2, 2008.
- 3. Ord. No. 2008-60 amends Section 9.07.09, Lake County Code, Appendix E. Land Development Regulations, entitled Lot Grading. The purpose of Ord. No. 2008-60 is to update the Lake County lot grading requirements to improve protection of wetlands, floodplains and surrounding properties.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Florida Statutes (2008).
- 5. Lake County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
- 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
- 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
- 8. Ord. No. 2008-60 promotes and furthers the following Principles: consistent with the Principles in subsection 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved:
  - (a) Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood-retention areas.
  - (b) Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
  - (c) Protect the water available for aquifer recharge.
  - (e) Protect the normal supply of ground and surface water.
  - (h) Protect the water-retention capabilities of wetlands.
- 9. Ord. No. 2008-60 is not inconsistent with the remaining Principles. Ord. No. 2008-60 is consistent with the Principles for Guiding Development as a whole.



10. Ord. No. 2008-60 is consistent with Lake County Comprehensive Plan Policy 1-13.6: Consistency with Performance Standards.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2008-60 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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CHARLES GAUTHIER, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

#### NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of February, 2009.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Sanford A. Minkoff  
County Attorney  
Lake County  
P. O. Box 7800  
Tavares, FL 32778-7800

NOTICE OF APPLICATION PERIOD

The FLORIDA COMMUNITIES TRUST (Trust) announces an application period for receiving applications from local governments and non-profit environmental organizations requesting funding awards from the Trust’s Florida Forever Park and Open Space grant Program.

**DEADLINE:** Applications will be accepted beginning on February 27, 2009 and ending at 5:00 p.m. (EDT), May 13, 2009. Applications must be received in the Florida Communities Trust’s office by the above stated deadline (an application postmarked by the application deadline will NOT be accepted). Applications received after the published deadline shall be deemed late and will not be considered by the Trust.

**APPLICATION FORMS:** Applications for funding must be made on Application Form FCT-4 following procedures in Rule Chapter 9K-7, F.A.C. Copies of the rule chapter and application form may be obtained by visiting the Trust website at <http://www.floridacommunitiestrust.org>, calling (850)922-2207 or by writing: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**ADDRESS:** For mail and carrier service deliveries, the delivery address is: Florida Communities Trust, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is: Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL.

**FUNDS AVAILABLE:** Funds available for awards will derive from Florida Forever bond proceeds. As of the date of submittal of this Notice, the Trust anticipates that \$63,000,000.00 will be available for use in this funding cycle,

unless otherwise allocated by the Legislature. However, FCT funding is limited to action taken by the Legislature so the exact amount of available funding is unknown at this time.

**LOCAL MATCH:** Section 259.105(3)(c), F.S. requires that of the funds allocated to the Trust for the Parks and Opens Space program and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. Paragraph 9K-7.003(7)(c), F.A.C., allows 100 percent grant funding to counties with populations under 75,000, municipalities with populations under 10,000 and eligible nonprofit environmental organizations. All other applicants shall provide a minimum of 25 percent match toward project costs.

**LIMITS ON AWARDS:** Under the provisions of subsection 9K-7.003(6), F.A.C., the total amount of any award or combination of awards applied for by any local government or nonprofit environmental organization under any application(s) or partnership application(s) for any project(s) shall not exceed ten percent (10%) of the total Florida Forever funds available as stated above. All awards for partnership applications, for the purposes of calculating award limits, shall be divided equally among the local government or nonprofit environmental organization. Based upon the funds known to be available as of the date of this notice, the limit to any local government or nonprofit environmental organization shall be \$6,300,000.00. However, this amount is subject to legislative action and could change during the 2009 Florida legislative session.

**MORE INFORMATION:** Interested parties may obtain more information from the Trust website at <http://www.floridacommunitytrust.org>, by contacting the Florida Communities Trust at (850)922-2207 or by writing the above stated address.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Black Creek Pass, a private airport, in Leon County, at Latitude 30° 30' 057" and Longitude 084° 04' 59.9", to be owned and operated by Mr. Willis Forman, 11903 Wadesboro Road, Tallahassee, FL 32317.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us), Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Seaseng, Inc., intends to allow the establishment of A-1 Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2204 West 15th Street, Panama City (Bay County), Florida 32401, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of A-1 Scooters, LLC are dealer operator(s): Ralph Viafora, 2204 West 15th Street, Panama City, Florida 32401; principal investor(s): Ralph Viafora, 2204 West 15th Street, Panama City, Florida 32401.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Julia Law, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Seaseng, Inc., intends to allow the establishment of A-1 Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 2204 West 15th Street, Panama City (Bay County), Florida 32401, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of A-1 Scooters, LLC are dealer operator(s): Ralph Viafora, 2204 West 15th Street, Panama City, Florida 32401; principal investor(s): Ralph Viafora, 2204 West 15th Street, Panama City, Florida 32401.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Julia Law, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Seaseng, Inc., intends to allow the establishment of Powerful Diesel Corp. d/b/a All Scooters Plus, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1322 East Altamonte Drive, Altamonte Springs (Seminole County), Florida 32701, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Powerful Diesel Corp. d/b/a All Scooters Plus, Inc. are dealer operator(s): Margo Marin, 1322 East Altamonte Drive, Altamonte Springs, Florida 32701; principal investor(s): Margo Marin, 1322 East Altamonte Drive, Altamonte Springs, Florida 32701.

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: Julia Law, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Seaseng, Inc., intends to allow the establishment of Powerful Diesel Corp. d/b/a All Scooters Plus, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1322 East Altamonte Drive, Altamonte Springs (Seminole County), Florida 32701, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Powerful Diesel Corp. d/b/a All Scooters Plus, Inc. are dealer operator(s): Margo Marin, 1322 East Altamonte Drive, Altamonte Springs, Florida 32701; principal investor(s): Margo Marin, 1322 East Altamonte Drive, Altamonte Springs, Florida 32701.

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: Julia Law, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motor Sports ConneXion, LLC, intends to allow the establishment of ECO Moto Management Co. LLC d/b/a ECO Motorsports & Scooters, as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 725 Ronald Reagan Boulevard, Suite 100, Longwood (Seminole County), Florida 32750, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co. LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 725 Ronald Reagan Boulevard, Suite 100, Longwood, Florida 32750; principal investor(s): Elliot Blackwelder, 725 Ronald Reagan Boulevard, Suite 100, Longwood, Florida 32750.

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: Lisa Knowles, Motor Sports ConneXion, LLC, 11645 Grand Bay Boulevard, Clermont, Florida 34711.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motor Sports ConneXion, LLC, intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 2629 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Charles F. Terry, 2629 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Charles F. Terry, 2629 North Magnolia Avenue, Ocala, Florida 34475.

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: Lisa Knowles, Motor Sports ConneXion, LLC, 11645 Grand Bay Boulevard, Clermont, Florida 34711.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JH Global Services, Inc., intends to allow the establishment of Electric Cart Company, LLC, as a dealership

for the sale of Star Neighborhood Electric Vehicles (STAR) at 5480 US Highway 98 West, Santa Rosa Beach (Walton County), Florida 32459, on or after February 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Electric Cart Company, LLC are dealer operator(s): Thomas B. Waldrop, Jr., 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459; principal investor(s): Thomas B. Waldrop, Jr., 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459 and Jonathan C. Waldrop, 332 Club House Drive East, Freeport, Florida 32439.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Zhang, CEO, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motor Sports ConneXion, LLC., intends to allow the establishment of Jealse Scooters, Inc., as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 512 East Osceola Parkway, Kissimmee (Osceola County), Florida 34744, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jealse Scooters, Inc. are dealer operator(s): Fabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744; principal investor(s): Fabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lisa Knowles, Motor Sports ConneXion, LLC., 11645 Grand Bay Boulevard, Clermont, Florida 34711.

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 Motor Sports ConneXion, LLC, intends to allow the establishment of The Mod Scooter Company, LLC., as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 2095 West Fairbanks Avenue, Winter Park (Orange County), Florida 32789, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of The Mod Scooter Company, LLC are dealer operator(s): Rebecca Delgado, 2095 West Fairbanks Avenue, Winter Park, Florida 32789; principal investor(s): Rebecca Delgado, 2095 West Fairbanks Avenue, Winter Park, Florida 32789.

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: Lisa Knowles, Motor Sports ConneXion, LLC., 11645 Grand Bay Boulevard, Clermont, Florida 34711.

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 Konced Motorcycle Co. USA Ltd., intends to allow the establishment of Ride Green Florida, LLC, as a dealership for the sale of motorcycles manufactured by Cixi Konced Motorcycle Co. Ltd. (KNCD) at 7217 East Colonial Pine, Suite 112, Orlando (Orange County), Florida 32807, on or after February 5, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green Florida, LLC are dealer operator(s): Brian Schwartz, Post Office Box 536428, Orlando, Florida 32807; principal investor(s): Brian Schwartz, Post Office Box 536428, Orlando, Florida 32807.

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: Emily O, Konced Motorcycle Co. USA Ltd., 14978 Ramona Boulevard, Baldwin Park, California 91748.

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 Konced Motorcycle Co. USA Ltd., intends to allow the establishment of Ride Green Florida, LLC, as a dealership

for the sale of motorcycles manufactured by Cixi Konced Motorcycle Co. Ltd. (KNCD) at 671 West Fairbanks Avenue, Winter Park (Orange County), Florida 32789, on or after February 5, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green Florida, LLC are dealer operator(s): Brian Schwartz, Post Office Box 536428, Orlando, Florida 32807; principal investor(s): Brian Schwartz, Post Office Box 536428, Orlando, Florida 32807.

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: Emily O, Konced Motorcycle Co. USA Ltd., 14978 Ramona Boulevard, Baldwin Park, California 91748.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Aprilia motorcycles (APRI) at 10100 San Jose Boulevard, Jacksonville (Duval County), Florida 32257, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 10100 San Jose Boulevard, Jacksonville, Florida 32257; principal investor(s): Peter Warrick, 10100 San Jose Boulevard, Jacksonville, Florida 32257.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc. d/b/a Vespa Daytona, Aprilia Daytona, Moto Guzzi Daytona, as a dealership for the sale of Moto Guzzi motorcycles (MOGU) at 1459 North US Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after February 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 1459 North US Highway 1, Ormond Beach, Florida 32174; principal investor(s): Peter Warrick, 1459 North US Highway 1, Ormond Beach, Florida 32174.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

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 El Sol Trading, Inc., intends to allow the establishment of Snack Attack Motors Corp., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 2423 South State Road 7, West Park (Broward County), Florida 33023, on or after February 4, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Snack Attack Motors Corp. are dealer operator(s): Daniel Haspel, 2423 South State Road 7, West Park, Florida 33023; principal investor(s): Daniel Haspel, 2423 South State Road 7, West Park, 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: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) motorcycle franchise dealership in Manatee County by SunL Group, Inc., published in Volume 35, Number 3, page 383 of the Florida Administrative Weekly on January 23, 2009, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Zhejiang Mengdeli Electric Co. Ltd. (MENG) motorcycle franchise dealership in Manatee County by SunL Group, Inc., published in Volume 35, Number 3, page 383 of the Florida Administrative Weekly on January 23, 2009, has been withdrawn.

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 Electric Car Distributors, Inc., intends to allow the establishment of Interlake Gulf Corporation d/b/a Supreme Auto, as a dealership for the sale of low speed vehicles manufactured by American Custom Golfcars, Inc. (ACGC) at 3821 Bonita Beach Road, Bonita Springs (Lee County), Florida 34134-4110, on or after February 9, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Interlake Gulf Corporation d/b/a Supreme Auto are dealer operator(s): John R. Nocera, Sr., 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110; principal investor(s): John R. Nocera, Sr., 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110, John R. Nocera, Jr., 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110 and James Nocera, 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110.

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: Warren Sistare, President, Electric Car Distributors, Inc., 2306 North Dixie Highway, Fort Lauderdale, Florida 33305.



If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of TNT Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 3910 North Washington Boulevard, Sarasota (Sarasota County), Florida 34234, on or after February 4, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TNT Scooters, LLC are dealer operator(s): Louis Thomas, 3910 North Washington Boulevard, Sarasota, Florida 34234; principal investor(s): Louis Thomas, 3910 North Washington Boulevard, Sarasota, Florida 34234.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 10830 Ada Avenue, Montclair, California 91763.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of TNT Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 3910 North Washington Boulevard, Sarasota (Sarasota County), Florida 34234, on or after February 4, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TNT Scooters, LLC are dealer operator(s): Louis Thomas, 3910 North Washington Boulevard, Sarasota, Florida 34234; principal investor(s): Louis Thomas, 3910 North Washington Boulevard, Sarasota, Florida 34234.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 10830 Ada Avenue, Montclair, California 91763.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Seaseng, Inc., intends to allow the establishment of Titanic Tools + ATVs, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 117 South Montclair Avenue, Brandon (Hillsborough County), Florida 33511, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Titanic Tools + ATVs, Inc. are dealer operator(s): Lora Benard, 117 South Montclair Avenue, Brandon, Florida 33511; principal investor(s): Lora Benard, 117 South Montclair Avenue, Brandon, Florida 33511.

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: Julia Law, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

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 Seaseng, Inc., intends to allow the establishment of Titanic Tools + ATVs, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 117 South Montclair Avenue, Brandon (Hillsborough County), Florida 33511, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Titanic Tools + ATVs, Inc. are dealer operator(s): Lora Benard, 117 South Montclair Avenue, Brandon, Florida 33511; principal investor(s): Lora Benard, 117 South Montclair Avenue, Brandon, Florida 33511.

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: Julia Law, Seaseng, Inc., 1945 South Burgundy Place, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**STATE BOARD OF ADMINISTRATION**

**NOTICE OF 2008-2009 MAXIMUM ACCOUNT BALANCE LIMIT FLORIDA PREPAID COLLEGE PLAN AND FLORIDA COLLEGE INVESTMENT PLAN**

The Florida Prepaid College Board hereby gives notice that the maximum account balance limit for the Florida Prepaid College Plan and for the Florida College Investment Plan is \$349,000 until subsequently revised by the Board. The redemption value of an advance payment contract under the Florida Prepaid College Plan, plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary may not exceed the maximum account balance limit.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**DECISION ON EXPEDITED APPLICATION**

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

"Corrected Notice re Facility/Project name"  
 County: Indian River                      Service District: 9  
 CON#: 10045    Decision Date: 1/23/2009    Decision: A  
 Facility/Project: Willowbrooke Court at Indian River Estates  
 Applicant: ACTS Retirement-Life Communities, Inc.  
 Project Description: Add 20 sheltered beds as part of a replacement facility for an existing 100 sheltered bed skilled nursing home

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.

The Agency for Health Care Administration received and accepted the following letters of intent for the March 11, 2009 application filing date for Hospital Beds and Facilities batching cycle:

County: Marion District: 3  
 Date Filed: 2/9/2009 LOI #: H0902001  
 Facility/Project: HealthSouth Rehabilitation Hospital of Ocala, LLC.

Applicant: HealthSouth Rehabilitation Hospital of Ocala, LLC.  
 Project Description: Establish a comprehensive medical rehabilitation hospital of up to 60 beds

County: Lake District: 3  
 Date Filed: 2/9/2009 LOI #: H0902002  
 Facility/Project: Leesburg Regional Medical Center

Applicant: Leesburg Regional Medical Center, Inc.  
 Project Description: Establish a Level II NICU of up to 10 beds

County: Hillsborough District: 6  
 Date Filed: 2/9/2009 LOI #: H0902003  
 Facility/Project: University of South Florida Board of Trustees

Applicant: University of South Florida Board of Trustees  
 Project Description: Establish an acute care hospital of up to 100 beds

County: Miami-Dade District: 11  
 Date Filed: 2/9/2009 LOI #: H0902004  
 Facility/Project: Larkin Community Hospital

Applicant: Larkin Community Hospital, Inc.  
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 20 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 15, 2009, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 27, 2009.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION**

The Florida Department of Environmental Protection has determined that the City of Davie's project involving construction of water treatment plant, storage tank, water main

replacements, treatment plant upgrades, and water main upgrades will not adversely affect the environment. The total cost of the project is estimated to be \$50,772,797. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8366.

**NOTICE OF RECEIPT OF APPLICATIONS FOR PERMIT COVERAGE UNDER THE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

The Department announces the receipt of the applications listed below for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane, Tallahassee, Florida 32301, (850)523-1449. Any comments related to the noticed applications or objections to the use of the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received January 16-29, 2009

1. City of Leesburg – FLR04E110
2. City of St. Cloud – FLR04E112
3. City of Panama City Beach – FLR04E123
4. City of Sebastian – FLR04E124
5. City of St. Augustine Beach – FLR04E109

Comments may be mailed to the following address:

Steven Kelly  
 NPDES Stormwater Program  
 2600 Blair Stone Road, MS #2500  
 Tallahassee, Florida 32399-2400

**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/). For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT  
ON GEOLOGICAL AND GEOPHYSICAL  
PERMIT APPLICATION FOR FEDERAL WATERS  
IN THE GULF OF MEXICO

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Geological and Geophysical Permit Application submitted by EMGS Americas to collect seabed logging data in deep waters of the Gulf of Mexico was received by the State of Florida.

The permit application is available for inspection at: Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS 47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by March 6, 2009.

Contact: Shana Kinsey or Debby Tucker, (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT  
ON AN INITIAL PLAN OF EXPLORATION  
FOR FEDERAL WATERS OF THE CENTRAL  
GULF OF MEXICO PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Shell, for Desoto Canyon Block 939, was received by the State of Florida. Proposed activities include drilling up to six exploration wells in approximately 9,250 feet of water located approximately 134 miles south of Alabama.

The plan is available for inspection at: Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS 47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by March 16, 2009.

Contact: Shana Kinsey or Debby Tucker, (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF HEALTH**

On February 6, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Brandy

Lakeisha Matthews, C.N.A. license number CNA 119730. 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 February 6, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Wayne D. Maine, O.T.A. license number OTA 7865. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**FINANCIAL SERVICES COMMISSION**

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 13, 2009):

APPLICATION FOR A NEW FINANCIAL INSTITUTION  
Applicant and Proposed Location: Florida Shores Bank – Central, 4525 Old Canoe Creek Road, St. Cloud, Osceola County, Florida 34769

Correspondent: John P. Greeley, Esquire, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: February 6, 2009

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN February 2, 2009  
 and February 6, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**  
**Division of Elections**

1S-2.042	2/6/09	2/26/09	34/51	
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-14.117	2/4/09	2/24/09	34/14	34/51
5E-14.1421	2/4/09	2/24/09	34/14	34/51

**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-1.012	2/5/09	2/25/09	34/51	
6A-1.044	2/5/09	2/25/09	34/51	
6A-1.04514	2/5/09	2/25/09	34/51	
6A-1.09421	2/5/09	2/25/09	34/51	
6A-1.09422	2/5/09	2/25/09	34/51	
6A-4.01792	2/5/09	2/25/09	34/51	
6A-14.092	2/5/09	2/25/09	34/51	

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

15A-7.001	2/6/09	2/26/09	34/41	
15A-7.002	2/6/09	2/26/09	34/41	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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15A-7.0025	2/6/09	2/26/09	34/41	
15A-7.003	2/6/09	2/26/09	34/41	
15A-7.004	2/6/09	2/26/09	34/41	
15A-7.005	2/6/09	2/26/09	34/41	
15A-7.006	2/6/09	2/26/09	34/41	34/52
15A-7.007	2/6/09	2/26/09	34/41	
15A-7.008	2/6/09	2/26/09	34/41	
15A-7.009	2/6/09	2/26/09	34/41	34/52
15A-7.010	2/6/09	2/26/09	34/41	34/52
15A-7.011	2/6/09	2/26/09	34/41	
15A-7.012	2/6/09	2/26/09	34/41	
15A-7.013	2/6/09	2/26/09	34/41	
15A-7.014	2/6/09	2/26/09	34/41	
15A-7.015	2/6/09	2/26/09	34/41	
15A-7.016	2/6/09	2/26/09	34/41	
15A-7.017	2/6/09	2/26/09	34/41	34/52
15A-7.018	2/6/09	2/26/09	34/41	
15A-7.019	2/6/09	2/26/09	34/41	34/52

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.003	2/5/09	2/25/09	34/47	
59G-4.060	2/3/09	2/23/09	34/45	
59G-4.150	2/5/09	2/25/09	34/47	
59G-4.160	2/5/09	2/25/09	34/47	
59G-5.020	2/5/09	2/25/09	34/41	34/52
59G-8.500	2/6/09	2/26/09	34/41	34/52

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

64B-3.007	2/3/09	2/23/09	34/47	
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