

## Section I

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

#### DEPARTMENT OF STATE

##### Division of Elections

RULE NO.: 1S-2.041  
 RULE TITLE: FVRS Address and Records  
 Maintenance

**PURPOSE AND EFFECT:** This is a second workshop scheduled this year to vet proposed rule language that codifies a number of practices and procedures evolving from statutory requirements relating to address list maintenance activities and voter registration records maintenance activities. These procedures are designed to ensure that the official list of registered voters in the Florida Voter Registration System is accurate and current as to the addresses and eligibility of registered voters.

**SUBJECT AREA TO BE ADDRESSED:** FVRS Address and Eligibility Records Maintenance Activities.

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 98.015(10), 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

**LAW IMPLEMENTED:** 98.035, 98.065, 98.0655, 98.075 FS.

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

**DATE AND TIME:** July 27, 2009, 2:00 p.m.

**PLACE:** Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State at nshotwell@dos.state.fl.us or (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Maria Matthews, Assistant General Counsel, Florida Department of State, (850)245-6536, mimatthews@dos.state.fl.us.; Division of Elections, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6A-1.0081  
 RULE TITLE: Charter Schools Financial Conditions  
**PURPOSE AND EFFECT:** The purpose of the rule development is to establish procedures for developing financial recovery and corrective action plans, define and establish procedures for determining a deteriorating financial condition, and reference a monthly financial statement form that a charter school must complete and submit to its sponsor.  
**SUBJECT AREA TO BE ADDRESSED:** Charter Schools Financial Condition.

**RULEMAKING AUTHORITY:** 1002.345(4) FS.

**LAW IMPLEMENTED:** 1002.345, 218.39, 218.503 FS.

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

**DATES AND TIMES:** Tuesday, July 21, 2009, 8:00 a.m. – 5:00 p.m.; Thursday, July 23, 2009, 8:00 a.m. – 5:00 p.m.; Tuesday, July 28, 2009; 8:00 a.m. – 5:00 p.m.

**PLACES:** July 21, 2009 – NOVA Southeastern University, Fischler School of Education and Human Services, 1750 N.E. 167th Street, Conference Room B, North Miami Beach, Florida 33162

July 23, 2009 – Orlando Student Educational Center, 4850 Millenia Blvd., Room 213, Orlando, Florida 32839

July 28, 2009 – Florida Department of Education, 325 West Gaines Street, Suite 1703/1707, Tallahassee, Florida 32399-0400

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

**TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT** Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6A-2.0020  
 RULE TITLE: Charter School Capital Outlay  
**PURPOSE AND EFFECT:** The purpose of this rule development is to review and clarify the process by which charter school capital outlay plans are approved by the Department of Education. The effect of the development will be a more clearly defined process. The rule will be consistent with Section 1013.62(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Definitions of “expanded feeder chain”, “satisfactory student achievement”, and “financial stability”.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1013.62(1) 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: July 27, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Via conference call at (888)808-6959, Conference Code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

|           |                                       |
|-----------|---------------------------------------|
| RULE NO.: | RULE TITLE:                           |
| 6A-6.0781 | Procedures for Charter School Appeals |

PURPOSE AND EFFECT: The purpose of this rule development is to align Rule 6A-6.0781, F.A.C., with statutory changes and practices of the Charter School Appeal Commission.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will align the current rule with statutory changes related to the charter school appeal process as outlined in Section 1002.33, Florida Statutes.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(6) 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:

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~6A-6.0781 Procedures for Appealing a District School Board Decision Denying Application for Charter School Appeals.~~

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Sections 1002.33(6)(c), and 1002.33(8)(c) and (d), Florida Statutes, Chapter 96-186, Laws of Florida, shall be as follows:

(1) The district school board shall conduct a hearing that satisfies basic tenets of due process when deciding whether to reject a charter school application, terminate a charter, immediately terminate a charter, or non-renew a charter. The district school board shall ensure that a court reporter creates a record of the hearing so that the parties may order transcripts for appeal or other purposes.

~~(2)(4)~~ Within thirty (30) days after the date of a decision of a district school board denying which denies an application for a Charter School, non-renewing or terminating a charter, the appealing party applicant may file a written ~~notice of~~ appeal by submitting fifteen (15) hard copies of the appeal to with the Agency Clerk for the Department of Education, ~~in~~ Room 1702, The Capitol, 325 West Gaines Street, Suite 1520, Tallahassee, Florida 32399-0400. A copy of the notice of appeal shall be sent via mail or hand delivery to the district school board, via the Superintendent, and to each member of the State Board of Education by the appealing party by the applicant on date of filing with the Agency Clerk.

(a) The ~~notice of~~ appeal must include: name and address of appealing party applicant; name and address of the district school board; date of the district school board decision; name and address of appealing party’s applicant’s attorney, if any; ~~precise identification of alleged errors of the district school board in rejecting the Charter School application;~~ and written argument limited to whether all grounds identified in the district school board’s notice are supported by competent substantial evidence in the record below and whether such grounds constitute good cause. The appealing party may also raise due process as an issue specific alleged errors of the school board.

(b) The Charter School application or charter contract, as applicable, together with available transcripts of all meetings before the district school board in which the decision application was considered, and all documents considered by the district school board in making its decision shall be filed as exhibits to each party’s written the notice of appeal, unless the

parties stipulate in writing to the exhibits and file the exhibits as a separate document with the appealing party's appeal. Within five (5) business days after request of the appealing party, the district school board shall provide the appealing party with copies of all documents considered by the district school board in making its decision.

(c) Within thirty (30) ten (10) days after receipt of the filing notice of appeal, the district school board shall file fifteen copies of with the Agency Clerk and submit to each member of the State Board of Education its written arguments to the Agency Clerk for the Department of Education. The written arguments are limited to whether all grounds identified in the district school board's notice are supported by competent substantial evidence in the record below and whether such grounds constitute good cause. If due process is raised as an issue, the district school board shall also provide a written response to the specific alleged errors of the school board.

(d) The charter school appeal commission will review only those grounds identified in the district school board's notice, and due process, if raised.

(e) Such written arguments required from both parties shall not exceed twenty (20) pages exclusive of any exhibit addendum. Information provided in an addendum shall be limited to the actual Charter School application presented to the local board and the transcripts of meetings of the local boards' actions. Information provided beyond the twenty (20) page maximum will not be discussed nor considered by the appeal commission. Written arguments may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes, and bound at the top left corner. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one inch at the top, bottom, left and right. All written arguments and exhibits must be bound with tabs for each exhibit with a table of contents detailing each section.

(f)(d) Failure to meet the requirements herein specified may cause rejection of the submission by the Agency Clerk State Board.

(g)(e) The Charter School application or charter contract, as applicable, transcripts of meetings before the district school board, and all documents considered by the district school board in making its decision, written arguments of the parties shall constitute the record on appeal.

(3)(2) Upon receipt of a timely filed notice of appeal by a Charter School applicant, in accordance with accelerated appeal time constraints as set forth in Chapter 96-186, Laws of Florida, the Commissioner of Education Agency Clerk shall convene immediately schedule the matter on the next public meeting agenda of the Charter School Appeal Commission

State Board of Education to be considered the within thirty (30) days after filing notice of appeal, with notice to the appealing party applicant and the district school board of that hearing date. The State Board of Education does not have jurisdiction to hear late-filed appeals.

(a) At the hearing before the Charter School Appeal Commission State Board of Education, each party will be given a maximum of twenty (20) thirty (30) minutes to allow representative(s) to summarize the written arguments previously submitted to the State Board. No evidence or testimony, only oral argument, will be heard by the Charter School Appeal Commission State Board, at this time.

(b) The Charter School Appeal Commission may question the parties. During these questions, the Charter School Appeal Commission may, in its discretion, gather other applicable information regarding the appeal and request information to clarify the documentation presented it.

(4)(3) Upon reviewing the record on appeal and hearing oral summaries of written arguments, if presented, and consideration of the answers to questions, if asked, the State Board shall then proceed by majority vote to either accept or reject the decision of the district school board and shall then remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the State Board's decision. Charter School Appeal Commission shall then proceed by majority vote to either accept or reject the decision of the district school board. If the Charter School Appeal Commission determines that due process was not provided and the failure to provide due process was not harmless error, then the appeal shall be remanded to the district school board for provision of due process.

(5) The Charter School Appeal Commission's recommendation, record on appeal, written arguments of the parties, and a copy of the Charter School Appeal Commission transcripts will be forwarded to the State Board of Education.

(a) The State Board of Education shall consider the appeal and the Charter School Appeal Commission's recommendation at the next scheduled State Board of Education meeting. Each party shall have five (5) minutes to summarize their arguments. The State Board of Education shall approve, deny or remand the appeal.

#### (6) Motions.

(a) Motions before the Charter School Appeal Commission or State Board of Education shall be filed with the Agency Clerk in the same format as required in paragraph (2)(e) of this rule, except that they are limited to two (2) pages. Motions shall include a statement that the movant has conferred with the other party, shall state whether such party has any objection to the motion, and shall certify that the other party has been served with a copy of the motion. If there is an objection, the other party may file a response, subject to the

same filing requirements as the motion, within three (3) business days of receipt of the motion, or the day before the hearing, whichever occurs first. Oral arguments shall not be requested, but may be scheduled in the discretion of the ruling entity.

(b) The Chair of the Charter School Appeal Commission shall rule upon motions for an extension of time to file an appeal, motions for a continuance of the hearing, motions to relinquish jurisdiction on the grounds of an untimely filed appeal by the appealing party or on the grounds of settlement/voluntary dismissal of the appeal filed prior to the hearing date.

(c) The Commissioner of Education shall rule upon motions for a continuance of the appeal before the State Board of Education and motions to relinquish jurisdiction on the grounds of an untimely filed appeal by the appealing party or on the grounds of settlement/voluntary dismissal of the appeal.

~~Rulemaking Specific Authority 1002.33(24) 229.053(1) F.S., Chapter 96-186, Laws of Florida. Law Implemented 1002.33(6), 1002.335 F.S. Chapter 96-186, Laws of Florida. History-New 2-2-97, Amended \_\_\_\_\_.~~

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0784  
 RULE TITLE: Approval of Charter School Governance Training

PURPOSE AND EFFECT: The purpose of this rule development is to revise and improve the process by which charter school governance training plans are approved by the Department and to ensure consistency with Section 1002.33(9)(k), F.S.

SUBJECT AREA TO BE ADDRESSED: Charter School Governance Training.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(9)(k) FS.

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

DATE AND TIME: Monday July 27, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Via conference call (888)808-6959, conference code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0784 Approval of Charter School Governance Training.

The following provisions are established for the approval of charter school governing board training submitted to the Florida Department of Education for approval pursuant to Section 1002.33, F.S.

(1) General training requirements.

(a) Beginning with the effective date of this rule, every member of the governing body of a charter school operating in Florida shall participate ~~annually~~ in governance training ~~on or before August 1 of each calendar year. The charter school governance training must meet the requirements of this rule and be approved by the Department. Governing boards composed entirely of “school officers”, as defined by Section 1012.01, F.S., may meet the requirements of this rule by complying with the procedures set forth in subsection (6) of this rule. The training must be delivered consistent with a training plan that has been submitted and approved by the Department as described in this rule.~~

(b) Each governing board member must complete Training for charter school governing boards with one or more members who have had no previous board service or have served on the board for less than ninety (90) days must include a minimum of four (4) hours of instruction focusing on government in the sunshine, conflicts of interest, ethics, and financial responsibility as specified in Section 1002.33(9)(k), F.S. After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period thereafter, to complete a two (2) hour refresher training on the four (4) topics above in order to retain his or her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.

~~(c) New members joining a charter school board must complete the four (4) hour training within 90 days of their appointment to the board. A minimum of two (2) hours of refresher instruction on the four (4) topics in Section 1002.33(9)(k), F.S., may be offered if a charter school’s governing board is composed entirely of members who have served continuously on the school’s board for ninety (90) days or more, and all board members have completed four (4) hours of instruction as described in paragraph (1)(b) of this rule.~~

(d) Instruction beyond the hours specified in paragraphs (1)(b) and (c) of this rule may be included in the training plan to address additional topics generally recognized and supported by research or practitioners as important for effective governing board operation.

(e) Each charter school is responsible for contracting with or providing a trainer who delivers governance training consistent with a governance training plan that has been approved by the Department.

(2) No change.

(3) Submission and review of training plans.

(a) Potential training providers shall complete Form IEPC-9, Charter School Governance Training, Training Plan Approval Application, for submitting a charter school governance training plan for review and approval. Form IEPC-9 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) After completing and signing the form, a training provider seeking approval must submit the original and three (3) five (5) copies of the form, or an original and an electronic copy on a CD saved as a PDF file, to the Office of Independent Education and Parental Choice as described on the form. The Department will conduct two review periods each year, with deadlines for submitting applications on or before May 1 and on or before October 1. This requires that all applications and supporting documentation must be received by the Department on or before these dates.

(c) The Commissioner of Education shall appoint a review committee team to review charter school governance training plans. The review team shall be ~~appointed by the Commissioner of Education and~~ composed of individuals with knowledge in education, finance, governance, and law. A training plan submitted for approval to the Department will be reviewed within thirty (30) days of the deadlines listed in paragraph (3)(b) of this rule of receipt to determine compliance with the components identified in paragraph (2)(b) of this rule.

(d) The review team's findings will be consolidated and provided as recommendations to the Commissioner or designee. Using the recommendations of the review team committee, the Commissioner shall determine if the provider has met the criteria for approval or denial. Within ten (10) working days following the Commissioner's determination, the Department shall send a written notification to the proposed provider regarding the outcome of the training plan review.

(e) The names of training providers whose training plans have been approved to meet requirements of Section 1002.33(9)(k), F.S., will be posted on the Department's website at <http://www.floridaschoolchoice.org> and will be available in hard copy upon request to the Office of Independent Education and Parental Choice. ~~Governance training that was delivered between January 1, 2008, and the~~

~~effective date of this rule will be considered to have met statutory requirements if it was delivered pursuant to a training plan subsequently approved by the Department and reported as described in subsection (5) of this rule.~~

(f) A notice of denial ~~of approval~~ shall be sent to proposed training providers who submitted plans that do not comply with the components identified in paragraph (2)(b) of this rule. The notice of denial will identify specific areas of program weakness that must be corrected prior to reconsideration for approval. The provider may correct the application and resubmit on the next available submission deadline outlined in paragraph (3)(b) of this rule ~~shall have sixty (60) days after receipt of the notice of denial to resolve any outstanding issues, including submission of a revised training plan for reconsideration and review pursuant to paragraphs (3)(b), (e) and (d) of this rule. If issues with the training plan have not been resolved within sixty (60) days after receipt of the original notice of denial or any subsequent notice of denial following reconsideration of the revised training plan, whichever is later, the application for approval shall be administratively closed. After sixty (60) days from the date the application is administratively closed, a new training plan may be submitted to the Department as described in paragraphs (3)(a) and (b) of this rule.~~

(4) Length of approval and renewal of training plans.

(a) Each approval or extension shall be granted for a period of time determined by the Department of Education, but shall not exceed two (2) years from the date of approval.

(b) No earlier than six (6) months prior to the expiration of approval, a training provider may submit a request for renewal of an approved training plan by completing and submitting Form IEPC-10, Charter School Governance Training, Application to Renew an Approved Training Plan. Form IEPC-10 is hereby incorporated by reference to become effective with the effective date of this rule and will be available electronically on the Department's website at <http://www.floridaschoolchoice.org> or may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) A request for training plan renewal submitted for approval to the Department will be reviewed within thirty (30) days of receipt to determine continued compliance with the components identified in paragraph (1)(b) and (2)(b) of this rule. Within ten (10) working days following the Commissioner's determination, the provider will be notified in writing of the Department's decision to renew the plan or not to renew. If a training plan is not renewed, a provider may submit a new training plan to the Department as described in paragraphs (3)(a) and (b) of this rule.

(5) Report of governing board training.

(a) Each training provider offering an approved training program in accordance with this rule shall submit a report of each governing board's training to the Department and a copy of the report to the charter school director within thirty (30) days of the training. The charter school director is responsible for providing a copy of the report to the school's sponsor within ~~ten (10)~~ thirty (30) days of receiving the report from the trainer.

~~(b) Information to be reported shall include the name of the charter school governing board and individual members who received training, the date and location of the training, and whether or not the training objectives were achieved.~~ The report shall be submitted using the IEPC-11 form. Form IEPC-11 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's Web site. The report shall be submitted electronically to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Each training provider offering an approved charter school governance training program shall provide a certificate of participation to every governing board member who completes the training and achieves the training objectives as stated in the training plan.

(6) A charter school governing board composed entirely of "school officers" as defined in Section 1012.01, F.S., may comply with the requirements of this rule by providing documentation that they have received charter school governance training consistent with this rule. Documentation of charter school governance training shall be submitted to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, and must include:

(a) Date and location of charter school governance training received.

(b) Name, contact information, qualifications, and experience of all persons actively involved in providing charter school governance training.

Rulemaking Specific Authority 1002.33(24) FS. Law Implemented 1002.33(9)(k) FS. History—New 7-21-08, Amended \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0785  
 RULE TITLE: Charter School Applicant Training Standards

PURPOSE AND EFFECT: The purpose of the rule development is to codify Department standards for charter school applicant training and establish a procedure for charter school sponsors to demonstrate that their training standards meet or exceed the Department's standards.

SUBJECT AREA TO BE ADDRESSED: Charter school applicant training standards.

RULEMAKING AUTHORITY: 1002.33(26) FS.

LAW IMPLEMENTED: 1002.33(6)(g) 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: Adam Miller, Director of Charter Schools, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0786  
 RULE TITLE: Model Forms for Charter School Applicants and Sponsors

PURPOSE AND EFFECT: The purpose of the rule development is to reference and implement the model application form, evaluation instrument, charter format, and charter renewal format developed by the Department.

SUBJECT AREA TO BE ADDRESSED: Charter school model application, evaluation tool, charter format, and charter renewal format.

RULEMAKING AUTHORITY: 1002.33(26) FS.

LAW IMPLEMENTED: 1002.33(6)(a), (b), (21)(a), (26) FS.

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

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PLACES: July 21, 2009 – Nova Southeastern University, Fischler School of Education and Human Services, 1750 N.E. 167th Street, Conference Room B, North Miami, Beach, FL 33162

July 23, 2009 – Orlando Student Educational Center, 4850 Millenia Blvd., Room 213, Orlando, Florida

July 28, 2009 – Florida Department of Education, 325 West Gaines Street, Room 1703/1707, Tallahassee, FL 32399-0400

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## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: 6A-6.0787  
 RULE TITLE: Ballot Process for Teacher and Parent Voting for Charter School Conversion Status

PURPOSE AND EFFECT: The purpose of the rule development is to establish a ballot process by which teachers and parents may vote to support the conversion of their public school to charter school status.

SUBJECT AREA TO BE ADDRESSED: Ballot process for teacher and parent voting for charter school conversion status.

RULEMAKING AUTHORITY: 1002.33(3)(b) FS.

LAW IMPLEMENTED: 1002.33(3)(b) FS.

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PLACES: July 21, 2009 – Nova Southeastern University, Fischler School of Education and Human Services, 1750 N.E. 167th Street, Conference Room B, North Miami, Beach, FL 33162

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## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: 6A-6.0788  
 RULE TITLE: Notice Requirements for Charter School Performance Data

PURPOSE AND EFFECT: The purpose of this rule development is to outline the manner in which charter schools, that serve at least ten (10) students who are tested on the statewide assessment and who do not receive a school grade or school improvement rating, will provide student performance data to the required recipients.

SUBJECT AREA TO BE ADDRESSED: Definitions of “expanded feeder chain”, “satisfactory student achievement”, and “financial stability”.

RULEMAKING AUTHORITY: 1002.33(21)(b)1.b. FS.

LAW IMPLEMENTED: 1002.33(21) 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: Adam Miller, Director of Charter Schools, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

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

## DEPARTMENT OF EDUCATION

### State Board of Education

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

PURPOSE AND EFFECT: The purpose of the proposed rule development is to clarify and establish specific participation adherence for parents and private schools as related to the John M. McKay Scholarship program by requiring a signed parent affidavit affirming parental compliance with the program. In addition, the rule will clarify private school requirements related to the return of scholarship funds and allow the Department the authority to conduct private school on-site inspections, as appropriate, in conjunction with a formal complaint and refer an inquiry to the Office of Inspector General with the Department at any point. The effect will be a rule amendment which will further strengthen the Departments administration and implementation of the program.

SUBJECT AREA TO BE ADDRESSED: Administrative requirements for parental participation, return of scholarship funds received erroneously by the provider, Departmental authority to conduct private school on-site inspections at the Department's discretion, and the requirement of a signed notarized parent affidavit asserting knowledge and compliance with the McKay Scholarship Program.

RULEMAKING AUTHORITY: 1002.39 FS.

LAW IMPLEMENTED: 1002.39 FS.

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

DATE AND TIME: July 27, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Via conference call at (888)808-6959, conference code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael D. Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399. TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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, F.S., in an effective and equitable manner that will maintain the integrity of the program.

(1) through (4) No change.

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

(c) The following requirements must be met to qualify for a scholarship payment:

1. The notice of intent, described in subsection (1) of this rule, must be filed sixty (60) days before the first scholarship payment. This is a one-time requirement that applies to scholarship students entering the program for the first time, and no payment can be earned until such time as the notice requirement has been met.

2. A student must have an enrollment date thirty (30) days before the first scholarship payment is made. The submission of the school and student fee schedules are required to establish the enrollment date and are completed using the Department's website. A student that changes private schools after meeting the enrollment date requirement may still qualify for payment for that payment period.

3. All parents of participating students must have on file with the Department a signed, notarized affidavit form, provided by the Department, affirming that the parent understands and agrees to uphold the responsibilities of the parent and the student as outlined in Section 1002.39(9), F.S., including restrictive endorsement of the scholarship warrants.

~~4.3~~ A student must not be enrolled in a public school or violate any of the prohibitions found in Section 1002.39(3), F.S.

~~5.4~~ The private school must verify each student's continued enrollment and attendance using the Department's website three (3) times per year before the November, February, and April scholarship payments. Failure to verify a student's continued enrollment and attendance will result in a delayed payment until the next payment period. To receive payment at that time, the private school must verify student attendance for the delayed payment's payment period and, if the student is still enrolled in the program, for the current payment period.

(d) Private schools are responsible for the return of all scholarship funds to the Department that were received in error, including: for students that were not in attendance, or for services listed on a student's fee schedule that were not provided. If the Department identifies scholarship funds that should be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, ~~and~~ the procedure to be followed if the private school believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds. The Department's letter may also require the school to provide an explanation for how the private school claimed funds that were erroneously obtained and, if so, shall state that a failure to file a response within the specified time is deemed to be an admission of the allegations in the letter.

1. Private school shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

2. If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the private school to any funds still due and a timeframe for the return of those funds. The response shall give the private school or parent at least twenty (20) additional days to repay the funds.

3. Failure to return the funds due back to the Department, or failure to provide an explanation for how the school claimed funds that were erroneously obtained, within the time period allotted shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.39(7), F.S., and this rule. In order to ensure that scholarship payments are received on the scheduled payment date, any funds requested by the Department must be



received at least twenty (20) days prior to the upcoming scheduled payment date. Otherwise scholarship payments will be delayed until the subsequent scholarship payment date.

4. The Department may choose not to issue scholarship payments to students enrolled in a private school that owes funds it erroneously obtained.

(e) Where a scholarship student attends multiple private schools or a private school and the public school in the same payment period, the right to retain the scholarship payment shall be given to the first private school the student attends for ten (10) or more school days during that payment period. If the student does not attend a private school for at least ten (10) days and attends a public school, then the funding generated, if any, shall be retained by the school district and no scholarship payment shall be generated.

(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.

(6) through (8) No change.

(9) Inquiry process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the Department. The letter shall state that a failure to file a response within the specified timeframe is deemed to be an admission of the allegations made in the formal complaint.

(b) Failure to respond to a letter of inquiry in a timely manner by:

1. A parent, then the Department shall determine the effect on ~~notify the parent that the parent's failure to respond to the letter of inquiry is deemed to be an acceptance of the allegations made in the formal complaint and may affect student eligibility.~~

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.

3. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, the student, or private school as appropriate ~~a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within five (5) working days shall be deemed to be an admission of the stated violation or allegation.~~

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, ~~or~~ school district or conduct a site audit/inspection as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the parent of any violation of laws or rules committed and any effect it will have on student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.

c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point in the process set forth in this rule, refer an inquiry to the Department's Office of Inspector General or another appropriate agency for full investigation.

(e) Notwithstanding any other provision of this rule, the Commissioner may at any point before or during the inquiry process exercise the authority given under Section 1002.39(7), F.S., and this rule ~~to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.~~

Rulemaking Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History—New 1-18-07, Amended 4-21-09,\_\_\_\_\_.

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NO.:

12A-1.097

RULE TITLE:

Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of sales and use tax.

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

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) 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: July 28, 2009, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-13.002                      RULE TITLE: Collection and Remittance of Fee

PURPOSE AND EFFECT: Tax collectors are required to report and remit taxes and fees electronically to the Department using the Tax Collector Revenue Remittance System and no longer use Form DR-35 (Motor Vehicle Warranty Remittance Fee Report) to report the fee. Form DR-35 continues to be used by private tag agencies reporting the fee and by motor vehicle dealers reporting the fee on vehicles sold or leased in Florida for titling or registration in another state. The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to: (1) adopt revisions to Form DR-35 to update the instructions; and (2) update the information on how to obtain copies of the form from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to Form DR-35 used by the Department in the administration of the motor vehicle warranty fee.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(15), 681.117 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: July 28, 2009, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-16.008                      RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-17.005                      RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: Effective October 1, 2009, Chapters 2009-158 and 2009-162, L.O.F., require mail-in secondhand precious metals dealers to register with the Department of Revenue prior to regularly engaging in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions or to contract with others to buy precious metals in the same manner. The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department to register secondhand dealers and secondary metals recyclers to include mail-in secondhand precious metals dealers.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the requirements imposed on persons to obtain a certificate of registration as a mail-in secondhand precious metals dealer.

RULEMAKING AUTHORITY: 213.06(1), 538.11, 538.37 FS.

LAW IMPLEMENTED: 538.09, 538.11, 538.25, 538.26, 538.31, 538.32, 538.37, 538.36, 539.002 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-19.100                      RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during the calendar year.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the adoption, by reference, of revisions to Form DR-700016, Communications Services Tax Return.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (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: July 28, 2009, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-4.003                      RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of documentary stamp tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the documentary stamp tax.

RULEMAKING AUTHORITY: 201.11, 213.06(1) FS.  
 LAW IMPLEMENTED: 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.12, 201.133 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: July 28, 2009, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-5.150                      RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the taxes imposed on fuels and pollutants.

RULEMAKING AUTHORITY: 206.14(1), 206.59(1), 213.06(1) FS.

LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 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: July 28, 2009, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules).

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

|            |                                  |
|------------|----------------------------------|
| RULE NOS.: | RULE TITLES:                     |
| 12B-7.004  | Rate of Tax; Oil, Gas and Sulfur |
| 12B-7.008  | Public Use Forms                 |
| 12B-7.026  | Public Use Forms                 |

PURPOSE AND EFFECT: Effective July 1, 2009, Section 2, Chapter 2009-139, L.O.F., imposes new tax rates on oil produced by tertiary methods in Florida.

The purpose of the proposed amendments to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas, and Sulfur), is to include the new tax rates imposed on oil produced by tertiary methods in Florida.

The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), is to: (1) include the tax rates imposed by Chapter 2009-139, L.O.F., on the production of oil reported on Forms DR-145 and DR-145X; and (2) update the tax rates imposed by Sections 211.025 and 211.026, F.S., on the production of gas and sulfur reported on Forms DR-144 and DR-144ES for calendar year 2010.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), is to update the tax and surtax rates imposed by Section 211.3101, F.S., on the severance of phosphate rock reported on Forms DR-142 and DR-142ES for calendar year 2010.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the reporting and remitting of the new tax rates for tertiary oil in Florida imposed by Section 2, Chapter 2009-139, L.O.F.; and (2) tax and surtax rate changes imposed by Sections 211.025, 211.026, and 211.3101, F.S.

RULEMAKING AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.026, 211.04, 211.075, 211.076, 212.11(1)(b), 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: French Brown, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules).

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

|           |                             |
|-----------|-----------------------------|
| RULE NO.: | RULE TITLE:                 |
| 12B-8.003 | Tax Statement; Overpayments |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed adoption of changes to forms used by the Department in the administration of the insurance premium tax.

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.402, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, 2005-280, L.O.F.

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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-1.051  
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the corporate income tax.

RULEMAKING AUTHORITY: 213.06(1), 220.51 FS.

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

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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator I, Technical

Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules)

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-2.0115  
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on government leasehold estates.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the intangible tax.

RULEMAKING AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 196.199(2), 199.135, 199.232, 199.292 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: July 28, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.033                      RULE TITLE: Standards for Nonpartisan Voter Education

**PURPOSE AND EFFECT:** The purpose of the rule is to satisfy the requirement to provide minimum standards for county supervisors of elections to implement regarding nonpartisan voter education. The proposed revisions reflect the Department of State's review of best trends and practices associated with voter education programs and activities reported by county Supervisors of Election in the last couple of general election years. The revisions emphasize expanding use and reliance on the Internet as a primary medium for public access and dissemination of election information.

**SUMMARY:** The proposed revisions provide updated minimum standards for nonpartisan voter education.

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

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

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 98.255 FS.

**LAW IMPLEMENTED:** 98.255 FS.

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

**DATE AND TIME:** August 3, 2009, 1:00 p.m.

**PLACE:** Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State at [nlshotwell@dos.state.fl.us](mailto:nlshotwell@dos.state.fl.us) or (850)245-6536. If you are

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Maria Matthews, Assistant General Counsel, Florida Department of State, (850)245-6536, [mimathews@dos.state.fl.us](mailto:mimathews@dos.state.fl.us)

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

1S-2.033 Standards for Nonpartisan Voter Education.

(1) Voter Guide. The cCounty supervisors of elections shall create a vVoter gGuide as part of their nonpartisan voter and voting education efforts.

(a) A The vVoter gGuide must shall include the following information:

1. How to register to vote including how to register by mail.
  2. Where to obtain voter registration applications are available.
  - ~~3. How to register by mail;~~
  - ~~3.4.~~ Dates for upcoming elections and early voting periods.
  - ~~4.5.~~ Registration deadlines for the next primary and general election.
  - ~~5.6.~~ How voters can should update their voter registration information such as changes in name, address or party affiliation.
  6. How voters can update their signatures and why is it important to keep the signature current.
  7. Information on how to obtain, vote and return an absentee ballot.
  - ~~8. The Voter's Bill of Voters' Rrights and Rresponsibilities pursuant to Section 101.031, F.S.;~~
  9. Polling information including what times the polls are open, what to bring to the polls, the list of acceptable IDs, and what to expect at the polls including when the voter may vote a provisional ballot.
  10. What it means for Florida to be a closed Primary Election state.
  11. Information on how voter information cards are issued when there is a change in polling place or precinct.
  - ~~12.10.~~ Instructions on the county's particular voting system.
  - ~~13.11.~~ Supervisor's contact information. ~~and~~
  14. Supervisor's website address.
  - ~~15.12.~~ Any other information the supervisor deems important.
- (b) Alternatively, the supervisor of elections can use and supplement the Department of State's Voter Guide to satisfy the requirements of paragraph (a).

~~(2)(b)~~ Distribution of Voter Guide. The supervisor of elections shall make provide the vVoter gGuide available on his or her website and upon request, at the following locations: at as many places as possible within the county including:

~~(a)1-~~ Any voter registration agency ~~Ageneies~~ designated under as voter registration sites pursuant to the National Voter Registration Act of 1993. A voter registration agency is any public library, any office that provides services for persons with disabilities including any center for independent living, any office for public assistance, and any military recruitment office.;

~~(b)2-~~ The supervisor's office.;

~~3-~~ Public libraries;

~~(c)4-~~ A cCommunity centers.;

~~(d)5-~~ A pPost offices.;

~~6-~~ Centers for Independent Living.;

~~(e)7-~~ A cCounty governmental offices.; ~~and~~

~~(f)8-~~ At any all registration drives conducted by the supervisor of elections.

(3) Website. Each supervisor of elections shall maintain a website that includes voter and voting information. This requirement may be satisfied by providing a link to a webpage containing such information via the county's website. The website or link shall include, at a minimum:

~~(a)(2)~~ If a supervisor has a website, it must take into account all of the information that is required to be included in Tthe county's vVoter gGuide.

~~(b)~~ Information on how to obtain a copy of the voter's sample ballot for an upcoming election ~~In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot for the upcoming election.~~

~~(c)~~ Notice of change of polling place and precinct to all registered voters.

~~(d)~~ Only if feasible, a polling place or precinct finder that allows a voter to determine his or her precinct or polling place.

(4) Voter Registration Education and Training Programs. A county supervisors of elections shall:

~~(a)(3)~~ At least once a year in each public high school in the county, the supervisor shall Ceonduct at least once a year a high school voter registration/education program in each public high school in the county. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students who are eligible to pre-register or register.

~~(b)(4)~~ Conduct at least once a year ~~At least once a year on each college campus in the county,~~ the supervisor shall provide a college voter registration/education program on each college campus in the county. This program must be designed for maximum effectiveness in reaching and educating college students.

~~(5) County supervisors of elections shall post the listing of the voters' rights and responsibilities pursuant to Section 101.031, F.S., at the supervisor's office.~~

~~(c)(6)~~ County supervisors of elections shall Pprovide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives.

~~(d)~~ Assist, upon reasonable request, voter registration agencies designated under the National Voter Registration Act of 1993, including to help distribution and collect voter registration applications submitted through these agencies.

~~(e)(7)~~ County supervisors of elections shall Ceonduct demonstrations of the county's voting equipment in community centers and; senior citizen residences, and for to various community groups, including minority and disability groups.

(5) Notices and public announcements. A county supervisor of elections shall:

~~(a)~~ Post at the supervisor's office, the Voter's Bill of Rights and Responsibilities as set forth in Section 101.031, F.S., and at each polling place during the early voting period and on Election Day.

~~(b)(8)~~ County supervisors of elections shall Pparticipate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.

~~(c)~~ Publish in the newspaper sample ballots or alternatively, may mail sample ballots to registered voters in accordance with Section 101.20(2), F.S.

~~(d)(9)~~ Supervisors of elections shall Pprovide notice of changes of polling places and precincts to all affected registered voters as required by Section 101.71, F.S. This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor's office to obtain polling place information.

Rulemaking Specific Authority 20.10, 97.012(1), 98.255, 97.012(1) FS. Law Implemented 98.255 FS. History--New 5-30-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Donald Palmer, Director, Division of Elections

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2009

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



**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

|                   |   |
|-------------------|---|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>   |
| IT-1.001          | Division of Cultural Affairs  |
| IT-1.031          | Historical Museum Grants<br>Application Requirements                |
| IT-1.032          | History Museums Application<br>Review and Grant Administration      |
| IT-1.033          | Art in State Buildings Program                                      |
| IT-1.034          | Florida Artists Hall of Fame and<br>Florida Arts Recognition Awards |
| IT-1.035          | Artwork Collection Care and<br>Maintenance                          |
| IT-1.036          | Arts and Cultural Grants  |
| IT-1.037          | State Touring Program   |
| IT-1.038          | Individual Artist Fellowship Program                                |

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to:

1. Amend subsection IT-1.001(1), F.A.C., by changing the name of the Florida Arts Council to the Florida Council on Arts and Culture in accordance with Section 265.285, F.S.
2. Create a new rule, Arts and Cultural Grants, Rule IT-1.036, F.A.C., that establishes eligibility criteria, application procedures, matching funds, panel review criteria, scoring criteria, Legislative review and funding method, reporting requirements, grant administration forms, and program guidelines for the Cultural and Museum Grants Program and the Specific Cultural Projects Program.
3. Repeal subsection IT-1.001(19), F.A.C., Regional Cultural Facilities Program as a result of Legislative repeal of the governing Statute (Section 265.702, F.S.).
4. Repeal Rule IT-1.031, History Museum Grants Application Requirements; and Rule IT-1.032, F.A.C., History Museum Application Review and Grant Administration as a result of repeal of the governing Statute (Section 265.708, F.S.). The History Museum Program has been incorporated into Section 265.286, F.S. Guidelines and application procedures are incorporated into Rule IT-1.036, F.A.C.
5. Repeal the Quarterly Assistance Program (subsection IT-1.001(9), F.A.C.), and the Challenge Grant Program (subsection IT-1.001(14), F.A.C.). Previous grantees will have access to funding through Arts and Cultural Grants, Rule IT-1.036, F.A.C.
6. Repeal the following subparagraphs and incorporate the program information into Arts and Cultural Grants, Rule IT-1.036, F.A.C.: subsections IT-1.001(3), (4), (5), (6), (7), (8), (10), (12), (13), and (18), F.A.C.
7. Establish new rule numbers for the following programs: Art in State Buildings (paragraph IT-1.001(2)(a), F.A.C.), Florida Artists Hall of Fame and Arts Recognition Program (paragraph IT-1.001(2)(b), F.A.C.), the State Touring Program (subsection IT-1.001(11), F.A.C.), the Individual Artist Fellowship Program (subsection IT-1.001(17), F.A.C.), and

the Artwork and Collection Care and Maintenance Program (subsection IT-1.001(20), F.A.C.). There are no new eligibility criteria, program review criteria, or additional reporting requirements for these programs.

8. Re-number the Cultural Endowment Program rule from subsection IT-1.001(15) to subsection IT-1.001(2), F.A.C., and the Cultural Facilities Program rule from subsection IT-1.001(16) to subsection IT-1.001(3), F.A.C. No changes are being made to these programs in this amendment.

**SUMMARY:** The proposed rule amends, repeals, and re-numbers old subsections of Chapter IT-1, F.A.C.; and creates a new Arts and Cultural grants rule. The new rule establishes eligibility criteria, application procedures, matching funds, panel review and evaluation criteria, Legislative review and funding method, reporting requirements, and grant administration for general program support and specific cultural program grants.

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

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

**RULEMAKING AUTHORITY:** 255.043(4), 265.284(3)(j), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), (11), 265.2861(2)(b), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(4), 265.702(8) FS.

**LAW IMPLEMENTED:** 265.284, 265.286, 286.011, 286.012 FS.

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

**DATE AND TIME:** Wednesday, August 5, 2009, 9:30 a.m.  
**PLACE:** Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 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 14 days before the workshop/meeting by contacting: Donald R. Blancett. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

## IT-1.001 Division of Cultural Affairs.

~~The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.~~

~~(1) Florida Council on Arts and Culture Florida Arts Council. This section provides guidelines for the organization, duties, and meetings of the Florida Arts Council (Council).~~

~~(a) Membership and duties of the Florida Council on Arts and Culture (Council) shall be in accordance with Section 265.285, F.S.~~

~~(b)(a) Officers. The Chairperson, Vice Chairperson, and Secretary of the Council shall be elected annually by the Council membership and may be re-elected for subsequent terms. In the event of the resignation or term-expiration of an officer, interim elections may be held.~~

~~(c)(b) The Chairperson has the authority to appoint standing and ad hoc committees of the Council, as well as appoint task forces made up of members of the Council and the general public. Standing and ad hoc committees, or task forces may report any recommendations to the Council at the next scheduled Council meeting. Recommendations shall be final upon approval by the Council, unless rejected by the Secretary of State.~~

~~(d)(e) The Council shall meet in accordance with Section 265.285(1)(b), F.S. Notice shall be provided and meetings shall be conducted in accordance with Section 120.525, F.S.~~

~~(2) State Cultural Programs. This section provides procedures for state cultural programs administered by the Division.~~

~~(a) Art in State Buildings Program. This program acquires artwork for public display in the interior or exterior of state buildings, in accordance with Section 255.043, F.S. State agencies that receive funding from the legislature for construction of new "public access" facilities shall set aside up to one-half of one percent (.5%) of their appropriation or \$100,000, whichever is less, to purchase or commission artwork. Each agency shall follow the art selection process and forms contained in the Department of State's Art in State Buildings Handbook (CA2E120, eff. 9/08), and in doing so, shall report funding appropriations and submit documentation supporting its art selection process to the Department of State. The following Art in State Buildings Forms are incorporated by reference and are available as part of the Art in State Buildings Handbook from the Department of State Division of Cultural Affairs, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, and on the Division's web site at [www.FloridaArts.org](http://www.FloridaArts.org): ASB Administrator Designation Form (CA2E121, eff. 9/08), Construction Appropriation Notification Form (CA2E122, eff. 9/08), User Agency Representative Designation Form (CA2E124, eff. 9/08), Committee Meetings Report (CA2E125, eff. 9/08),~~

~~Artist's Declaration Form (CA2E128, eff. 9/08), Selection Detail Form (CA2E132, eff. 9/08), and Project Completion Form (CA2E135, eff. 9/08).~~

~~(b) Florida Artists Hall of Fame and Florida Arts Recognition Awards. This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards. Nominations or applications to these awards programs shall meet the eligibility and application requirements as set forth in the Florida Artists Hall of Fame Nomination Form CA1E021, eff. 8/02, and the Florida Arts Recognition Awards Nomination Form CA1E015, eff. 8/02, both incorporated by reference and available from the Division.~~

~~(3) Grant Application Procedures. The Division shall be responsible for the administration of all grant applications, procedures, and awards, as recommended by the Council. Applicants shall meet all program deadlines as published on the Division's website and through the Division's online system; the posted deadlines will appear at least 90 days in advance of the deadline. Deadline dates are also available by calling the Division. Review panel and committee meetings shall be noticed in the Florida Administrative Weekly, on the Division's website, and through the Division's online system. Review panel meetings shall be conducted in accordance with procedures outlined in this rule and in Sections 112.313, 112.3143, 120.525, 286.012, and 265.285, F.S. During the scheduled panel meetings, applications from state-supported institutions will be considered separately from those of private institutions or individuals. All grant awards shall be subject to final approval by the Secretary of State.~~

~~(4) Program guidelines shall be posted on the Division's website and shall contain information on eligibility requirements, application review procedures, evaluation criteria, funding methods, and grant administration procedures. Application forms shall be accessible on the Division's website through the online application system. Applicants for grants shall meet the eligibility and application requirements as set forth in the grant program descriptions in this rule.~~

~~(5) Basic Eligibility. This section applies to all grant programs that reference subsection (5) in their eligibility section. Some Division programs require additional eligibility criteria that are detailed in this rule under the program description. To be eligible to apply to the Division for grant funding, an applicant organization must:~~

~~(a) Be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or~~

~~(b) Be a not for profit, tax exempt Florida corporation as a result of being incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, F.S., and designated as a tax-exempt organization as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended;~~

~~(e) Submit a completed and signed application. The application form (CA2E009, eff. 2/09) is incorporated by reference and is available through the Division's online application system (unless specifically directed to do otherwise for the grant deadlines for the State Touring Program) for each program to which application is made on or before the announced deadline for that program. A completed application shall include the following information submitted through the Division's online system: general identification and contact information, operating budget(s), proposal budget, proposal budget detail, proposal description including goals, objectives, activities and evaluation outline, and program narrative responses. Instructions for submitting support documents will also be available through the online system.~~

~~(d) Have satisfied the administrative requirements of previous grants received from the Department of State;~~

~~(e) Agree and be able to match, at least dollar for dollar, the grant amount requested from the Division:~~

~~1. The documented fair market value of donated goods and services may contribute up to 50% of the required local match share, not to exceed 25% of the total project costs.~~

~~2. State-supported institutions may not include overhead or indirect costs in the Grant Proposal Budget.~~

~~3. State-supported institutions may not use state funds as match in the Grant Proposal Budget.~~

~~4. State grant funds cannot be used for operating costs, including utilities, phone, fixtures, maintenance, general supplies, rent, mortgage payments and property taxes. These costs are only allowed as match or in-kind.~~

~~5. REDI Waiver. Cash matching requirements will be waived for applicants that are REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. Such waivers are only available for Cultural Support Specific Project, Quarterly Assistance, Arts in Education, Culture Builds Florida, Historical Museums Grants In Aid Educational Exhibits, and Challenge Programs. To obtain a cash match waiver, the applicant must submit, with its application, a letter from the local county government that acknowledges the grant application and requests the waiver. REDI qualified counties with approved waivers may use up to 100% in-kind match, which must be shown in the proposal budget. A list of REDI counties and communities is reviewed and updated annually, and is available on the Division's website.~~

~~6. Grants awarded in the Challenge Grant Program, the Underserved Arts Communities Assistance Program, and the State Touring Program have match requirements specific to those programs:~~

~~(f) Agree to comply with all legal and financial requirements as set forth in the grant program guidelines; and~~

~~(g) Have been incorporated or operational for at least one year at the time of application, with the exception of applicants to the Quarterly Assistance or Underserved Arts Communities Assistance Programs.~~

~~(h) A person or entity funded by the Legislature outside the review of the Council or Secretary of State shall not be eligible to receive grant support for its activities from the Division within the same fiscal year in which legislative funding is made available.~~

~~(6) Grant Review Panels. The Secretary shall appoint panels to review and recommend grant applications for funding to the Council whenever it is determined that grant review panels are necessary to the process.~~

~~(a) Panelists will be appointed for 1-year terms, but may be reappointed for up to three successive years, including the original 1 year term.~~

~~(b) The Division shall seek nominations for panelists on an ongoing basis. Panelists shall be practicing artists, arts-related professionals, and educators, or other persons with current or prior active involvement in specific artistic disciplines that include, but are not limited to, dance, theatre, visual arts, music, folk arts, literature, media arts, and sponsor/presenter. In appointing panel members, the Secretary shall give due consideration to professional acumen, geographical representation, minority representation, and diverse aesthetic, institutional, and cultural viewpoints.~~

~~(c) Panelists shall not receive compensation, but shall be reimbursed for travel and per diem expenses when attending panel meetings pursuant to the provisions of Section 112.061(2)(e), F.S.~~

~~(d) Panels shall meet at the call of the Division.~~

~~(e) Panels shall be chaired by a Council member who shall be appointed by the Council Chair, but shall not vote on applications being reviewed by the panels. In the absence of a panel chair, a Division staff member will serve as the non-voting chair of the panel.~~

~~(f) Scoring of applications by panelists in any program area is subject to the following limits: Individual panelist ratings will be declared in whole integers and not include partial points, and panel averages will be rounded to one decimal place, rounding up in favor of the applicant when the second decimal is a 5, such as 93.35, would be rounded up to 93.4. Scores of "0" on any individual criterion are not acceptable.~~

~~(g) Each panel's chairperson shall report the panel's application rating recommendations to the Florida Arts Council. The Council will then review the recommendations and is authorized to amend such recommendations based on new information not made available to panels. Examples of new information are: a panelist's conflict of interest not disclosed at the meeting; misinformation presented at the panel meeting by someone other than a designated applicant representative; Division staff error discovered after the panel meeting; concerns raised as a result of a compliance review; bankruptcy or other fiscal concerns; or changes in the applicant's staff that would impair implementation of the proposed grant activity. After all panel reports have been made~~

and amended, if applicable, the Council shall vote on each panel recommendation. The recommendations of the Council will then be submitted to the Secretary of State for approval.

(h) All members of panels shall comply with the Standards of Conduct for Public Officers and Employees of Agencies as set forth in Section 112.313, F.S., and voting conflict of interest laws as set forth in Sections 112.3143 and 286.012, F.S.

(7) ~~Cultural Support Grants.~~ The Cultural Support Grants program provides state recognition through competitive grants for significant public programs that preserve, strengthen, and foster excellence and diversity in art or culture for Florida's residents and visitors. This program area includes the programs formerly known as Discipline Based Arts Grants, Science/Youth and Children's Museums Grants, and Cultural Institutions Program. Two types of funding are offered: General Program Support and Specific Project. General Program Support applications are grouped in two funding categories: Cultural Organizations and Cultural Institutions. There will be an annual application cycle for submission of Specific Projects, a 2-year application cycle for Cultural Organization, and a four year application cycle for Cultural Institutions.

(a) ~~Specific funding eligibility and maximum requests.~~

1. ~~General Program Support Funding.~~ In addition to the basic eligibility requirements detailed in subsection (5), applicants for General Program Support must have received at least one non-capital program grant from the Division of Cultural Affairs, and must be a cultural organization or a recurring cultural program conducting programs on a regular basis that meet the intent of one of the disciplinary review categories as detailed in the guidelines. For the purpose of this program area, a recurring cultural program is one that is part of a multipurpose or state-supported institution. It must function as a discrete unit within its parent institution and present or produce a full season of programming on a yearly basis. The cultural program must have at least one paid full-time staff member, whose responsibilities are solely for the organization's services and operations; have an advisory board which governs the activities of the program, and be able to separately and distinctly fulfill all eligibility and application requirements. Entire departments or schools within a university, college, or other multipurpose institution do not qualify as recurring cultural programs.

a. ~~Cultural Organizations.~~ Revenues from the organization's last completed fiscal year must be greater than or equal to \$25,000. Organizations may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000. Youth and Children's Museums as defined in Section 265.609, F.S., may request up to 20% of their last completed fiscal year revenue, not to exceed \$50,000. Youth and Children's Museums requesting more than \$50,000 may request up to 10% of their last completed fiscal year's revenue.

Organizations requesting more than \$50,000 must have no less than three years of continuous programming history and at least one paid full-time employee.

b. ~~Cultural Institutions.~~ The average Total Fund Revenue from the organization's last four completed and audited fiscal years must be at least \$1,000,000. Disciplines requiring higher minimum budgets are: \$1,250,000 for museums; at least \$1,250,000 dedicated to producing/presenting within overall minimum budgets of \$3,500,000 for sponsor/presenters; \$2,500,000 for symphonies, operas, and pop orchestras; and \$1,500,000 for other music institutions. Organizations must also have no less than five years of continuous programming history and established endowments with minimum required values of at least \$75,000 at the time of application. Disciplines requiring higher minimum endowments are: \$100,000 for ballet companies and theatres; \$600,000 for museums and sponsor/presenters; and \$1,000,000 for music institutions. For the purposes of this program, an endowment is a permanently restricted fund that is an asset of the corporation with a minimum market value as established for the discipline. Eligible applicants may request up to 10% of their eligible four-year average total fund revenue, not to exceed \$350,000, but must have sufficient non-state revenues to request at least \$100,000. Eligible fund revenue is defined as all revenue received and recognized in the applicant's audits, excluding all state funds. All applicants to a Museum discipline must document that they have received accreditation by the American Association of Museums or the American Zoological Association by the application deadline.

e. ~~Deadlines will be announced not less than three months in advance and may be staggered by discipline or category over the fiscal year.~~

2. ~~Specific Project applications may be submitted annually by any organization meeting the requirements of subsection (5). The proposal activity must meet the intent of the discipline category to which the application is submitted.~~

a. ~~Organizations may request up to \$25,000 for each Specific Project application submitted. No more than two Specific Project applications may be submitted. No more than \$25,000 will be awarded in a single year. Organizations may submit only one application to each discipline category.~~

b. ~~Organizations may not receive General Program Support from the Division of Cultural Affairs or the Division of Historical Resources and a Specific Project through this program in the same fiscal year.~~

e. ~~Organizations can only receive one General Program Support grant from the Department of State in the same fiscal year. This policy is effective as of July 1, 2008 for Cultural Organizations and July 1, 2010 for Cultural Institutions. The only exception to this limitation is for a multidisciplinary museum, which is defined as a museum that addresses two or more disciplines to a significant extent: for example, a museum that interprets both art and history or both history and science.~~

~~Multidisciplinary museums will be permitted to receive a total of two General Program Support museum category grants from any division within the Department of State. A discipline-specific operating budget must be used for each application; multidisciplinary museums cannot use the same operating budget for both applications. Multidisciplinary museums that submit two General Program Support applications to the Cultural Support Grants Program may request a maximum of \$100,000 in the Cultural Organizations category and a maximum of \$350,000 in the Cultural Institutions category.~~

~~3. Museums applying to any discipline must have been open to the public on a regular schedule and must have been open for at least 180 days each year.~~

~~(b) Review criteria, scoring, and funding. Complete grant applications shall be evaluated by discipline-based review panels according to the following criteria: Program Excellence, up to 50 points; Public Impact, up to 30 points; and Program Management, up to 20 points.~~

~~1. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to be considered for funding for Specific Project applications. The panel is not required to fund all Specific Project applications that receive a minimum average score of 75 points. An average panel score of 80 points out of a maximum possible 100 points must be earned to receive funding for Cultural Organizations applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Cultural Institutions applications. General Program Support award amounts recommended to the Council will be determined through the use of a funding method for all applications achieving the minimum eligible category specific score. Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75.~~

~~2. In addition to the basic eligibility requirements detailed in subsection (5), support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions, is required. Cultural Institutions applicants are also required to provide: a complete funding worksheet; applicants must submit financial statements or audits for all 4 fiscal years provided on the funding worksheet; and documentation that the applicant organization has received accreditation by the American Association of Museums or the American Zoological Association. The application will be declared ineligible if required information is not submitted by the application deadline.~~

~~(8) Programs for Local and Statewide Service Organizations. The purpose of this program is to foster the development of local and statewide arts service organizations. There are two funding categories as outlined below:~~

~~(a) Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, F.S. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must be officially recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.~~

~~1. New applications will be reviewed for all eligible agencies on a three-year application cycle. Off-year out-of-cycle applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up a higher funding category.~~

~~2. Funding categories. The following four categories will be used to determine funding eligibility:~~

~~a. Pre-Level I has no minimum budget requirement. Organizations may only receive funding in this category once. Funding for Pre-Level I is \$5,000 and will be awarded on a non-matching basis.~~

~~b. Level I has no minimum budget requirement, but there must be at least one full-time or part-time paid staff member in the organization. The applicant may request up to 25% of their last completed fiscal year operating revenue, or \$25,000, whichever is less.~~

~~c. Level II is open to organizations whose last completed fiscal year operating revenue is at least \$100,000, has been in operation for at least three years at the time of application, and has at least one full-time paid staff member. The applicant may request up to 15% of their last completed fiscal year operating revenue, or \$40,000, whichever is less.~~

~~d. Level III is open to organizations whose last completed fiscal year operating revenue is at least \$1,000,000, has been in operation for at least five years at the time of application, and has more than one full-time paid staff member. The applicant may request up to 10% of their last completed fiscal year operating revenue, or \$60,000, whichever is less.~~

~~3. Review Criteria and Scoring. New applications will be evaluated by a review panel consisting of community cultural leaders, arts administrators, and other professionals knowledgeable about community and cultural development. The panel will evaluate each new proposal according to how well the local arts agency demonstrates that its activities are community-based and mission-driven through the following criteria:~~

a. The agency's method for determining the needs of its community (Up to 20 points).

b. The agency's goals and objectives and the general methods for meeting community needs as referred to in sub-subparagraph 3.a. (Up to 20 points).

e. Activities such as services, programs, projects, or initiatives planned for the application cycle achieve the agency's goals and objectives (Up to 40 points).

d. Agency's method for managing and evaluating specific activities described in criteria sub-subparagraphs 3.a. and b. Management areas addressed may include the roles of staff and board members; professional development opportunities; and areas of evaluation such as "customer surveys" and quantitative or qualitative performance measurements (Up to 20 points).

4. Funding Recommendations. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding. Applications that score less than 75 will not be recommended for funding by the panel. Award levels will be determined by the amount of the applicants' grant requests and prorated according to funding allocated to the Local Arts Agency Program. Second and third year recommended funding amounts will be determined on a prorata basis according to the availability of funding for the program and the number of eligible local arts agencies.

(b) State Service Organization Program. The purpose of this program is to support the efforts of state service organizations through stabilized funding and to work collaboratively with state service organizations to achieve statewide goals and objectives. A state service organization is defined as a not-for-profit organization that implements programs which have substantial cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence. Statewide is defined as at least 50% of the state's population, or 34 or more Florida counties. The goal of the program is to foster quality and professionalism in support of cultural excellence, access, and inclusion to the benefit of the public. In order to be eligible for funding, an organization must be designated as a State Service Organization by the Department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in Section 265.285, F.S. Upon designation, an organization retains this status for a three-year cycle at which time designation will again be reviewed by the Florida Arts Council and recommended by the Secretary of State. Organizations in all clusters listed below are eligible to request up to 15% of their last completed fiscal year revenue. Organizations are arranged in three clusters:

1. Cluster 1 organizations are those with a last completed fiscal year's operating budget of \$50,000 or less. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and

assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long-range strategic or visioning plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

2. Cluster 2 organizations are those with a last completed fiscal year's operating budget of between \$50,001 and \$150,000. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, and networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 2 applicants will be expected to demonstrate more extensive services than Cluster 1; this is accomplished through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

3. Cluster 3 organizations are those with a last completed fiscal year's operating budget of \$150,001 or more. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization's membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division's mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization's services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 3 applicants will be expected to demonstrate more extensive services than Cluster 2; this is done through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

4. ~~Designation Review Process:~~ With the submission of required materials, the applicant will be assigned an application number. The Division will review each application and determine whether the information is complete and in compliance with eligibility requirements. Staff will then make designation and funding recommendations to the Florida Arts Council based on the eligibility requirements listed for each cluster. All applicants will be notified in writing of their eligibility status. The list of eligible applications and recommended funding will be presented to the Florida Arts Council for their approval and recommendation to the Secretary of State.

5. ~~Funding:~~ Designated state service organizations will receive annual funding, subject to appropriation, for a three-year review cycle. Organizations are clustered by size of budget and scope of programming into the three cluster levels described above. Upon designation, Cluster 1 organizations will receive a \$5,000 award minimum; organizations in Clusters 2 and 3 will each receive an equal amount of funding within the total available budget with Cluster 3 receiving a higher amount than Cluster 2.

(9) ~~Quarterly Assistance Program.~~ The purpose of this program is to provide funding to promote professional development for arts organizations. There are five funding categories in this program. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must meet the category-specific eligibility criteria as stated below. For the purpose of this program, an arts organization is defined as a non-profit organization whose primary mission, or more than 50% of its operating budget, is dedicated to activity in the arts.

(a) ~~Funding Categories:~~

1. ~~Mini Grant.~~ This category is open only to arts organizations whose last completed fiscal year's total cash operating budget is \$150,000 or less. Applicants may request up to \$1,500. Evaluation is based on three criteria: Artistic Excellence, Public Impact, and Program Management.

2. ~~Staff Exchange.~~ This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on how well the organization demonstrates the need for the exchange and how the organization will benefit.

3. ~~Consultant Grant.~~ This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on the organization's demonstrated need for the consultant and how the organization proposes to utilize the knowledge gained from the consultant.

4. ~~In-Service Training Grant.~~ This category is open only to arts organizations. Applicants may request up to \$1,000. Evaluation is based on the organization's demonstrated need for the training and how the training will benefit the organization and its professional development.

5. ~~Special Project.~~ This category is open to both arts and non arts organizations with requests greater than \$1,500. Applications to this category must have prior approval from the Division. Evaluation is based on three criteria: Cultural Excellence, Public Impact, and Program Management.

(b) ~~Review panel, scoring, and funding recommendations.~~ A committee appointed by the Secretary of State will serve as the review panel for this program. The total maximum points that can be earned for any of the application categories is 100. Applicants must achieve a minimum of 75 to be considered for funding. Funding recommendations will be made by the panel in consideration of the funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum score.

(10) ~~Underserved Arts Communities Assistance Program.~~ The purpose of this program is to foster the development of underserved arts organizations. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must also meet the following program specific conditions. Funding is open only to arts organizations which are located within counties whose population is 100,000 or less or whose population density is less than 250 people per square mile, or are REDI qualified, or are a minority organization, or are otherwise able to demonstrate a lack of resources. REDI qualified means counties or communities designated pursuant to Sections 288.0656 and 288.06561, F.S.

(a) ~~There are four funding categories as outlined below:~~

1. ~~Salary Assistance/Basic Level.~~ This is a three-year program open to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000. The first year award is \$10,000 with no match required; the second year is \$7,500 with \$2,500 match required; the third year is \$5,000 with \$5,000 required. The first year award may be less than \$10,000, depending on availability of funding, with the second and third years reduced accordingly.

a. ~~Evaluation criteria for first year applications are:~~ Artistic promise of the Organization (up to 30 points); Administrative Promise of the Organization (up to 30 points); Plan for Sustaining the Salaried Position (up to 20 points); and Organization's Potential for Sustainability (up to 20 points).

b. ~~Evaluation criteria for second and third year applications are:~~ First (or First and Second) Year Accomplishment due to the Salary Assistance Grant (up to 40 points); Job Description and Key Goals (up to 30 points); and Organization's Sustainability Plan for Position (up to 30 points).

2. ~~Salary Assistance/Advanced Level.~~ This \$7,500 one-year grant with \$1:\$1 match is designed for Local Arts Agencies, State Service Organizations, educational institutions, and other not-for-profit 501(c)(3) organizations to provide staff and services to underserved arts organizations.

Evaluation criteria are: Consulting Plan (up to 50 points), Strength and Ability of the Organization (up to 30 points), and Impact of the Consulting Plan (up to 20 points).

3. Organizational Development. Grants of up to \$2,000 will be available to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000 on a \$1:\$1 matching basis. Evaluation criteria are: How the Proposal will Directly Affect and Benefit the Organization, Artistic Excellence (up to 40 points), Program Management (up to 30 points), and Public Impact (up to 30 points).

4. Consultancy. Grants of up to \$1,500 are available to emerging organizations with no match required for the first time the grant is awarded; thereafter, the match required is \$1:\$1. Emerging organizations are those that have at least one year's programming at the time of application and whose last completed fiscal year's cash operating budget was not over \$10,000. These grants are also available to organizations with a last completed fiscal year cash operating budget of between \$10,000 and \$150,000, and applicants can apply for up to \$2,500 on a \$1:\$1 matching basis. Evaluation criteria are: Demonstrated Need for the Consultancy, Strength of the Consultancy, and the Ability of the Organization to Implement the Information Provided by the Consultancy.

(b) Review panel, scoring, and funding recommendations. A committee appointed by the Secretary of State will serve as the review panel for this program. The total maximum points that can be earned for any of the funding categories is 100 points. Applications must achieve a minimum average score of 75 to be considered for funding. Funding recommendations will be made by the panel in consideration of the anticipated funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum average score.

(11) State Touring Program. This program is designed to provide performances, activities, and exhibitions, all by Florida artists, to as many communities as possible. This program has two components, the artist roster and the presenter application.

(a) Eligibility of appointment to the roster. Companies and individual artists, who are not established as for profit, are eligible to apply for inclusion on the State Touring Program roster. The applicant must satisfy the following eligibility requirements to be considered for inclusion on the roster: be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or be a not-for-profit, tax-exempt Florida corporation as a result of being incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, F.S., and designated as a tax-exempt organization as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended; or, if an individual artist or group of artists, the applicant must certify that they have not formed a for-profit corporation and that the property offered

for touring is not associated with a for-profit corporation; if a company, the applicant must be a professional company operating with full-time paid artistic/program staff and compensate all artistic, program, curatorial, technical, and managerial staff; the applicant must be a single disciplinary entity responsible for its own programming, administration, production, or exhibition; and the applicant must be able to substantiate past touring experience.

1. Applicants must submit a completed State Touring Program application available on the Division's website with all required attachments and samples of work as described in the program description, on or before the announced deadline for the roster appointment program component;

2. Review criteria and scoring. Applications will be reviewed by a review panel according to the following criteria: Cultural or Curatorial Excellence (up to 50 points), Public Impact (up to 30 points), and Program Management (up to 20 points) for a maximum of 100 points possible. To be eligible for appointment to the roster an applicant must achieve an average panel score of at least 75.

3. Recommendations for appointment to the roster. The panel will make specific recommendations of companies and individual artists to the Florida Arts Council for appointment to the roster based on the review criteria and with consideration of the variety of programming available within the roster recommendations and the geographic orientation of the recommended appointees.

(b) Eligibility for presenter fee support applications. Organizations who wish to apply to present one of the companies or individual artists featured in the State Touring Program roster must meet the basic eligibility criteria described in subsection (5), and must submit a completed State Touring Program presenter application available on the Division's website, and documentation of roster company or artist intent to contract, on or before the announced deadline for the presenter fee support program component. Private schools may qualify under Chapter 623, F.S.

1. Applicants are eligible to request up to one-third of the company or artist fee as stated on the company or artist contract. For performances that occur in underpopulated counties, presenters are eligible to apply for up to two-thirds of the fee. Underpopulated counties are those that have populations of 75,000 or less, or those counties that are REDI qualified. REDI qualified means counties or communities designated pursuant to Sections 288.0656 and 288.0651, F.S. In consideration of available funds, funding priority will be given to underpopulated county applications.

2. No presenting organization can receive more than five support grants or support fees totaling more than \$20,000, whichever is less, during a single grant year.



(12) ~~Arts in Education Program. The purpose of the Arts in Education Program is to cultivate the learning and artistic development of students and teachers in preK-12 and to support activities that promote the arts as an integral part of education and life long learning to Florida's citizens and visitors. In addition, the program supports initiatives and proposals that help artists, educators, schools, colleges/universities, and community, social, and cultural organizations carry out individual or cooperative programs.~~

~~(a) Eligibility and funding requests. All applicants must meet the basic eligibility requirements detailed in subsection (5). Eligible organizations may submit no more than one application to each funding category. Organizations receiving more than \$100,000 in General Program Support (Cultural Support Program) may submit only one application to the Arts in Education Program. There are three funding categories in this program: Artist Residency, Arts Education Partnerships, and Rural Development Grant for REDI and Underserved Communities.~~

~~1. Artist Residency proposals may request up to \$10,000. Minimum request for funding will not be less than \$5,000.~~

~~2. Arts Education Partnerships has two levels. Level I is a mini grant for planning and design funding requests from \$3,000 to \$5,000. Level II is an in-depth development and project implementation grant of up to \$15,000.~~

~~3. Rural Development Grant for REDI and Underserved Communities is a 3 year development program. Only designated REDI or Rural and Underserved counties are eligible to apply. Planning Year (first year) will award grants of \$3,000. Pilot Year (second year) will award grants of \$5,000. Implementation Year (third year) will award grants of \$7,500. Cash match of 25% of the grant amount is required for the Implementation Year (third year). This category provides funding for three years only and will not be sustained by Division funding beyond year three.~~

~~(b) Review criteria, scoring, and funding recommendations. Complete applications will be evaluated by a multidisciplinary review panel according to the following program criteria: Goals and Outcomes (up to 30 points), Quality of Project Activities and Excellence in the Arts (up to 30 points), Public Participation (up to 10 points), Access (ADA compliance, up to 10 points), and Ability to Achieve Goals and Evaluate Success (up to 20 points).~~

~~An average panel score of at least 80 points out of a maximum possible 100 points must be earned to be considered for funding in this program. Award amounts recommended to the Council will be determined by the review panel. Funding recommendations will be made in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 80. For those applications recommended for~~

~~funding, no award shall be less than \$3,000, except Level I Arts Education Partnerships mini grants which shall not be recommended for less than \$2,500.~~

~~(13) Culture Builds Florida Grant Program. This program supports projects, with grants up to \$25,000, that make connections between the arts and the key areas of learning and wellness, strengthening the economy, leadership, and design and development.~~

~~(a) In addition to the basic eligibility requirements in subsection (5), the following are required: (i) the grant must either fund a new project or initiative in at least one of the four key areas above, or fund a new facet of an existing program in at least one key area; (ii) only one organization may apply for those organizations working in partnership on one project; and (iii) the cash match requirement is \$1 to \$1, with no more than 25% of the match from in-kind revenues. Cash match waivers will allow in-kind substitutions of up to 100% of the cash match requirement for REDI designated counties. See subparagraph (5)(e)4. of this rule for further information on cash match waivers.~~

~~(b) Application review, scoring, and funding recommendations. Applications will be evaluated by a multidisciplinary review panel based on (i) Artistic Excellence of the Project; (ii) Sustainability of the Project; and (iii) Program Management for the Project, including planning and evaluation procedures. The maximum total average score is 100 and a minimum average score of 85 is required to be considered for funding. Funding recommendations will be made by the panel based on evaluation of all proposals and anticipated funding for the program. A minimum average score of 85 will not guarantee funding, if available funding will not allow.~~

~~(14) Challenge Grant Program. This program provides funding support to arts and cultural organizations for projects that are designed as new initiatives or unique in nature to the organization's regular programming. The category does not support general program operations or other ongoing programming. In addition to the basic eligibility requirements detailed in subsection (5), the applicant organization must also demonstrate in the application the impact of its general programs on at least a local basis, defined herein to encompass at least the county of the residence. There are four funding categories for the program: a community capital challenge and three levels of cultural project support with each level requiring greater scope, impact, and local match. Cultural projects must be of an artistic nature or be consistent with the general mission of a museum. For the purposes of this program, regional is defined as at least the county of residence and all counties within a 100 mile radius of the applicant's primary venue; and statewide is defined as at least 50% of the state's population, or 34 or more Florida counties.~~

~~(a) Specific eligibility and funding requests.~~

1. Level 1, the Local Challenge is for projects that carry significant and demonstrated local impact implemented by organizations that lack the financial resources to commit more than \$1:\$1 match. For this level only, up to 50% of the local match share may be in kind contributions in the form of donated goods and services. Applicants to this category may request from \$10,000 up to \$50,000.

2. Level 2, the Regional Challenge is for projects of regional impact and require local cash match of \$2 for every \$1 of grant funding. Applicants may request from \$10,000 up to \$100,000.

3. Level 3, the Statewide Challenge is for projects of statewide impact and require cash match of \$3 for every \$1 of grant funding. Applicants may request from \$10,000 up to \$250,000.

4. Community Capital Challenge Projects also require \$3 of local cash match for every \$1 of grant funding. These projects are intended to support local endowment campaigns or other fiscal stabilization based capital fundraising projects significant to the applicant cultural organization or local cultural community. Such projects may involve partnerships with local community foundations. Applicants may request from \$10,000 up to \$100,000. This state award or any local funds raised as match for this award are not eligible to be included in match required to receive a State Matching Share through the Cultural Endowment Program, nor shall those funds be eligible as match for this award.

(b) Review criteria, scoring, and funding recommendations:

1. Applications will be evaluated by a multidisciplinary review panel according to the following criteria: Organizational Impact (up to 20 points); Proposed Challenge Grant Project (up to 50 points); and Impact of Challenge Grant Funds (up to 30 points). Applications must earn a minimum average panel score of 75 out of the 100 maximum points possible to be considered for funding.

2. Funding recommendations will be made by the panel in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 75. In addition to providing specific funding recommendations, the panel will establish a priority ranking of all applications recommended for funding and forward such priority list to the Florida Arts Council for review and approval. Upon approval by the Secretary of State, the ranked list will be submitted to the next session of the Legislature for funding consideration. Should additional funds become available through partial or complete return of grants, the Secretary may increase current awards not funded to the full request, or award new grants to projects on the approved list but not able to be funded as a result of limited appropriation.

(2)(15) Cultural Endowment Program – No change.

(3)(16) Cultural Facilities Program – No change.

(17) Programs for Individual Artists. The purpose of this program area is to foster the development of individual artists. There are two funding categories as outlined below:

(a) Individual Artist Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

1. To be eligible for a fellowship, an applicant must: be a legal resident of Florida, as defined by Section 196.015 or Section 222.17, F.S., and agree to maintain Florida residency for the duration of the fellowship period; be at least 18 years of age; not be enrolled in any undergraduate or graduate degree seeking program during the fellowship period; have not received a fellowship award during the five-year period preceding the new award period; and not serve as a grant review panelist if he/she has an application before the same discipline panel.

2. Eligible applicants must submit a completed Fellowship application available on the Division's website with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced deadline. Samples of work must be original and authentic representations of the applicant's work. Applications will be accepted in each discipline on a rotating cycle. The disciplines of visual arts and media arts will apply together in odd years while the disciplines of literature, folk arts, music, interdisciplinary, dance and theatre will apply in even years. In the event that additional funding becomes available and all disciplines can be accommodated in one application cycle, the two discipline groups will be combined.

3. The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the "traditionality" of the art form.

4. Samples of work submitted by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicant's work are presented to the panelists without revealing the applicant's identity.

5. During the first phase of all panel reviews the applications are rated on a scale of one (1) to ten (10). Only applications ranked eight (8) or higher are eligible for fellowship awards during the second phase of review.

6. Fellowship awards are made based on the panel's recommendations. Funds are available through a grant agreement on a non-matching basis. The grant recipient is also

~~required to complete a grant report available from the Division's website, detailing expenditures and activities during the grant period and associated with the grant award.~~

~~(b) Artist Enhancement Grants. This program is designed to assist practicing, profession and emerging artists residing in Florida. This program provides support for artists to take advantage of specific, professional development, skill-building opportunities, or equipment purchases of significance to advance their work and careers.~~

~~1. To be eligible for an Artist Enhancement Grant, an applicant must: be a legal resident of Florida as defined by Section 196.015 or Section 222.17, F.S., and agree to maintain Florida residency for the duration of the grant period; be at least 18 years of age; not be a non professional student enrolled in any undergraduate or graduate degree-seeking program during the grant period; and not serve as a grant review panelist if he/she has an application before the same panel.~~

~~2. Eligible applicants must submit a completed Artist Enhancement Application available on the Division's website with all required support material as described in the program guidelines, on or before the announced deadline.~~

~~3. The panel review is based on a combined rating of the following criteria: professional growth/career advancement, as evidenced by experience that made a significant contribution to the applicant's professional growth and/or career advancement; professional commitment to the art form, as evidenced through documentation, including but not limited to the applicant's resume, newspaper articles and exhibition catalogs; and planning/confirmation as evidenced by advanced planning for the proposed activity, and invitation or registration for the activity, and/or appropriate budget and timeline for the activity.~~

~~4. During the first phase of the panel review the applications are rated on a scale of one (1) to ten (10). Only applications ranked eight (8) or higher are eligible for artist enhancement grants during the second phase of review.~~

~~5. Artist enhancement grants are awarded based on the panel's recommendations. Each application recommended will be funded at full request. Funds are available through a grant agreement on a non-matching basis. The grant recipient is also required to complete an activity report available from the Division's website, detailing expenditures and activities during the grant period and associated with the grant award.~~

~~(18) Grant Awards to Organizations. The Division shall be responsible for the administration of all grant awards as recommended by the Council with the approval of the Secretary, pursuant to Section 265.286, F.S. The annual grant period shall be July 1 through June 30, or any grant activity start and end date within that time frame as stated in the award documents, or an approved amendment.~~

~~(a) All grant awards, except Cultural Facilities Program Grants, which have been approved in accordance with Chapter 1F-1, F.A.C., shall be made through a grant award agreement, as described in paragraph (b).~~

~~(b) The grant award agreement shall consist of a grant award letter, an Addendum describing grant requirements as set forth in this rule, the summary of matching and reporting requirements, and an Assurance of Compliance and Signature Authorization Form CA2E059, eff. 6/00. The agreement shall contain all requirements and other conditions governing the grant award. Any amendment to the agreement shall be governed by the provisions of paragraph (c).~~

~~(c) No payment will be released unless all financial and program reports are filed in accordance with paragraph (m). The payment request will not be processed by the Division until the organization is in compliance with Department rules.~~

~~(d) Accounting Requirements. The Grantee shall maintain an accounting system which provides for a complete record of the use of all grant and match funds connected with the grant.~~

~~(e) Revisions to grant. The Division shall consider Grant Amendment Requests on the basis of adherence to the goals of the funded application. The Grantee shall be required to request prior written approval from the Division by submitting such request on the grant amendment form available on the Division's website for the following changes to the grant:~~

~~1. Any substantial deviation from the proposal as outlined in the grant. Examples of substantial deviations are: major reductions in the program activities, or number of proposed events; revision in scope, goals, or objectives; reduction in key personnel; changes in specific artists or proposed exhibitions and productions that are not artistically equivalent to the original proposal; the inability to complete the project; or budget changes resulting from such deviations.~~

~~2. Introduction of an expense line item where none existed in the approved budget.~~

~~3. Travel or equipment costs exceed the figure in the approved budget by more than 25 percent.~~

~~4. Introduction of a subcontractor or subgrantee relationship where none existed in the grant.~~

~~5. Charging admission or fees when the proposed activity was "free to the public."~~

~~6. Project start and end dates outside the established grant period. Project date change requests are to be signed by the organization's authorizing official and submitted to the Division through email.~~

~~(f) Administrative Changes. The Division must be notified of any changes in the organization's name, address, phone number, authorizing officials, or contact person by submitting such changes through the Division's website. The Division will not change the organization's name without documentation from both the Division of Corporations and the IRS that reflects the organization name change.~~

(g) ~~The grantee shall return all grant funds expended on disallowed activity or grant funds not matched as a result of disallowed expenditures for failure to comply with the provisions of paragraph (c). However, the Department shall allow an exception in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating circumstances encompass situations beyond the control of the grantee which prevent the timely notification of the request. These instances include but are not limited to natural disaster, death or serious illness of the individual responsible for the request, or mail service failure. Extenuating circumstances do not include failure to read or understand grant administrative requirements, the absence of a required form or inability to obtain an authorized signature, or other similar circumstances.~~

(h) Allowable costs. All necessary and routine costs shall be allowed for the purposes of a grant provided that:

1. They occur or are obligated within the grant period, provided, however, that no cost incurred prior to the execution of the grant by both parties shall be reimbursed.

2. They are solely for the purposes of the grant and can be easily identified as such.

3. For the Challenge Grant Program only, otherwise eligible matching funds may have been obligated or expended prior to the beginning of the grant year. The period may not exceed two years before the start of the grant year for the Challenge Grant Program.

(i) Non allowable costs. Project costs shall not include the following:

1. Expenses incurred or obligated prior to or after the grant period.

2. Lobbying or attempting to influence federal, state or local legislation, the judicial branch or any state agency.

3. Building, renovation, or remodeling of facilities.

4. Bad debts, contingencies, fines and penalties, interest and other financial costs.

5. Private entertainment, food, beverages, plaques, awards, or scholarships.

6. Capital expenditures, including acquisitions.

7. Projects which are restricted to private or exclusive participation, which shall include restricting access to programs on the basis of sex, race, creed, national origin, disability, age, or marital status.

8. Regranting.

9. Contributions and donations.

(j) School systems may use paid in-classroom teacher time and release time, including substitute salaries, as a part of the cash match for Arts in Education grant projects.

(k) Grant and matching funds may be used for the following with prior approval by the Director or when specifically contained and approved in the grant application.

1. Travel outside the continental United States.

2. Equipment purchases that cost in excess of \$5,000 and have a life of more than one year.

3. Approval for inclusion of the above cost items will be based on the proposed costs being reasonable and the applicant's ability to demonstrate that travel or equipment is essential to achieving the goals of the proposal. Prior approval by the Director for inclusion of these cost items in a funded grant shall also require the grantee to demonstrate why these cost items could not have been included in the original proposal.

(l) It shall be understood that all funds, regardless of source, connected with the grant shall be required to comply with this section.

(m) Reporting. For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report and a state expenditure log (CA2E119, eff. 2/09) incorporated by reference and available on the Division's website, that includes check number, amount of check, date of check, name of payee, and a description of the expenditure will also be required 30 days after the project ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Unless otherwise specified, interim and final reports shall be completed and submitted using the grant report form (CA2E004, eff. 10/98) incorporated by reference and available on the Division's website.

(n) Sponsorship statement. All publications, media productions, and exhibit graphics associated with activity described in the grant award agreement shall include the following statement: "Sponsored in part by the State of Florida, Department of State, Division of Cultural Affairs and the Florida Arts Council!" according to Section 286.25, F.S.

(o) Expenditures from grant funds shall in no circumstances exceed 50% of the project costs unless otherwise provided in this rule or as part of the stipulations in the grant award agreement.

(p) The Division shall notify grantees, in writing, specifying administrative deficiencies with each type of grant award document, request, or report.

1. Grantee has 30 days in which to respond to the Division concerning the written notice of deficiencies.

2. If there is no response from the grantee, within 30 days from the date of the letter, the document, request, or report will be rejected.

(q) The Grant Award is subject to rescission if the Award Letter and the Assurance of Compliance and Signature Authorization Form are not properly signed and, therefore, not accepted by the grantee.

~~(r) Failure to obtain prior approval on a Grant Amendment Request may result in full or partial refund to the state if expenditures of state or matching funds do not meet program requirements. See paragraph (c).~~

~~(s) Failure to respond to report deficiencies will place the grantee in a non-compliance status, payment on current grants shall be withheld, and a refund of grant funds will be requested.~~

~~(t) Any new applications will be declared ineligible if an organization is in non-compliance for failure to submit a required report on any Division application deadline.~~

~~(19) Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.~~

~~(a) Administrative and Legal Eligibility. The applicant for a regional cultural facilities grant must:~~

~~1. Be a municipality, county, or qualified corporation as defined in Section 265.702(2), F.S.~~

~~2. Own an interest in the land upon which the regional cultural facility is to be built. Any entity that owns an interest in the land upon which the regional cultural facility is to be built must also meet the requirements in subparagraph 1.~~

~~3. Retain ownership of all improvements made under the grant.~~

~~4. Have satisfied the administrative requirements of previous grants received from the Division.~~

~~(b) Program Eligibility. All eligible applications shall consist of the following documents and information:~~

~~1. Until directed to submit electronically on the Division's website, applicants must submit in hard copy, a completed and signed Regional Cultural Facilities Program Application Form (CA2E101, eff. 5/06), available from the Division and incorporated by reference, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.~~

~~2. A description of the Project Scope of Work which shall include a project narrative.~~

~~3. Project Budgets including a summary and detail, a matching funds statement, and match summary chart.~~

~~4. A description of educational and cultural programs as required by Sections 265.702(5)(a) and (b), F.S.~~

~~5. Documentation of a 150 mile service area as described in Section 265.702(5)(c), F.S.~~

~~6. Documentation of a proposed acquisition, renovation, or construction cost of at least \$50 million.~~

~~7. Documentation that the applicant owns an interest in the land upon which the regional cultural facility is to be built.~~

~~8. An independent certified audit of the applicant's financial records. The publication date of the audit shall not be later than the date of the application for which the audit is submitted.~~

~~9. Cost Benefit Analysis/Feasibility Study.~~

~~10. An 8 1/2" x 11" reduction of current architectural plans.~~

~~11. Letters of Support: Submit letters or list of local officials lending support to this project.~~

~~(c) Funding:~~

~~1. The annual amount of the grant shall not exceed the amount permitted in Section 265.702(7), F.S. There is no minimum amount.~~

~~2. An applicant from the same organization shall not submit 2 or more applications under a single application deadline for the same facility, project, site, or phase.~~

~~3. An organization shall not submit a funding request to both the Cultural Facilities Program and the Regional Cultural Facilities Program for the same project, facility, site, or phase in the same fiscal year.~~

~~(d) Time Limits and Funding Cap. The total amount of grants awarded shall not exceed the amount permitted in Section 265.702(7), F.S. "Awarded" means July 1 of the fiscal year in which grant funds were appropriated by the Florida Legislature.~~

~~(e) Matching Funds:~~

~~1. Eligible matching funds provided by the grantee or third parties shall be on at least a two to one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants.~~

~~2. Eligible matching funds provided by eligible REDI applicants shall be at least a one to one match of the amount requested.~~

~~3. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash on hand, and cash expenditures made on the project during the three years immediately preceding the award of the grant.~~

~~4. At least 50% of the cash match must be cash on hand and dedicated to the project.~~

~~5. In kind contributions of goods and services shall be subject to the restrictions of Section 265.702(6), F.S.~~

~~6. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline cannot be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.~~

~~(f) Application Review Committee.~~

1. The application review committee shall review each eligible application based on the following criteria: Scope of Work, up to 20 points; Project Budget and Matching Funds, up to 25 points; Educational and Cultural Programs, up to 30 points; and Service Area, up to 25 points.

2. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding.

3. The committee shall develop a priority list based on the average score for each application.

4. The committee shall submit the priority list to the Florida Arts Council for review and recommendation.

5. The Florida Arts Council shall review the recommendations and submit a priority list of all projects that are recommended for funding to the Secretary of State.

(g) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(h) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All projects that are retained shall be required by the Division to submit the information in subparagraphs (b)1-3, above in order to reflect the most current status of the project.

3. The deadline for the receipt of updated information shall be the rollover deadline as published in the Florida Administrative Weekly.

4. Rollover updates will not be re-scored, but rather merged with the new applications using the original scores and recommended funding.

5. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

(i) No changes in project scope or venue will be permitted.

(j) Grant Award Agreement. The Grant Award Agreement (CA2E102, eff. 5/06) incorporated by reference and available from the Division is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/00) incorporated by reference in subparagraph 1F.1.001(16)(l)2., F.A.C., and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(k) The Division will further extend the provisions in Section (10) of the Agreement in the event the grantee can clearly demonstrate extenuating circumstances. Extenuating

circumstances encompass situations beyond the control of the grantee that prevent the timely completion of the project. Such circumstances include natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation, failure of the contractor or architect to provide the services for which they were hired. Extenuating circumstances do not include failure to read or understand grant administrative requirements or failure to raise sufficient matching funds.

(l) Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the completion of the project.

3. All reports shall include the following information:

a. A description of the work completed.

b. A financial statement showing the expenditure of grant and match.

c. A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

(m) Definitions. For the purposes of paragraphs (n), (o) and (p) of subsection (19) of this rule, a "grantee" is an applicant that has received a Regional Cultural Facilities Program Grant Award. "Property owner" refers to the owner of land, building(s), or both situated upon the property. Section 265.702(8), F.S., requires that the grantee and the property owner either record a restrictive covenant or purchase a bond to ensure that the facility is used as a regional cultural facility for ten (10) years following the execution date of the grant award agreement. A "regional cultural facility" means an existing or proposed fixed facility that is primarily engaged in the disciplines of dance, music, theater, visual arts, literature, media arts, interdisciplinary and multidisciplinary, programs of museums, and able to satisfy the requirements of Section 265.702(5), F.S.

(n)1. If the recordation of a restrictive covenant is chosen by the grantee and the property owner(s), a completed and executed Restrictive Covenant Form must be filed with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds.

2. The grantee's legal interest in the land and/or building(s) determines which of the four restrictive covenant forms described below must be used.

a. A grantee that owns the land and the building(s) upon the property where the regional cultural facility is or will be located must complete Form CA2E113, eff. 5/06, incorporated by reference and available from the Division.

b. A grantee that owns the building(s) upon the property where the regional cultural facility is or will be located, but leases the underlying land, must complete Form CA2E114, eff. 5/06, incorporated by reference and available from the Division.

c. A grantee that leases the land and the building(s) upon the property where the regional cultural facility is or will be located must complete Form CA2E115, eff. 5/06, incorporated by reference and available from the Division.

d. A grantee that owns the land where the regional cultural facility is or will be located, but leases the building(s) upon the property where the regional cultural facility is or will be located must complete Form CA2E0116, eff. 5/06, incorporated by reference and available from the Division.

(c)1. If a bond is chosen in lieu of recording a restrictive covenant, the grantee must:

a. Purchase a bond prior to the release of grant funds from an insurer authorized to do business in Florida as a surety;

b. Include Form CA2E117, eff. 5/06, incorporated by reference and available from the Division, as an addendum to the grant award agreement;

c. Include in the bond that the facility described in the grant award agreement be used as a regional cultural facility for (10) ten years following the execution date of the grant award agreement, and that failure to do so shall constitute a violation of the bond;

d. Include in the bond that in the event of violation, the surety shall reimburse the Division pursuant to the amortization schedule set forth below.

2. A certified copy of the bond must be provided to the Division prior to the release of grant award funds.

3. If the bond is violated, the surety shall reimburse the Division pursuant to the following amortization schedule:

a. If a violation occurs within three (3) years following the execution of the grant award agreement, 100% of the grant amount;

b. If a violation occurs more than three (3) but less than four (4) years following the execution of the grant award agreement, 80% of the grant amount;

c. If a violation occurs more than four (4) but less than five (5) years following the execution of the grant award agreement, 70% of the grant amount;

d. If a violation occurs more than five (5) but less than six (6) years following the execution of the grant award agreement, 60% of the grant amount;

e. If a violation occurs more than six (6) but less than seven (7) years following the execution of the grant award agreement, 50% of the grant amount;

f. If a violation occurs more than seven (7) but less than eight (8) years following the execution of the grant award agreement, 40% of the grant amount.

g. If a violation occurs more than eight (8) but less than nine (9) years following the execution of the grant award agreement, 30% of the grant amount; and

h. If a violation occurs more than nine (9) but less than ten (10) years following the execution of the grant award agreement, 20% of the grant amount.

(20) ~~Artwork Collection Care and Maintenance. The Division has statutory duty or authority under the Florida Fine Arts Act in Section 265.284, F.S. to administer and be responsible for all of the enumerated arts programs such as the Department of State Art Collection and the Capitol Complex Exhibition Program; to sponsor performances and exhibits; and to accept on behalf of the state donations of money, property, art objects, and antiquities. Under Section 265.284(3)(d), F.S., the Division has authority to consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state owned art treasures for maximum public benefit, and the suitability of any structures or fixtures, including framing, primarily intended for ornamental or decorative purposes in public buildings.~~

Rulemaking Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(e), 265.286(1), (4), (6), 265.2861(2)(b), (f), 265.2865(6), 265.54, 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-603, 265.605-606-607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06, 8-20-07, 9-16-07, 1-8-08, 7-8-08, 9-8-08, 3-5-09, \_\_\_\_\_.

IT-1.031 Historical Museum Grants Application Requirements.

(1) ~~Historical Museum Grants. The Historical Museum Grants program provides grants that relate to the historical resources of Florida. There are two categories: General Program Support and Public Educational Exhibits. General Program Support is on a two-year cycle and Public Educational Exhibits are on an annual cycle. Organizations may only apply to one of the two categories and may not seek funding for a Public Educational Exhibit if receiving funding from General Program Support.~~

(2) ~~Administrative and Legal Eligibility. An eligible applicant for either category must:~~

(a) ~~Be a unit of county, municipal, or other local government; or~~

(b) ~~Be a department or an agency of the state (exception: history museums that are state operated are not eligible to receive funding for General Program Support); or~~

~~(e) Be a public or private nonprofit corporation, a partnership, or other organization. For the purposes of this rule, a nonprofit corporation is one that is tax-exempt as defined in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954, as amended; and in good standing pursuant to Chapter 617, F.S., known as the Florida Not for Profit Corporations Act.~~

~~(d) Have satisfied the administrative requirements of previous grants received from the Department of State.~~

~~(e) Not be a for-profit museum.~~

~~(3) General Program Support.~~

~~(a) In addition to the requirements in subsection (2), General Program Support applicants must satisfy the criteria in Section 265.708(2), F.S.~~

~~(b) Organizations may only submit one General Program Support application to the History Museum Program per grant cycle. Multidisciplinary museum applicants must address Florida history in at least one of their disciplines. Only that portion of the applicant's operating budget that addresses Florida history may be used in the grant budget.~~

~~(4) Application Requirements. Applications for either category shall consist of the following:~~

~~(a) A complete and signed application (CA2E138, eff. 2/09), incorporated by reference and available from the Division and submitted on or before the deadline, which will be posted on the Division's website.~~

~~(b) A complete application for all applicants shall include the following:~~

~~General identification and contact information, operating budget(s), proposal budget, and program narrative responses.~~

~~(c) Application Support Material.~~

~~1. For nonprofit organizations, a copy of the organization's Letter of Determination documenting nonprofit status as defined by section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954.~~

~~2. Rural Economic Development Initiative (REDI) Waiver. Public Educational Exhibit applicants that request a waiver of the cash matching funds in accordance with Sections 288.0656 and 288.0651, F.S., should include a copy of the letter from county government acknowledging the grant and requesting the waiver on behalf of the organization. REDI qualified counties with approved waivers may use up to 100% in-kind match, which must be shown in the proposal budget. A list of REDI counties and communities is reviewed and updated annually, and is available on the Division's website.~~

~~(d) Funding Request.~~

~~1. Public Education Exhibit applicants may request up to \$35,000.~~

~~2. General Program Support applicants may request up to 20% of the museum's operating expenses for the last completed fiscal year, not to exceed \$75,000. State grant funds cannot be used for operating costs, including utilities, phone,~~

~~fixtures, maintenance, general supplies, rent, mortgage payments and property taxes. These costs are only allowed as match or in-kind.~~

~~(e) Matching Funds.~~

~~1. Grants must be matched at a minimum of \$1 local for every \$1 state.~~

~~2. The documented fair market value of donated goods and services may contribute up to 50% of the required match, not to exceed 25% of the total project or general program costs.~~

~~3. State-supported institutions shall not use state funds from any source as match.~~

~~Rulemaking Specific Authority 267.031 FS. Law Implemented 267.072 FS. History--New 3-28-90, Amended 5-11-92, 4-3-97, 11-23-00, Formerly 1A-43.007, Amended 3-5-09, Repealed \_\_\_\_\_.~~

~~IT-1.032 History Museums Application Review and Grant Administration.~~

~~(1) Application review panels shall be conducted according to the criteria in subsection IT-1.001(6), F.A.C.~~

~~(2) Criteria for panel review and evaluation of all applications.~~

~~(a) Program Excellence—up to 50 points;~~

~~(b) Public Impact—up to 30 points;~~

~~(c) Program Management—up to 20 points; and~~

~~(3) All grant awards approved in accordance with this rule shall be formalized through a grant award agreement available from the Division of Cultural Affairs. The grant award agreement shall include all documents referenced in paragraph IT-1.001(18)(b), F.A.C.~~

~~(4) Non-allowable expenses. Grant funds may not be used to pay the cost of:~~

~~(a) Locating, identifying, evaluating, acquiring, preserving, protecting, restoring, rehabilitating, stabilizing, or excavating an archeological or historic site or a historic building or planning any of those activities; or,~~

~~(b) Overhead or indirect costs.~~

~~(c) Other non-allowable expenses as detailed in paragraph IT-1.001(18)(i), F.A.C.~~

~~(5) Reporting.~~

~~(a) The grant reporting period begins on July 1 and ends on June 30.~~

~~(b) If the grant reporting period is extended beyond June 30, an Interim Report is required. Interim Reports are due not later than July 31.~~

~~(c) A Final Report is due not later than 30 days following the end date.~~

~~(d) Interim and Final Reports shall be completed and submitted using the grant report form (CA2E004, eff. 10/98) incorporated by reference and available on the Division's website.~~



~~(e) A State Grant Expenditure Log (CA2E119, eff. 2/09), incorporated by reference and available on the Division of Cultural Affairs website, that includes check number, amount of check, date of check, name of payee, and a description of the expenditure shall be submitted with all reports.~~

~~(6) Revisions to the Grant. Revisions to the grant will be administered according to paragraph IT-1.001(18)(e), F.A.C.~~

~~Rulemaking Specific Authority 267.031 FS. Law Implemented 267.071, 267.072, 286.031 FS. History–New 3-28-90, Amended 5-11-92, 4-3-97, 11-23-00, Formerly 1A-43.009, Amended 3-5-09, Repealed \_\_\_\_\_.~~

#### IT-1.033 Art in State Buildings Program.

(1) The Art in State Buildings Program acquires artwork for public display in the interior or exterior of state buildings, in accordance with Section 255.043, F.S. Each agency shall follow the art selection process and forms contained in the *Art in State Buildings Handbook* (CA2E120, effective 9-1-09), and in doing so, shall report funding appropriations and submit documentation supporting its art selection process to the Florida Council on Arts and Culture.

(2) Forms. The following Forms are incorporated by reference and are a part of the *Art in State Buildings Handbook* and available at [www.Florida-Arts.org](http://www.Florida-Arts.org): ASB Administrator Designation Form (CA2E121, effective 9-1-09), Construction Appropriation Notification Form (CA2E122, effective 9-1-09), User Agency Representative Designation Form (CA2E124, effective 9-1-09), Committee Meetings Report Form (CA2E125, effective 9-1-09), Artist's Declaration Form (CA2E128, effective 9-1-09), Selection Detail Form (CA2E132, effective 9-1-09), and Project Completion Form (CA2E135, effective 9-1-09).

~~Rulemaking Authority 265.2865(4) FS. Law Implemented 255.043 FS. History–New \_\_\_\_\_.~~

~~Editorial Note: Formerly IT-1.001(2)(a), F.A.C.~~

#### IT-1.034 Florida Artists Hall of Fame and Florida Arts Recognition Awards.

(1) This section provides nomination or application and selection procedures for the Florida Artists Hall of Fame and the Florida Arts Recognition Awards.

(2) Nominations or applications to these awards programs must meet the eligibility and application requirements set forth in the Florida Artists Hall of Fame Nomination Form (CA1E021, effective 9/1/09), and the Florida Arts Recognition Awards Nomination Form (CA1E015, effective 9-1-09), both incorporated by reference and available at [www.Florida-Arts.org](http://www.Florida-Arts.org).

~~Rulemaking Authority 265.2865(6) FS. Law Implemented 265.2865 FS. History–New \_\_\_\_\_.~~

~~Editorial Note: Formerly IT-1.001(2)(b), F.A.C.~~

#### IT-1.035 Artwork Collection Care and Maintenance.

The Division has the statutory duty in Section 265.284(3)(d)(e), F.S., to administer and be responsible for the Department of State Art Collection and the Capitol Complex Exhibition Program, and to accept on behalf of the state donations of money, property, art objects, and antiquities. Under Section 265.284(3)(d), F.S., the Division has authority to consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state-owned art treasures for maximum public benefit, and the suitability of any structures or fixtures, including framing, primarily intended for ornamental or decorative purposes in the interior of public buildings.

~~Rulemaking Authority 265.284(3)(j) FS. Law Implemented 265.284 FS. History–New \_\_\_\_\_.~~

~~Editorial Note: Formerly IT-1.001(20), F.A.C.~~

#### IT-1.036 Arts and Cultural Grants.

(1) This rule provides the requirements for grant programs administered by the Division of Cultural Affairs (Division). Each program is governed by guidelines which contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State.

(2) All grant applicants must meet the requirements set forth in the guidelines for the following programs, which are available from the Division at [www.Florida-arts.org](http://www.Florida-arts.org) and are hereby incorporated by reference:

(a) Cultural and Museum Grants Program. Provides general program support for local arts agencies, state service organizations, and organizations that have general program activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(b) Specific Cultural Projects Program. Provides funding for arts in education, underserved cultural community development, culture builds Florida, and other nonprofit public or private organizations having specific cultural project activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(3) The following application forms are available from the Division at [www.Florida-arts.org](http://www.Florida-arts.org) and are hereby incorporated by reference:

(a) Cultural and Museums Grants Program Application (Form CA2E145), effective 9-1-09;

(b) Specific Cultural Projects Program Application (Form CA2E146), effective 9-1-09;

(4) The following forms are used in the administration of all grant programs in this rule and are hereby incorporated by reference and available at [www.Florida-arts.org](http://www.Florida-arts.org):

(a) Grant Report Form (Form CA2E004), effective 9-1-09;

(b) State Funds Expenditure Log (Form CA2E136), effective 9-1-09;

(c) Grant Amendment Request (Form CA2E002), effective 9-1-09;

(d) Grant Award Agreement (Form CA2E142), effective 9-1-09;

Rulemaking Authority 265.286(11) FS. Law Implemented 265.286 FS. History—New \_\_\_\_\_.

#### IT-1.037 State Touring Program.

(1) The State Touring Program provides performances, activities, and exhibitions by Florida artists to as many Florida communities as possible. This program has two application categories: (1) the Artist Roster; and (2) the Presenter Fee Support applications.

(2) Appointment to the Artistic Roster. Companies and individuals that wish to be included on the State Touring Roster must meet the requirements in the State Touring Roster Guidelines, and submit a State Touring Program Roster Application (Form CA2E143), effective 9-1-09. The Guidelines and the Application are hereby incorporated by reference and available from the Division at [www.florida-arts.org](http://www.florida-arts.org);

(3) Eligibility for Presenter Fee Support. Organizations that wish to present one of the companies or individual artists on the State Touring Roster must meet the requirements in the State Touring Presenter Guidelines, and submit a State Touring Presenter Application (Form CA2E144), effective 9-1-09. The Guidelines and the Application are hereby incorporated by reference and available from the Division at [www.florida-arts.org](http://www.florida-arts.org).

Rulemaking Authority 265.286(5)(c) FS. Law Implemented 265.286 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(11), F.A.C.

#### IT-1.038 Individual Artist Fellowship Program.

(1) The Individual Artist Fellowship Program fosters the development of individual artists through a selection procedure that identifies individual artists of exceptional talent and demonstrated ability.

(2) To be eligible for a fellowship an applicant must: (1) be a legal resident of Florida as defined by Section 196.015 or Section 222.17, F.S., and agree to maintain Florida residency for the duration of the fellowship period; (2) be at least 18 years of age; (3) not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period; (4) not have received a fellowship award during the five-year period preceding the new award period; and (5) not have served as a grant review panelist if he/she has an application before the same discipline panel.

(3) Eligible applicants must submit a completed Fellowship Application (Form CA2E012), effective 9-1-09, incorporated by reference, and available at [www.florida-arts.org](http://www.florida-arts.org) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced deadline. Samples of work must be original and authentic representations of the applicant's work. Applications are accepted in each discipline on a rotating cycle. The disciplines of visual arts and media arts will apply together in odd years while the disciplines of literature, folk arts, music, interdisciplinary, dance, and theatre apply in even years. If additional funding becomes available and all disciplines can be accommodated in one application cycle, the two discipline groups will be combined.

(4) Review panel scoring for the disciplines of dance, interdisciplinary, media arts, and folk arts must range from one (1) to ten (10) and be based on the following criteria: the quality and consistency in the body of work, professional achievements, reputation, peer support and respect. Folk art applicants are also evaluated on the "traditionality" of the art form. These applications are evaluated in two (2) phases. During the first phase, applications are rated from 1-10 by each panel member and averaged. Only applications ranked eight (8) or higher are eligible for the second phase of review. For the second phase, panelists determine which applications will be funded based on available funding, professional judgement, and previously described evaluation criteria.

(5) Work submitted by applicants in the visual arts, music, literature, and theatre categories are initially evaluated through a blind review process, or without revealing the applicant's identity. These applications are also evaluated in two (2) phases. During the first phase, applications are rated from one (1) to ten (10), based on the quality and consistency in the body of work, and the panel's score for each application is averaged. Only applications ranked eight (8) or higher are eligible for the second phase of review. For the second phase, panelists evaluate eligible applicants and award funds based on professional achievements, reputation, peer support and respect, and available funding, and award funds accordingly.

(6) Funds are administered through a Grant Agreement (Form CA2E076, effective 9-1-09, incorporated by reference, and available at [www.florida-arts.org](http://www.florida-arts.org)); and are awarded on a non-matching basis.

(7) Grant Report. Grant recipients are required to complete a Grant Report (Form CA2E003, effective 9-1-09, incorporated by reference, and available at [www.florida-arts.org](http://www.florida-arts.org)); which details expenditures and activities during the grant period. The grant period is January 1 through December 31. The grant report is due 30 days after the end of the grant period.

Rulemaking Authority 265.286(2), (6) FS. Law Implemented 265.286 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly IT-1.001(17), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Donald R. Blancett  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: JuDee Pettijohn  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 29, 2009, Vol. 35, No. 21

### **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**

#### **South Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40E-1.607                   Permit Application Processing Fees  
PURPOSE AND EFFECT: To adjust the District's permit application processing fees for environmental resource and surface water management permits, dredge and fill permits and formal determination of wetlands and other surface waters in accordance with Rule 62-113, F.A.C. In addition, the District is proposing additional adjustments to certain fees in order to recover a larger portion of the cost to the District to process, monitor and inspect for compliance.

SUMMARY: Pursuant to Rule 62-113, F.A.C. the Florida Department of Environmental Protection (FDEP) delegated its authority to the water management districts to adjust all of the permit application processing fees to reflect at a minimum, any upward adjustment in the Consumer Price Index by the United States Department of Labor since the original fee was established or most recently revised and to identify the inflation index used for making the fee adjustments. The proposed actual upward adjustments appear on Tables 40E-1.607(3)(a), (3)(b), and (5), F.A.C. The inflation index used for making all fee adjustments is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication "Handbook of Methods", Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)).

Pursuant to Section 373.109, Fla. Stat., and the delegation in FDEP Rule 62-113, F.A.C., the District is also required to charge new fees under the Environmental Resource Permit program of Part IV, Chapter 373, F.S., as follows: (a) a new minimum fee of \$250 for environmental resource permit (ERP) noticed general permits and individual permits; (b) a new minimum fee of \$100 to verify qualification for an exemption

from regulation under Part IV, Chapter 373, Fla. Stat.; and (c) a new minimum fee of \$500 fee to conduct an informal wetland boundary determination.

In order to recover a larger portion of the cost to the District to process, monitor and inspect for compliance, the District is also proposing additional adjustments to fees for new individual permits for agricultural and non-agricultural projects (including mitigation banks), individual permit modifications for agricultural and non-agricultural projects (including mitigation banks), standard general permits and general permits for agricultural and non-agricultural projects both new and modified, early work, permit transfers, variances associated with environmental resource permit applications, new individual operation permits, environmental resource and surface water management letter modifications, new or modified individual or standard general permits solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S., dredge and fill Permits both short form and standard, variances associated with a wetland resource permit application, dredge and fill general permits and modifications, dredge and fill transfer of permits or time extensions, formal wetland determinations with modified categories. The District is also proposing a new \$100 fee to process no notice general permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C., and a new \$500 fee to process permit extensions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Pursuant to Section 373.109, F.S., and Rule 62-113, F.A.C., minimum fees are proposed and fee adjustments are proposed based on upward adjustments to the Consumer Price Index (CPI), to reflect the increase in the cost of living since those fees were last adjusted. For certain fee categories, fee increases are proposed to recover a higher percentage of the costs of processing, monitoring, and inspecting for compliance. The increased fees are generally scaled in consideration of project size and complexity with higher fees charged for larger and more complex projects.

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

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 403.201 FS.

LAW IMPLEMENTED: 218.075, 373.016(5), 373.103, 373.109, 373.4135, 373.421(2), 373.421(6)(b), 403.201 FS.

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

DATE AND TIME: August 13, 2009, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Clemente, P.E., Division Director, Regulatory Program Support, Environmental Resource Regulation, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 2308 or (561)682-2308, email: mclement@sfwmd.gov. For procedural issues contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) through (2) No change.

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

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

| Category   | Amount                      |
|--|-----------------------------|
| <del>New Individual Permit, except Mitigation Bank</del>   |                             |
| Project area less than 100 acres   |                             |
| Agriculture  | \$ <del>4,029</del> 3050    |
| All others, <u>including Mitigation Banks</u>  | \$ <del>7,500</del> 5000    |
| Project area 100 acres to less than 640 acres  |                             |
| Agriculture  | \$ <del>5,284</del> 4000    |
| All others, <u>including Mitigation Banks</u>  |                             |
| Project area 640 acres or more   | \$ <del>13,125</del> 7500   |
| Agriculture  | \$ <del>6,605</del> 5000    |
| All others, <u>including Mitigation Banks</u>  | \$ <del>25,000</del> 10,000 |
| <del>New Individual Permit, Mitigation Bank</del>  |                             |
| Project area less than 100 acres   | \$5000                      |
| <del>Project area 100 acres to less than 640 acres</del>   | <del>\$7500</del>           |
| Project area 640 acres or more   | \$10,000                    |
| <del>Individual Permit Modification, except Mitigation Bank</del>                                      |                             |
| Project area less than 100 acres   |                             |
| Agriculture  | \$ <del>2,708</del> 2050    |
| All others, <u>including Mitigation Banks</u>  | \$ <del>5,000</del> 3500    |
| Project area 100 acres to less than 640 acres  |                             |
| Agriculture  | \$ <del>3,303</del> 2500    |
| All others, <u>including Mitigation Banks</u>  | \$ <del>10,000</del> 5000   |
| Project area 640 acres or more   |                             |
| Agriculture  | \$ <del>4,624</del> 3500    |
| All others, <u>including Mitigation Bank</u>   | \$ <del>15,000</del> 7500   |
| <del>Individual Permit Modification, Mitigation Bank</del>   |                             |
| Project area less than 100 acres   | \$3500                      |
| <del>Project area 100 acres to less than 640 acres</del>   | <del>\$5000</del>           |
| Project area 640 acres or more   | \$7500                      |
| New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.) |                             |
| Agriculture  | \$ <del>859</del> 650       |
| All others   | \$ <del>3,500</del> 2000    |

|  |                          |
|--|--------------------------|
| Standard General Permit Modification including Application for phase construction under a Conceptual Approval Application for Individual Permit Modification for a system which does not exceed the criteria in Rule 40E-40.041, F.A.C., and which is not required to obtain an individual environmental resource permit for the reasons in subsection 40E-40.011(2), F.A.C.   |                          |
| Agriculture  | \$ <del>661</del> 500    |
| All others   | \$ <del>1,500</del> 4000 |
| Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture  | \$ <del>250</del> 400    |
| Single family residential homesite consisting of 10 acres or less in total land area   | \$ 100                   |
| Standard General Permit for incidental site activities pursuant to Rule 40E-40.042, F.A.C. (Early Work)  | \$ <del>1,000</del> 500  |
| Transfer of permit (including Mitigation Bank) to another entity pursuant to Rules 40E-1.6107 and 40E-4.351, F.A.C.  | \$ <del>675</del> 450    |
| Variance associated with an environmental resource permit application From paragraph 40E-4.301(1)(e), F.A.C  | \$ <del>750</del> 400    |
| From other permitting standards, permit conditions, or water quality standards   | \$ <del>1,500</del> 500  |
| New Individual Operation Permit Letter Modification  | \$ <del>5,250</del> 3500 |
| New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site | \$ <del>250</del> 400    |
| <u>No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C.</u>   | \$ 100                   |

|  |        |
|--|--------|
| <u>Verification that an activity is exempt from regulation under Part IV, Chapter 373 or 403.813, F.S.</u>                   | \$ 100 |
| <u>Informal wetland boundary determinations under Part IV of Chapter 373, F.S. for property less than or equal to 1 acre</u> | \$ 500 |
| <u>Permit Extensions</u>   | \$ 500 |

1. through 4. No change.

5. The District shall use the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S. The inflation index used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), computed as provided in the BLS publication "Handbook of Methods", Chapter 17 ([www.bls.gov/opub/hom/pdf/homch17.pdf](http://www.bls.gov/opub/hom/pdf/homch17.pdf)).

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

TABLE 40E-1.607(3)(b)  
 PERMIT APPLICATION PROCESSING FEES FOR  
 PROJECTS GRANDFATHERED PURSUANT TO  
 SECTION 373.414, F.S.  
 WETLAND RESOURCE (DREDGE AND FILL) PERMIT  
 APPLICATIONS  
 REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40,  
 AND 40E-400, F.A.C.

| Category   | Amount                   |
|--|--------------------------|
| Construction projects up to and including 5 years  |                          |
| Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).                  | \$ <del>7,500</del> 4000 |
| Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993). | \$ <del>750</del> 500    |

~~Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to subsection 62-312.070(2), F.A.C. (1993), that provide:~~

|  |                              |
|--|------------------------------|
| <del>0-2 new boat slips</del>  | <del>\$ 300</del>            |
| <del>3-9 new boat slips</del>  | <del>\$ 500</del>            |
| <del>Dredge and fill construction permits in excess of 5 years</del>   |                              |
| <del>Short form permits from 6 years up to and including 10 years</del>  | <del>\$3000</del>            |
| <del>Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000.</del>  |                              |
| Variance associated with a wetland resource permit application   |                              |
| From the prohibition of subsection 62-312.080(7), F.A.C.   | \$ <u>132</u> <del>100</del> |
| From other permitting standards, permit conditions, or water quality standards   | \$ <u>661</u> <del>500</del> |
| General Permits  | \$ <u>132</u> <del>100</del> |
| Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with subsections 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit: |                              |
| Transfer of permits or time extensions   | \$ <u>66</u> <del>50</del>   |
| Minor technical changes  |                              |
| Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S.  | \$ <u>66</u> <del>50</del>   |
| Existing permit fee is equal to or more than \$300   | \$ <u>330</u> <del>250</del> |

- 1. through 3. No change.
- (4) No change.
- (5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)  
DETERMINATION PETITION PROCESSING FEES FOR  
FORMAL DETERMINATION OF WETLANDS AND  
OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed in Table subsection 40E-1.607(5), F.A.C.

| Category   | Amount                      |
|--|-----------------------------|
| <u>Property less than or equal to 10 acres</u>                             | <u>\$500</u>                |
| <u>Property greater than 10 acres but less than or equal to 100 acres</u>  | <u>\$1,500</u>              |
| <u>Property greater than 100 acres but less than or equal to 320 acres</u> | <u>\$3,500</u>              |
| <u>Property greater than 320 acres</u>                                     | <u>\$5,000</u>              |
| <u>Property less than or equal to 1 acre</u>                               | <u>\$250</u>                |
| <u>Property greater than 1 acre but less than or equal to 10 acres</u>     | <u>\$550</u>                |
| <u>Property greater than 10 acres but less than or equal to 40 acres</u>   | <u>\$750</u>                |
| <u>Property greater than 40 acres but less than or equal to 120 acres</u>  | <u>\$1500</u>               |
| <u>Property greater than 120 acres</u>                                     | <u>\$1500</u>               |
| <u>Each additional 100 acres or portion thereof</u>                        | <u>\$200</u>                |
| <u>Renewal</u>   | <u>\$350</u> <del>250</del> |

(6) through (7) No change.

THE DISTRICT PROPOSES NOVEMBER 1, 2009 FOR THE EFFECTIVE DATE OF THIS RULE.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Maria Clemente, Division Director, Regulatory Program Support

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 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 Orthotists and Prosthetists**

RULE NO.: 64B14-4.100  
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The proposed rule is necessary to incorporate the application form for residency or internship by reference.

SUMMARY: The proposed rule incorporates the application form for residency or internship by reference.

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

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

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 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 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) To register for an orthotic or prosthetic internship or residency program, the applicant must submit a completed Registration in an Orthotic or Prosthetic Internship/Residency Program form, number DH-MQA 1133, Revised 11/08, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Orthotist and Prostheti's website at <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 11-1-99, Amended 7-2-07,\_\_\_\_\_.

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: March 13, 2009

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

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

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-5.401  
 RULE TITLE: Temporary Pollutant Importer License Issued Under a Declared Emergency

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly. Rule 12B-5.401, F.A.C., was previously assigned. In compliance with Rule 1B-30.001, F.A.C., new rule number 12B-5.375, F.A.C., has been assigned to Rule 12B-5.401, F.A.C. This change does not affect the substance of the rule.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-8.001  
 RULE TITLE: Premium Tax; Rate and Computation

**NOTICE OF CHANGE**

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

In response to written comments received from the Joint Administrative Procedures Committee, dated June 18, 2009, the provisions of sub-subparagraph a. of subparagraph 2. of paragraph (c) of subsection (3) of Rule 12B-8.001, F.A.C., have been clarified to provide that insurers who have paid an assessment to the Florida Life and Health Insurance Guaranty Association can claim a credit as provided in Section 631.72, F.S. When adopted, that sub-subparagraph will read:

2.a. Effective with the tax return filed for the 1997 taxable year, insurers who have paid an assessment to the Florida Life and Health Insurance Guaranty Association (~~Association FLHIGA~~) may claim a credit for part of such assessment as provided for in ~~Section 631.72, F.S. the Florida Statutes~~. Any credits not taken or utilized when available cannot be carried forward.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
61G15-37.001               Performance Standards and Measurable Outcomes

**NOTICE OF CHANGE**

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

Subsection (11) is amended as follows:

(11) FEMC shall maintain the Board's web site at www.fbpe.org, ~~page and update the web page within 14 days of the date the updates go into effect. Administrative complaints shall be posted no later than 30 days after the recommendation by the probable cause panel.~~ All final orders involving active disciplinary cases shall be posted on the web site page, ~~including the final action taken by the Board~~ until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

Rulemaking Specific Authority 471.038(3)(n)(m) FS. Law Implemented 471.038(3)(m) FS. History--New 11-12-02, Amended 4-8-07, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.:                   RULE TITLE:  
69J-166.031               Mediation of Residential Property Insurance Claims

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

69J-166.031 Mediation of Residential Property Insurance Claims.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S. The program established under this rule is prompted by the critical need for effective, fair, and timely handling of residential property claims. This program is available to all first-party claimants and insurers prior to commencing the appraisal process set forth in their policies or commencing litigation. The program is also available to litigants referred to the Department from Circuit or County court. For claims which have not previously already been mediated under any Department mediation program Rule 69B-166.030, F.A.C., the mediation procedures described in this rule are available to all residential property claims for property which arise from damage occurring in Dade or Monroe Counties as a result of Hurricane Andrew, as well as the unnamed March 13, 1993, storm wherever the property is located in the State of Florida. This rule does not apply program applies to personal lines claims but not to commercial insurance coverages, or to private passenger motor vehicle insurance coverages, or to disputes relating to liability coverages contained in property insurance policies. This program does not apply to policies issued under the National Flood Insurance Program established under the National Flood Insurance Act of 1968. Commercial residential insurance claims can be mediated pursuant to Rule 69J-166.002, F.A.C. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible.

(2) Definitions. The following definitions shall apply for purposes of this rule:

- (a) through (b) No change.
- (c) "Claim".

1. "Claim" refers to any dispute between the insurer and insured relating to a material issue of fact other than:

- a. through b. No change.
- 2. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, either of which is notwithstanding of any applicable deductible.

3. A policy must have been in effect at the time of the loss to qualify as a "claim."

- (d) through (h) No change.
- (3) No change.
- (4)(5) Claim Settlement.

(a) Notification of the right to mediate.

1. Within five days of the insured filing ~~At the time an insured files~~ a first-party claim which falls within the scope of this rule, the insurer shall notify the insured of their right to participate in this program. An insurer is not required to send a



notice of the right to mediate claims when no payment has been made for a covered loss because the insurer concludes the amount of covered loss is less than the insured's deductible.

2. Notification shall be in writing and shall be legible, conspicuous, printed in at least 12-point type, and printed in typeface no smaller than any other text contained in the notice. The first paragraph of the notice shall contain the following statement: "The Chief Financial Officer for the State of Florida has adopted a rule to facilitate the fair and timely handling of residential property insurance claims. The rule gives you the right to attend a mediation conference with your insurer in order to settle any claim you have with your insurer. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process after receipt of this notice by calling the Department of Financial Services at 1(877)693-5236. The parties will have 21 days from the date of the notice to otherwise resolve the dispute before a mediation hearing can be scheduled."

3. No change.

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

(b) No change.

(c) Upon receiving a request for mediation, and after the expiration of the 21 day resolution period, the Administrator insurer shall randomly select from the Department's list a mediator to conduct the mediation conference. The Administrator insurer shall immediately notify the mediator in writing of his or her selection and indicate the names and addresses of the parties and their known representatives, their phone numbers (if known), the Department's file number, the date of the request for mediation, and that the mediation is to occur within 45 days of the request. The mediator will have three business days from the date of notification by the Administrator to accept or reject the selection. If the mediator rejects the selection or fails to accept the selection within three business days, or if a the mediator is disqualified pursuant to paragraph (7)(e), then the Administrator insurer shall randomly select another mediator. For all mediation requests under this rule, the time limits in this section shall not be applicable for two years following the declaration of a disaster. Failure of an insurer to abide by this procedure and to notify the insured as required above shall subject the insurer to revocation, suspension, or fine as set forth in sub-subparagraph (9)(a)2.b. of this rule.

(5)(6) Rejection of Mediation. An insurer may elect to reject mediation in situations where the dispute does not meet the definition of a "claim." If the insurer desires to reject mediation, the insurer shall reference this mediation process and specify in writing to the insured and the administrator the

reason(s) for the rejection. The insurer shall also notify the insured of the insured's right to contest the rejection. To contest the rejection, the insured or the insured's representative must write to the Department at its Mediation Section, Bureau of Consumer Assistance, 200 East Gaines Street, Tallahassee, Florida 32399-0322, within 60 days of the date of the insurer's rejection notification. In the insured's letter contesting the rejection, the insured must specifically state the reasons why the rejection is asserted to be improper. The insurer shall also indicate that the insured should include a copy of the insurer's rejection letter with the insured's letter to the Department. The Department shall determine whether the claim shall be mediated. The parties may elect to voluntarily mediate any dispute regardless of whether the cause of loss or policy status may be in question. In the event that a "claim" falls within the scope of this rule, the insurer shall follow the process set forth in subsection (4) paragraph (5)(b) above.

(6) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences.

(a) No change.

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

(c) through (d) No change.

(7) Mediators.

(a) Mediator Approval. The Bureau of Agent and Agency Licensing, Department of Financial Services, shall approve as mediators those persons who meet the qualifications set forth in Section 627.745(3)(b), F.S. Persons wishing to be approved as mediators shall submit their qualifications to the Bureau of Agent and Agency Licensing, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, on Form DI4-591, "Application for Appointment as a Mediator", which is adopted and incorporated by reference in subsection 69B-211.002(30), F.A.C. For two years following the declaration of a disaster, this program may additionally utilize mediators selected from a panel of circuit court – civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators, which are hereby incorporated into the rule by reference.

(b) through (e) No change.

(8) Mediation Conference.

(a) Location.

1. through 4. No change.

5.6. The mediator will notify the insured, insurer, and the Administrator parties in writing of the exact time, date, and location of the conference. In times of declared disaster, the

Administrator shall require additional methods of communication such as telephone or email with the insured, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

- (b) through (e) No change.
- (9) Disbursement of Costs.

(a) The insurer shall pay the mediator's fee and the Administrator's fee which shall not exceed \$225. The Department reserves the right to reduce fees based on consumer surveys and cost analysis. All funds due the Department shall be remitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212, together with a reference to the Department's file number, the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Insurance Regulatory Trust Fund to defer Department costs.

- 1. No change.
- 2. Cancellation Due To Absence. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered an absence. Payment shall be as follows:

a. If the insured fails to appear at the conference, the conference shall be considered to have been held and the insurer must make payment in accordance with paragraph (6)(a) of this rule. If the insured wishes to schedule a new conference after failing to appear, the total cost of mediation for the new conference will be borne by the insured. The new conference shall be rescheduled only upon the insured's payment of the total cost of the mediation at the rate specified in subsection (6) of this rule, rescheduled upon the insured's payment of the mediator's fee for the conference scheduled to take the place of the conference at which the insured failed to appear.

b. If the insurer fails to appear at the conference, the insurer shall make payment for the conference in accordance with paragraph (6)(a) of this rule. If the insurer fails to appear at the conference without good cause, the insurer shall pay the insured's actual cash expenses incurred in attending the conference and shall pay a second total cost of mediation the mediator's fee for the rescheduled conference. Good cause here includes severe illness, injury, or other emergency which could not be controlled by the insurer and could not reasonably be remedied by the insurer prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the Department will report the failure to appear to the Florida Office of Insurance Regulation as a potential violation of Section 626.9541(1)(i)3.c., Florida Statutes. The Florida Office of Insurance Regulation will take such administrative pursuant to

~~Section 624.15, Florida Statutes the insurer shall be subject to penalty, including revocation, suspension, or fine, for violation of Section 626.9541(1)(i), F.S. Such suspension of an insurer's certificate of authority shall be for a period of 2 years. An administrative fine shall be in the amount of \$2,500 per violation in cases of non-willful violation, and \$20,000 per violation in cases of a knowing and willful violation. The Department will mitigate these penalties based upon the following factors: Solvency of the insurer, best interests of or potential harm to insureds, and willfulness of the violation.~~

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

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

- (10) through (12) No change.
- The remainder of the rule reads as previously published.

## Section IV Emergency Rules

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

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

### DEPARTMENT OF FINANCIAL SERVICES

#### Division of Consumer Services

|           |  |
|-----------|--|
| RULE NO.: | RULE TITLE:  |
| 69JER09-1 | Free Wind Inspections (Repeal of Rule 69J-7.003, F.A.C.) |

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The proposed emergency rule is necessary because of a lack of funding for free wind inspections under the My Safe Florida Home program, which was created under Section 215.5586, F.S. The emergency rule becomes effective immediately upon filing. There is an immediate danger to the public welfare because of potential homeowner confusion regarding the status of their legal rights under the program which could expose consumers to the risk of unintended

financial obligations. The rule currently states that homeowners will be able to receive a free wind inspection if the homeowner lives in a single-family, site-built, detached home. However, during the 2009 Florida Legislative session, the My Safe Florida Home program was not granted any additional funding to sustain the program. Therefore, there is no current funding to provide free inspections to Florida homeowners. If an Emergency Rule is not put into place repealing Rule 69J-7.003, F.A.C., homeowners will be ostensibly granted a right under the rule that has been abrogated by the Florida Legislature. This emergency rule serves to repeal Rule 69J-7.003, F.A.C.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Financial Services believes that adopting an emergency rule is essential to protect the public because without the repeal of the existing rule, homeowners may take measures to protect their homes which place them at risk of assuming unintended financial obligations. In the absence of this emergency rule, homeowners may contract with home inspectors while under the misconception that the home inspection will be at no cost to them. Because funding for the home inspection program has been discontinued by the Florida Legislature, state funds are not currently available for this purpose.

SUMMARY: This emergency rule repeals Rule 69J-7.003, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ellen Simon, Chief Counsel, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4270

THE FULL TEXT OF THE EMERGENCY RULE IS:

69JER09-1 (69J-7.003) Free Wind Inspections.

The following rule which would have become effective on July 1, 2009, is hereby repealed.

~~(1) The process to apply for a free wind inspection is for a homeowner to apply on-line at <http://www.mysafe.floridahome.com/NewApplicant.asp> or by telephone at 1(866)513-6734.~~

~~(2) The application for a free wind inspection will be approved if the homeowner lives in a single family, site built, detached home. Properties that are ineligible for a free wind inspection include mobile homes, manufactured homes, apartments, condominiums, multi family dwellings and businesses.~~

~~(3) An application number will be assigned to each applicant. The application number will be utilized for identification purposes for all services in the My Safe Florida Home Program.~~

~~(4) If approved, the homeowner will be contacted by an approved inspection firm or inspector by telephone within three weeks to schedule the free inspection.~~

~~(5) As part of the inspection, the inspector will review any documents the homeowner has on their opening protections (such as shutters, impact resistant windows or garage door). The inspector will also review any documents in regards to roofs under five years old. If the inspector is unable to determine the wind protection rating or building code approval number of the existing shutters or roof shingles, and the homeowner is unable to provide documentation to substantiate this information, then the inspector will not be able to confirm that the homeowner has hurricane rated opening protection or roof covering.~~

~~(6) The inspector will take photos of the applicant's home during the inspection if the inspector believes that the photos will facilitate the preparation of the inspection report.~~

~~(7) At the end of the inspection, the homeowner will be asked to sign a form verifying an inspection was conducted. After the inspection, the inspector shall send the homeowner a free inspection report within 45 days. The report shall include the following information:~~

~~(a) An outline of improvements that could be made to the home to increase resistance to hurricane wind damage;~~

~~(b) An estimate of how much each improvement would cost to complete;~~

~~(c) An estimate of insurance discounts that may be available, if insurance information was provided when applying for the inspection; and~~

~~(d) A hurricane resistance rating that shows the home's current ability, and future ability with improvements, to withstand hurricanes.~~

Rulemaking Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History--New 1-31-07, Amended 7-1-09, Repealed 7-1-09.

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: July 1, 2009

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on June 24, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of paragraph 60BB-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by the Early Learning Coalition of Marion County, 3304 S. E. Lake Weir Avenue, Suite 2, Ocala, Florida 34471.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, from Jeffrey Estis on behalf of Pelican Bay Apartments in Lantana, FL (VW 2009-221).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, from Gay N. Sells, President, Forestbrook I Association, Inc. (Serial Number 21637) (VW 2009-222).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 and Rule 8.6.5.8, A.S.M.E. 17.1, 2004 edition with 2005 Addendaas adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, and a safety bulkhead on hydraulic cylinders from William Torr on behalf of Marco Towers (License Numbers 8388-8389) (VW 2009-223).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2. The petition was received from Mark Singletary on behalf of Gulfside Place Condominium in Sanibel, FL (VW 2009-224).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from unreferenced rule requiring a pit ladder. The Petition was received from Richard Higgins on behalf of Villa Del Verde Condominium Association (VW 2009-225).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**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 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: July 28, 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 **Division of Cultural Affairs** and the Citizens for Florida Arts, Inc. announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday, July 14, 2009, 9:00 a.m.

**PLACE:** Room 312A, R. A. Gray Building, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss, review and take action on funding and business which may appropriately come before the board. Note: if a quorum of members does not attend, items on the agenda for formal actions will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have any questions, or if you would like call-in instructions, please call (850)245-6490.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490 or email: rbashmore@dos.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: Morgan Lewis at (850)245-6356 or email: mblewis@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).

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#### DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** July 17, 2009, 9:30 a.m. – 3:00 p.m.

**PLACE:** Office of the Attorney General, Collins Building, Room 138, 107 W. Gaines St., Tallahassee, FL 32399 or Office of the Attorney General, Concourse Center 4, 3rd Floor, Video Conference Room, 3507 E. Frontage Rd., Tampa, FL 33607 or Office of The Attorney General, 10th Floor, Video Conference Room, 110 Southeast 6th Street, Fort Lauderdale, FL 33301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Abbreviated New Board Member Training.

A copy of the agenda may be obtained by contacting: Kairi Kapoor at (850)414-3500.

Pursuant to the provisions of 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: Kairi Kapoor at (850)414-3500. If you are 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: Kairi Kapoor at (850)414-3500.

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#### DEPARTMENT OF EDUCATION

The **Library Joint Planning** announces a public meeting to which all persons are invited.

**DATE AND TIME:** July 16, 2009, 1:00 p.m. – 3:00 p.m.

**PLACE:** Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A meeting between the Department of Education, the Florida Center for Library Automation, the College Center for Library Automation and the Florida Electronic Library of the Department of State to jointly prepare and provide to the chairs of the House of Representatives Full Appropriations Council on Education and Economic Development, the Senate Policy and Steering Committee on Ways and Means, and the Executive Office of the Governor, options and recommendations for consolidating library services and systems to maximize efficiencies, reduce costs and increase collaboration.

A copy of the agenda may be obtained by contacting Mayra Lashley at mayra.lashley@fldoe.org.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs, Housing and Community Development Division**, Community Assistance Section announces a public meeting to which all persons are invited.

**DATE AND TIME:** July 27, 2009, 1:00 p.m. – 3:00 p.m.

**PLACE:** Department of Community Affairs, Randall Kelley Training Room, 3rd Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Because of the additional accountability requirements and enhanced scrutiny associated with American Recovery and Reinvestment Act (ARRA) funding and operations in general and the Weatherization Assistance Program (WAP) in particular, DCA must be prepared to replace service providers not meeting production goals or compliance requirements quickly. To that end, DCA intends to pre-qualify service providers to step in and administer this program.

Starting with the Leon County service area, DCA is seeking to pre-qualify a public or nonprofit entity to be designated as an eligible provider to administer the American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) in Leon County. If at the time DCA is ready to contract for ARRA WAP services the current WAP service provider is not off of probationary status, DCA will contract with the service provider who is pre-qualified by this solicitation.

Entities interested in applying to be a designated provider of these services should be present at this public meeting in order to be informed of the qualifications and application requirements.

In accordance with the U.S. Department of Energy Regulations, 10 CFR Part 440, selection of an entity will be based on the entity's experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the designated service area, and its capacity to undertake a timely and effective weatherization program. In accordance with 10 CFR Part 440.15, preference will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering, an effective DCA-funded Weatherization Assistance Program.

The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of staff members employed by the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) the capacity to maintain compliance with administrative and financial management requirements.

Upon pre-qualification and approval of an entity for the ARRA funding, that entity must be fully capable and willing to provide services to all eligible low-income citizens in the geographic service area.

The DCA will review the submitted applications and make a decision regarding each applicant's eligibility, capability, and capacity to provide American Recovery and Reinvestment Act Weatherization Assistance Program services to Leon County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

A copy of the agenda may be obtained by contacting: Mr. Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)488-7541, Fax: (850)488-2488 or e-mail norm.gempel@dca.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: Department of Community Affairs at (850)488-7541. If you are 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.

Anyone who wants a copy of the agenda or additional information on this meeting may write, email or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, email www.norm.gempel@dca.state.fl.us, (850)488-7541 or Fax: (850)488-2488.

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## DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2009, 4:30 p.m. – 7:00 p.m.

PLACE: Florida Department of Transportation, District 5 Ocala Office, 627 N. W. 30th Avenue, Ocala, Florida 34475

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Transportation has received authorization from the Federal Highway Administration to conduct a public meeting to discuss the concept of a Pilot Project on Interstate 75 between the Georgia State Line and the beginning of the Turnpike at Wildwood. The pilot project is intended to result in a general reduction in the number of non-conforming outdoor advertising billboards in the sensitive scenic areas on the corridor. The pilot will also test a potential change in Federal regulations which currently prohibit modifications to a non-conforming sign. Under the pilot the Department will allow one-time modifications to non-conforming signs in lesser impacted areas when signs are removed from the more sensitive areas. It is anticipated that this pilot will result in a corridor with a much improved visual character, making it more attractive to motorists.

A copy of the agenda may be obtained by contacting: Ms. Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, Tallahassee, Florida 32399-0450 or by email: Juanice.Hagan@dot.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 7 days before the workshop/meeting by contacting: Ms. Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, Tallahassee, Florida 32399-0450 or by email: Juanice.Hagan@

dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

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### **STATE BOARD OF ADMINISTRATION**

The Florida **Commission on Hurricane Loss Projection Methodology** (Commission) announces a public meeting to which all persons are invited.

**DATES AND TIME:** July 23-24, 2009, 9:00 a.m. – 5:00 p.m. (ET)

**PLACE:** Hermitage Centre, Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida; Teleconference: 1(888)808-6959, Conference Code: 4765251363

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and receive input on changes made by the Legislature during the 2009 session which impact the Commission. To discuss hurricane modeling of commercial residential exposure, short-term frequency, and storm surge. To discuss Risk Management Solutions' request to the Commission. In addition, other general business of the Commission may be addressed.

A copy of the agenda may be obtained by contacting: Donna Sirmons at (850)413-1349 or [donna.sirmons@sbafla.com](mailto:donna.sirmons@sbafla.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Sirmons at the number or email listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

**DATE AND TIME:** August 18, 2009, 9:30 a.m.

**PLACE:** Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and make a decision at its regularly scheduled agenda conference regarding comments filed pertaining to Rules 25-4.0185, 25-4.066, 25-4.070, 25-4.073, 25-4.083 and

25-4.110, F.A.C. This hearing has been rescheduled from the previously scheduled July 14, 2009 agenda conference. DOCKET NO.: 080641-TP.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. (\$1.00, see copying Charges for Commission Records). The agenda and recommendation are also accessible on the PSC Website, at [www.floridapsc.com](http://www.floridapsc.com), at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need a record of the proceedings, and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of 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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Public Service Commission** announces a customer service hearing to which all persons are invited.

**DATE AND TIME:** Thursday, July 30, 2009, 1:00 p.m.

**PLACE:** Apalachicola Community, Center 1 Bay Drive, Apalachicola, FL 32320

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** DOCKET NO.: 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc. The purpose of these customer service hearing is to take testimony from the public on the quality and adequacy of Progress Energy Florida, Inc.'s service and other matters related to Progress Energy Florida, Inc.'s petition for a rate increase. The procedure at this service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at the scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

**EMERGENCY CANCELLATION OF CUSTOMER SERVICE HEARING:** If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the



Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting: Office of the Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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### EXECUTIVE OFFICE OF THE GOVERNOR

The Florida **Film and Entertainment Advisory Council**, Membership Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 24, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4104765

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applicants and make recommendations to the relevant appointment offices for open seats on the council.

A copy of the agenda may be obtained by contacting: Office of Film and Entertainment at (850)410-4765.

Pursuant to the provisions of 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: Office of Film and Entertainment at (850)410-4765. If you are 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: Office of Film and Entertainment at (850)410-4765.

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The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: July 30, 2009, 10:00 a.m. – 5:00 p.m.

PLACE: Florida A&M University, Foster Tanner Recital Hall, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting is a continuation of the June 16, 2009, workshop to help the Cabinet choose priority indicators from among those

presented in The State of Florida's Child Report. The workshop will also provide information on next steps in an outcomes accountability process, and include Cabinet discussion on timeline and tasks for moving the process forward.

A copy of the agenda may be obtained by contacting: Sharon Read at (239)489-9063 or sharon.read@myflorida.com.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Sharon Read at (239)489-9063 or sharon.read@myflorida.com.

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### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**The North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**The North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**The East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 24, 2009, 10:00 a.m.

PLACE: ECFRPC Offices, ECFRPC has moved!, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: (Please call (407)262-7772, ext. 335 to confirm date, time, and place) Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden, East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701.

Pursuant to the provisions of 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. If you are 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 District II Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 10:00 a.m. (ET)

PLACE: Tallahassee Fire Department, Training Room, 2964 Municipal Way, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the District II LEPC.

A copy of the agenda may be obtained by contacting: Chris Rietow, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424, (850)488-6211, ext. 102.

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.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 10:30 a.m.  
 PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning Technical Advisory Committee Meeting.  
 A copy of the agenda may be obtained by contacting: SFRTA Planning Office at (954)788-7928.

Pursuant to the provisions of 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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 23, 2009, 10:00 a.m.  
 PLACE: Board Room, South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Operations Technical Committee Meeting.  
 A copy of the agenda may be obtained by contacting: SFRTA Operations Office at (954)788-7945.

Pursuant to the provisions of 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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are 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.

**COMMISSION ON ETHICS**

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 24, 2009, 8:30 a.m.  
 PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, FL  
 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, FL 32317-5709, (850)488-7864.

Pursuant to the provisions of 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.

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 1:00 p.m. (EDT)  
 OTHER MEETINGS TO BE HELD ON JULY 23, 2009:  
 12:00 Noon – 12:30 p.m. District Lands Committee – to discuss Land Acquisition Matters.  
 1:15 p.m. Public Hearing on Regulatory Matters  
 1:20 p.m. Public Hearing on Land Acquisition Matters

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90, Tallahassee, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.  
 A copy of the agenda may be obtained by contacting: Robin Tucker, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at [www.nwfwmd.state.fl.us](http://www.nwfwmd.state.fl.us)).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Mr. Larry Wright. If you are 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 **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2009, 9:00 a.m.

PLACE: District Headquarters, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Feagle/Bonnet Lake Addition Conservation Easement, 445 acres +/-, Columbia County, with Funds from the Florida Forever Trust Fund.

A copy of the agenda may be obtained by contacting: SRWMD, 9225 CR 49, Live Oak, FL 32060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lisa Cheshire at (386)362-1001 or lmc@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lisa Cheshire at (386)362-1001 or lmc@srwmd.org.

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 13, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@

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

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **State Retirement Commission** announces a hearing to which all persons are invited.

DATE AND TIME: July 20, 2009, 8:30 a.m.

PLACE: Embassy Suites, 3705 Spectrum Blvd., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

Pursuant to the provisions of 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: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410. If you are 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: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

DATES AND TIME: July 27-28, 2009, 9:00 a.m.

PLACE: Tampa Marriott Waterside Hotel & Marina, 700 South Florida Avenue, Tampa, Florida 33602, (813)221-4900

GENERAL SUBJECT MATTER TO BE CONSIDERED: July 27, 2009, 9:00 a.m. – General Business including disciplinary cases, if time allows to be followed by General Business discussion items – architect profession, interior design profession, rules, and reports.

July 28, 2009, 9:00 a.m. – General Business discussion items continued – architect profession, interior design profession, rules, reports, and review of applications.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)487-1395.

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**The Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

**DATES AND TIME:** August 4-7, 2009, 9:00 a.m. each day  
**PLACE:** Hilton Ft. Lauderdale Beach Resort, 505 N. Ft. Lauderdale Beach Blvd., Ft. Lauderdale, FL 33304

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Committee meetings and general board business.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board, 1940 N. Monroe Street, Tallahassee, FL 32399-2211.

Pursuant to the provisions of 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: Building Code Administrators and Inspectors Board. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**The Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** August 24, 2009, 10:00 a.m.

**PLACE:** Conference Call: 1(888)808-6959, Conference Code: 4148135#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel meeting which portions will be closed to the public.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board.

Pursuant to the provisions of 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: Building Code Administrators and Inspectors Board. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**The Board of Accountancy** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday September 1, 2009, 9:00 a.m.

**PLACE:** Conference Call: 1(888)808-6959, Code: 1332505

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Education Committee will meet to consider items relating to the education requirements to sit for the CPA examination.

A copy of the agenda may be obtained by contacting: Vy Hayes, 240 N. W. 76th Drive, Suite A, Gainesville Florida 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: Vy Hayes. If you are 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: Vy Hayes.

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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."

The **Department of Environmental Protection**, Division of Water Resource Management announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 9:30 a.m. (EDT)

PLACE: Department of Environmental Protection, Room 609, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, FL; Toll Free Teleconference Number: 1(888)808-6959, Conference Code: 2458486

GENERAL SUBJECT MATTER TO BE CONSIDERED: To adopt proposed rule amendments to Chapter 62-346, F.A.C., including Applicant's Handbook Volumes I and II. Amending these rules is required to adopt Phase 2 of the Environmental Resource Permit (ERP) program within the Northwest Florida Water Management District. The proposed rules will improve the management and storage of surface waters, including regulation of dredging and filling in connected and isolated wetlands and other surface waters. The notice of proposed rule was published May 22, 2009, in the Florida Administrative Weekly at <http://www.flrules.org>.

A copy of the agenda may be obtained by contacting: Mary VanTassel, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8486, e-mail: [Mary.VanTassel@dep.state.fl.us](mailto:Mary.VanTassel@dep.state.fl.us) or fax: (850)245-8499. (OGC No. 07-1321)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are 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 Florida **Board of Massage Therapy** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, July 30, 2009; Friday, July 31, 2009, 9:00 a.m. or shortly thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of 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: Paula Mask 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.

The **Board of Medicine**, Credentials Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 9:00 a.m.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Dr., Jacksonville, FL 32202, Hotel phone #: (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Shamyah Gibson at [Shamyah\\_Gibson@doh.state.fl.us](mailto:Shamyah_Gibson@doh.state.fl.us) or call (850)245-4131, ext. 3518.

Pursuant to the provisions of 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: Shamyah Gibson at [Shamyah\\_Gibson@doh.state.fl.us](mailto:Shamyah_Gibson@doh.state.fl.us), (850)245-4131, ext. 3518. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, Physician Assistant Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 3:00 p.m. or soon thereafter

PLACE: Hyatt Regency Jacksonville Riverfront, 255 E. Coastline Dr., Jacksonville, FL 32202, Hotel phone #: (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine.

A copy of the agenda may be obtained by contacting: Vera Johnson at [Vera\\_Johnson@doh.state.fl.us](mailto:Vera_Johnson@doh.state.fl.us), (850)245-4131, ext. 3528.

Pursuant to the provisions of 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: Vera Johnson at [Vera\\_Johnson@doh.state.fl.us](mailto:Vera_Johnson@doh.state.fl.us), (850)245-4131, ext. 3528. If you are 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**, Rules and Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 4:00 p.m. or soon thereafter

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Dr., Jacksonville, FL 32202, Hotel phone #: (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us), (850)245-4131, ext. 3517.

Pursuant to the provisions of 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: Whitney Bowen at [whitney\\_bowen@doh.state](mailto:whitney_bowen@doh.state).

fl.us, (850)245-4131, ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Medicine** announces a public meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, August 14-15, 2009, 8:00 a.m.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202, Hotel phone #: (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: [www.flhealthsource.com](http://www.flhealthsource.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us), (850)245-4131, ext. 3517.

Pursuant to the provisions of 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: Whitney Bowen at [whitney\\_bowen@doh.state.fl.us](mailto:whitney_bowen@doh.state.fl.us), (850)245-4131, ext. 3517. If you are 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: Wednesday, July 22, 2009, 3:00 p.m. or shortly thereafter

PLACE: Fountainbluar, 4441 Collins Avenue, Miami Beach, Florida 33140, (305)674-4674

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are 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 CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a telephone conference call to which all persons are invited.

DATES AND TIME: July 17, 2009; August 6, 2009; August 14, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Conference call: 1(888)808-6959, Code: 4145671#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subcommittee of the Advisory Committee on Economic Security is focused on the development of a multi-benefit platform for programs in the state.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarters' Office at (850)921-5570.

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The **Department of Children and Family Services** announces a telephone conference call to which all persons are invited.

DATES AND TIME: July 23, 2009; July 30, 2009; August 13, 2009; 1:00 p.m. – 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959; Code: 4883169#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subcommittee of the Advisory Committee on Economic Security is focused on increasing collaboration and leveraging partnerships in the state.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarters' Office at (850)228-2906.

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The **Department of Children and Family Services** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: July 30, 2009, 10:30 a.m. – 12:00 Noon; August 6, 2009, 10:00 a.m. – 12:00 Noon; August 13, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Code: 4883169#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subcommittee of the Advisory Committee on Economic Security is focused on recommendations to increase participation in public assistance programs in the state.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarters' Office at (850)487-8465.

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#### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: July 28 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 690-163.0075, .009, .011, Florida Administrative Code, published on May 22, 2009 in Vol. 35, No. 20, of the Florida Administrative Weekly. No notice of change was published.

A copy of the agenda may be obtained by contacting: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail: gerry.smith@flor.com.

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

For more information, you may contact: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail: gerry.smith@flor.com.

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

690-163.0075 Term and Evidence of Insurance.

~~The term of insurance and evidence of insurance shall not exceed ten years subject to the following limitations:~~

(1) ~~Credit life insurance shall not exceed ten years from the date of issue and~~ provide coverage for at least 5 years or the term of the loan if the loan is for less than 5 years;

(2) ~~Credit disability insurance shall provide for monthly payments which are the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.~~

Rulemaking Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.681, 627.6785(3), 627.681(3) FS. History—New 2-11-03, Formerly 4-163.0075.

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

(1) Section 627.682, Florida Statutes, requires that benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This



requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:

- (a) 55% for credit life insurance, and
- (b) 50% for credit disability insurance.

(2) Use of rates not greater than those contained in Rules 69O-163.010 and 69O-163.011, F.A.C., (“prima facie rates”) shall be deemed premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a satisfactory filing with the Office showing to the Director that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio.

(3) If an actual rate is greater than the prima facie rates, the actual rate may not exceed the prima facie rates plus the difference between:

- (a) Claims which may be reasonably expected, and
- (b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.

(4) When some rates are based on subsection (1) above and others on the prima facie rate, the expected loss ratios of statewide business must meet the minimum loss ratio standard in subsection (1) above.

(5) Nonstandard Coverage. If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 69O-163.010 and 69O-163.011, F.A.C., the insurer shall make a filing to demonstrate to the satisfaction of the Office Director that the premium rates to be charged for such restricted coverage comply with subsection (1) above or, are less than or equal to rates which are actuarially equivalent to the prima facie rates.

Rulemaking Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History—New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, 2-11-03, Formerly 4-163.009.

69O-163.011 Credit Disability Insurance Rates.

(1) Credit disability insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than in paragraphs (a) and (b). Paragraphs (c), (d) and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) If premiums are payable on a single-premium basis for the duration of the coverage:

TABLE I

| No. of months in which indebtedness is repayable | 14-Day Non-Retroactive | 30-Day Non-Retroactive | 7-Day Retroactive | 14-Day Retroactive | 30-Day Retroactive |
|--|------------------------|------------------------|-------------------|--------------------|--------------------|
| 6 or less  | \$0.81                 | \$0.36                 | \$1.47            | \$1.30             | \$1.05             |
| 7-12   | 1.13                   | 0.72                   | 1.76              | 1.58               | 1.36               |
| 13-18  | 1.46                   | 1.08                   | 2.05              | 1.87               | 1.67               |
| 19-24  | 1.78                   | 1.44                   | 2.34              | 2.16               | 1.97               |
| 25-30  | 2.11                   | 1.80                   | 2.64              | 2.45               | 2.28               |
| 31-36  | 2.43                   | 2.16                   | 2.93              | 2.74               | 2.58               |
| 37-48  | 2.84                   | 2.70                   | 3.34              | 3.10               | 2.97               |
| 49-60  | 3.16                   | 2.97                   | 3.69              | 3.38               | 3.28               |
| 61-72*   | 3.43                   | 3.27                   | 3.97              | 3.62               | 3.53               |
| 73-84*   | 3.61                   | 3.47                   | 4.18              | 3.79               | 3.70               |
| 85-96*   | 3.76                   | 3.64                   | 4.34              | 3.92               | 3.84               |
| 97-108*  | 3.86                   | 3.75                   | 4.46              | 4.01               | 3.94               |
| 109-120*   | 3.95                   | 3.85                   | 4.55              | 4.09               | 4.02               |
| <u>Per month for terms exceeding 120 months</u>  | <u>.0303</u>           | <u>.0296</u>           | <u>.0348</u>      | <u>.0313</u>       | <u>.0308</u>       |

~~\*Maximum benefit is 60 monthly payments.~~

(b) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured indebtedness, these premiums shall be computed according to the formula:  $OPn = (20XSPn) / (n + 1)$  using a rate no less than the 24 month rate in Table I above. A company may submit a different formula for approval which produces rates actuarially equivalent to the single premium rates in Table I:

Where

- SPn = Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I). The Single Premium Rate shall not be less than the 19-24 month rate for the appropriate coverage.
- OPn = Monthly Outstanding Balance Premium Rate per \$1,000.
- n = Original repayment period, in months.

(c) Coverage which provides a constant maximum indemnity for a given period of time shall use rates no greater than those rates which are actuarially equivalent to the rates in paragraph (a) or (b).

(d) If the coverages provided are other than those described in this subsection (1), rates for such coverages shall be actuarially equivalent to the rates provided in paragraph (a), (b) or (c).

(e) Joint coverage rates shall be no greater than 175% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit disability insurance may be either a term specified rate or may be a single composite term rate applicable to all insured loans.

(2) The premium rates in subsection (1) shall apply to policies providing credit disability insurance to be issued with or without evidence of insurability, to be offered to all eligible debtors, and containing:

(a)1. No provision excluding or denying a claim for disability resulting from pre-existing conditions, except for those conditions for which the insured debtor received medical advice, diagnosis, or treatment within six months preceding the effective date of the debtor's coverage, and which caused loss within the 6 months following the effective date of coverage;

2. Disability commencing after 6 months following the effective date of coverage resulting from the condition shall be covered.

3. Coverage with no pre-existing provision limitation shall result in an additional premium of 10% of the amounts shown in subsection (1), above.

(b) No other provision which excludes or restricts liability in the event of disability caused in a specific manner, except that it may contain provisions excluding or restricting coverage for intentionally self-inflicted injuries and normal pregnancy.

(c) No provision which requires that the debtor be employed more than thirty (30) hours per week in order to be eligible for insurance coverage.

(d) No age restrictions, or only age restrictions making ineligible for coverage debtors 66 or over at the time the indebtedness is incurred.

(e) However, coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age 66.

(f) A daily benefit equal in amount to one-thirtieth of the monthly benefit payable under the policy for the indebtedness.

(g)1. A definition of "disability" which provides that during the first 12 months of disability the insured shall be unable to perform the duties of his occupation at the time the disability occurred, and thereafter the duties of any occupation for which the insured is reasonably fitted by education, training or experience.

2. This paragraph shall not apply to lump sum disability coverage.

Rulemaking Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History—New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended 2-11-03, Formerly 4-163.011.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: July 28, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-164.040, Florida Administrative Code, published on May 22, 2009 in Vol. 35, No. 20, of the Florida Administrative Weekly. No notice of change was published.

A copy of the agenda may be obtained by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail [kerry.krantz@flor.com](mailto:kerry.krantz@flor.com).

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

For more information, you may contact: Kerry Krantz, Office of Insurance Regulation, E-mail [kerry.krantz@flor.com](mailto:kerry.krantz@flor.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.040 Determining Reserve Liabilities for Preneed Life Insurance.

(1) Authority.

This rule is adopted by the commission pursuant to Sections 625.121(5)(a)3. and 627.476(9), F.S.

(2) Scope.

This rule applies to preneed life insurance policies and certificates as defined in Section Four (4) of this rule, and similar policies and certificates.

(3) Purpose.

The purpose of this rule is to recognize the inadequacy of the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value, and to require the continued use of the 1980 Commissioners

Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value.

(4) Definitions.

(a) The term "2001 CSO Mortality Table" means the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002). Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

(b) The term "Ultimate 1980 CSO" means the Commissioners' 1980 Standard Ordinary Life Valuation Mortality Tables (1980 CSO) without ten-year (10-year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.

(c) For the purposes of this rule, preneed insurance is any life insurance policy or certificate that is issued in combination with, in support of, with an assignment to, or as a guarantee for a prearrangement agreement for goods and services to be provided at the time of and immediately following the death of the insured. Goods and services may include, but are not limited to embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased. The status of the policy or contract as preneed insurance is determined at the time of issue in accordance with the policy form filing.

(5) Minimum Valuation Mortality Standards.

For preneed insurance contracts, as defined in paragraph (4)(c), and similar policies and contracts, the minimum mortality standard for determining reserve liabilities and non-forfeiture values for both male and female insureds shall be the Ultimate 1980 CSO.

(6) Minimum Valuation Interest Rate Standards.

(a) The interest rates used in determining the minimum standard for valuation of preneed life insurance shall be the calendar year statutory valuation interest rates as defined in Section 625.121(6), F.S.

(b) The interest rates used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the calendar year statutory nonforfeiture interest rates as defined in Section 627.476(9)(i), F.S.

(7) Minimum Valuation Method Standards.

(a) The method used in determining the minimum standard for valuation of preneed life insurance shall be the method as defined in Section 625.121(5), F.S.

(b) The method used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the method as defined in Section 627.476(9), F.S.

(8) Transition Rules

(a) For preneed insurance policies issued on or after the effective date of this rule and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for non-forfeiture benefits for both male and female insureds.

(b) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of this rule and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

1. A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

2. A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

3. Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this rule and using the 2001 CSO as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

(9) Effective Date.

This rule is applicable to preneed life policies and certificates as defined in (2) issued on or after January 1, 2009.

Rulemaking Authority 624.308(1), 625.121(5)(a)3., 627.476(9) FS. Law Implemented 625.121(5)(a)3., 627.476(9) FS.

The **Office of Financial Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, July 13, 2009, 2:00 p.m.

PLACE: The Record Reporting, Inc., 1500 Mahan Drive, Suite 140, Tallahassee, Florida, 32308 and The Miami Center, 201 South Biscayne Boulevard, 28th Floor, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing concerning the Application to Acquire a Controlling Interest in Community Bank of Manatee filed by Marcelo Lima and Trevor. R. Burgess.

A copy of the agenda may be obtained by writing: Office of Financial Regulation, Attn.: Agency Clerk, 200 East Gaines Street, Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379 or by calling the Agency Clerk at (850)410-9896.

Pursuant to the provisions of 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 Agency Clerk at (850)410-9896, facsimile at (850)410-9645, or by mail or in person at the Office of Financial regulation, Fletcher Building, Suite 526, 200 East Gaines Street, Tallahassee, Florida 32399. If you are hearing impaired, please contact the Agency Clerk by calling 1(800)640-0886. If you are 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)** announces a public meeting to which all persons are invited.

DATE AND TIME: July 15, 2009, 2:00 p.m.

PLACE: TRDA Business Innovation Center, 1050 West NASA Boulevard, Melbourne, FL 32901

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting: Dave Kershaw, Deputy Director at (321)872-1050, ext. 102 or [dkershaw@trda.org](mailto:dkershaw@trda.org).

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**SOIL AND WATER CONSERVATION DISTRICTS**

The **Collier Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2009, 8:30 a.m.

PLACE: 14700 Immokalee Rd., Naples, FL 34120

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Business Meeting.

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**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 21, 2009, 2:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL 33082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The RFA Selection Committee will receive and consider issues involving the Prospective Deficiency Fund, The Alvin E. Smith Grant program, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 21, 2009, 4:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL 33082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Claims and Underwriting Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 9:00 a.m.

PLACE: Sawgrass Marriott, Jacksonville, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, RFA Selection Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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**FLORIDA ENERGY AND CLIMATE COMMISSION**

The **Florida Energy and Climate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 1:00 p.m. – Until Completion

PLACE: Toni Jennings Room, 110 Senate Office Building, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy and Climate Commission (FECC) will hold a conference call to hear presentations of importance to the FECC on energy and climate change, discuss the American Recovery and Reinvestment Act Spending Plan and consider mechanisms for implementing the spending plan as well as discuss other commission business.

Staff will conduct the conference call from the Toni Jennings Room, 110 Senate Office Building, where members of the public are invited to attend. Members of the public are also invited to listen to the call, but due to noise considerations are asked to dial-in from a land line and keep their phone lines

-muted until the public comment section of the agenda. The dial-in number is: 1(866)233-5216, Conference Code: 5654699.

A copy of the agenda may be obtained by contacting: Brittany Cummins at (850)487-3800.

Pursuant to the provisions of 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: Brittany Cummins at (850)487-3800. If you are 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 SURPLUS ASSET FUND TRUST

The Board of Trustees for **Florida Surplus Asset Fund Trust** ("FLSAFE") announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2009, 12:00 Noon

PLACE: Cape Coral City Hall, Room 220A, 1015 Cultural Park Blvd., Cape Coral, Florida 33990

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. CALL TO ORDER/ROLL CALL
2. BUSINESS ADMINISTRATION
  - a. Minutes of May 2009 meeting
  - b. Economic update and portfolio structure
  - c. Second quarter unaudited financial report
  - d. Budget update
3. BUSINESS ITEMS
  - a. Investment Policy
4. STAFF REPORTS
  - a. Insurance policy renewal
  - b. The Reserve and Credit Watch update
  - c. Marketing
    - i. Map activity and plans
    - ii. Comparison chart
    - iii. Participant list
5. SET NEXT MEETING DATE/ADJOURNMENT
  - a. Future meeting dates

A copy of the agenda may be obtained by contacting: Bill Spivey, VP, Client Services Manager for FLSAFE at 1(866)999-1216 or bill@flsafe.org at least seven days in advance of the scheduled 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 48 hours before the workshop/meeting by contacting: Suzy Lopez at (239)574-0497. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Bill Spivey, VP, Client Services Manager for FLSAFE at 1(866)999-1216 or bill@flsafe.org.

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### FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 21, 2009, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Elizabeth Newberry, Florida Association of Counties, 100 South Monroe Street, Tallahassee, Florida 32301.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

NOTICE IS HEREBY GIVEN THAT the Department of Highway Safety and Motor Vehicles has issued an order disposing of the petition for declaratory statement filed by Toyota Tsusho America, Inc. on March 25, 2009. The following is a summary of the agency's disposition of the petition:

Petitioner Toyota Tsusho America, Inc., IS NOT PROHIBITED FROM OWNING AND OPERATING TOYOTA AUTOMOBILE DEALERSHIPS IN THE STATE OF FLORIDA BY Section 320.645, Florida Statutes. (2008).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Peter N. Stoumbelis, Senior Assistant General Counsel.

Please refer all comments to: Peter N. Stoumbelis, Senior Assistant General Counsel, 2900 Apalachee Parkway, A-432, Tallahassee, FL 32399, (850)617-3101.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Villa di Lancia Condominium Association, Inc. on April 21, 2009. The following is a summary of the agency's declination of the petition:

The Division may not issue a declaratory statement when the petition seeks an interpretation of ambiguous provisions within the governing documents; or where there are unit owners who will be affected by the decision and who 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 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

The Joint Administrative Procedures Committee announces that rule amendment or legislation has addressed the Committee's voted objections to the rules shown below. In each instance, the rule amendment or legislation was reported to the Committee shortly after it occurred, but a recent review of Committee records discovered that no notice of the fact that the objection had been resolved was never published in the Florida Administrative Weekly. Publication is made at this time to allow the history notes of each affected rule to reflect the resolution of these Committee objections.

2A-5.005 – Amendment resolved Committee objection 2-4-94.

6A-4.02 (now 6A-4.002) – Committee objection resolved by Chapter 86-156, Laws of Florida.

6A-4.06 (now 6A-4.006) – Committee objection resolved by Chapter 86-156, Laws of Florida.

6A-4.35 (now 6A-4.035) – Committee objection resolved by Chapter 86-156, Laws of Florida.

10-5.02 (now 59C-1.002) – Amendment resolved Committee objection 10-27-77.

28-110.005 – Committee objection resolved by Chapter 2006-82, Laws of Florida.

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

#### NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces that continuing construction management services are required for the following discipline:

Construction Manager (Up to 3) (Tampa Campus with the ability to include other campuses as required).

#### PROJECT DESCRIPTION:

Projects included in the scope of this Agreement will be specific projects for renovations, alterations, new construction, and/or additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for services is \$100,000 or less. Continuing Service Contracts for these projects provide that the Construction Manager will be available on an as-needed basis for an initial period of one (1) year with an Owner's option to renew for one (1) additional year at a time up to a total of two (2) additional years. The Construction Managers receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional Continuing Service Construction Managers under contract during the same time period. Continuing Service projects include projects that are awarded based upon competitive proposals from Continuing Service Construction Managers under contract and may include projects that are negotiated individually with a specific construction manager. Services required to be provided under the Continuing Services Contracts include the recording of as-built conditions by the Continuing Service Construction Manager for projects constructed by that Construction Manager for use in developing record drawings to facilitate the University's space management program. Performance and Payment Bonds shall be provided for individual projects exceeding \$100,000 and liability and worker's compensation insurance shall be required for the contract. Builder's Risk insurance may be required for specific projects based upon need.

#### INSTRUCTIONS:

Firms desiring to provide Construction Management services shall submit one (1) original submittal and five (5) bound copies consisting of a letter of interest, a completed "USF Construction Manager Qualifications Supplement" dated July 2009 and any required or additional information within the proposal limits as described in the CMQS Instructions, addressing the criteria contained therein, in the order listed, in a clear and concise manner. Submittals must not exceed forty (40) pages, including the Construction Manager Qualifications

Supplement, letter of interest, attachments and additional information. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested information may not be considered. Submittals are part of the public record and no submittal material will be returned. Applications submitted in any other format may not be considered.

An applicant must be licensed to practice as a general contractor in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm(s) must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

#### PROJECT SELECTION CRITERIA:

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications including applicant's experience, applicant's personnel, applicant's ability to provide service, (record-keeping/administrative ability, recording of as-built conditions, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, etc.) and the applicant's license, bondability and insurability. As part of the University of South Florida's Strategic Plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. MBE participation information by the Construction Manager and/or the Construction Manager's consultants, for this contract, shall be provided by the Construction Manager in response to a request from the University's Supplier Diversity Manager's office.

The University of South Florida Construction Manager Qualifications Supplement Form, dated July 2009 and the Project Fact Sheet may be obtained by contacting Ms. Kathy Bennett, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail at kbennett@admin.usf.edu, or phone (813)974-3098, (813)974-2625 or Fax (813)974-3542.

All interested firms are invited to and encouraged to attend a Pre-Submittal Meeting to be held at 9:00 a.m. Eastern Time, on Wednesday, July 22, 2009 at the University of South Florida in the Marshall Center Room Royal Palm Ballroom #2100, Tampa Campus, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. (Those unfamiliar with the campus may find directions at the Campus Information Center at the Fowler entrance and/or consult a campus map at <http://www.usf.edu/Locations/Maps-Directions/tampa.asp>.) Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the employees of the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the CMQS and Project Fact Sheet. Requests for any project information must be in writing to Ms. Kathy Bennett, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail at [kbennett@admin.usf.edu](mailto:kbennett@admin.usf.edu), or phone (813)974-3098, (813)974-2625 or Fax (813)974-3542. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

One (1) original and five (5) bound copies of the above requested proposal data, bound in the order listed, shall be addressed to: Ray Gonzales, Architect, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Submittals must be received in the University of South Florida, Facilities Planning and Construction office, FPC110, by 2:00 p.m., Eastern Time on Friday, August 7, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

Notice of Bid/Request for Proposal

Districtwide Roof Replacement at Landon Middle School No. 31, Oceanway Middle School No. 62, Windy Hill Elementary School No. 94, and Susie Tolbert Elementary School No. 128, DCPS Project No. M-84470,

DUVAL COUNTY  
PUBLIC SCHOOLS  
ADVERTISEMENT FOR BIDS

Invitation To Bid

For a

Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and

recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D.

BIDS ARE DUE ON OR BEFORE AUGUST 11, 2009  
AND WILL BE ACCEPTED UNTIL 2:00 P.M.

Official Project Title: Districtwide Roof Replacement at Landon Middle School No. 31, Oceanway Middle School No. 62, Windy Hill Elementary School No. 94, and Susie Tolbert Elementary School No. 128, DCPS Project No. M-84470, Stage II

SCOPE OF WORK: Project scope is to remove old deteriorated roof systems and replace with new roof systems on Landon Middle School No. 31, Oceanway Middle School No. 62, Windy Hill Elementary School No. 94, and Susie Tolbert Elementary School No. 128. The estimated construction cost "Budgeted Not to Exceed" is \$999,050.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on July 29th, 10:00 a.m., at 129 King Street, Room 37, Jacksonville Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

The projects funding are subject to availability of funds as authorized by the Owner. The District reserves the right to reject any and all bids.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of:

Stafford Consulting Engineers, 914 Atlantic Ave., Suite 2-F, Fernandina Beach, FL 32034

DCSB Point of Contact: Dale Hughes, (904)858-6308

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room Construction Bulletin  
Construction Market Data, Inc. National Association of  
Minority Contractors

MBE Participation Goal: 10%

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax: (904)390-2265, Email: [beaudoinr@duvalschools.org](mailto:beaudoinr@duvalschools.org) or [faganr@duvalschools.org](mailto:faganr@duvalschools.org).



The Bid Award Recommendation will be posted on the First Floor, Bulletin Board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

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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 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 04-09/10**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from contractors licensed to work in the jurisdiction for the project listed below:

**PROJECT NAME:** District 5-Multiple Park Fencing Projects

**SCOPE OF WORK:** The Contractor shall furnish all labor, material, equipment and supervision for the installation of boundary fencing for Jonathan Dickinson State Park, Atlantic Ridge Preserve State Park and Savannas Preserve State Park. Work will also include mowing, clearing, fire lanes and fence removal/disposal.

**PROJECT BUDGET:** \$300,000.00

**PARK LOCATION:** Jonathan Dickinson State Park, 16450 S.E. Federal Highway, Hobe Sound, Florida, Atlantic Ridge State Park c/o Jonathan Dickinson State Park and Savannas Preserve State Park, 9551 Gumbo Limbo Lane, Jensen Beach, Florida.

**PROJECT MANAGER:** Gerry Pisciotano, District 5 Office, 13798 S.E. Federal Highway, Hobe Sound, Florida 33455, (772)546-0900, Fax: (772)223-2591.

**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 specifications for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on July 10, 2009 at District 5 Office, 13798 S. E. Federal Highway, Hobe Sound, Florida 33455, Attention: Gerry Pisciotano, (772)546-0900, Fax: (772)223-2591.

**PREBID MEETINGS:** Non-mandatory prebid meetings will be conducted as follows:

1. Jonathan Dickinson State Park and Atlantic Ridge Preserve State Park, 16450 S. E. Federal Highway, Hobe Sound, Florida 33455 at 9:00 a.m., Tuesday, July 21, 2009 at the Entrance Station at Jonathan Dickinson State Park. In order to inspect the project sites at both parks plan on approximately 6 hours.
2. Savannas Preserve State Park, 2541 Walton Rd., Port St. Lucie, Florida 34952, 10:00 a.m., Wednesday July 22, 2009 at the Environmental Education Center. In order to inspect the project site plan on approximately 2.5 hours.

When attending the prebid meetings contractors are recommend to have a 4x4 passenger vehicle to access project site locations.

**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 2:00 p.m. (ET), Tuesday, August 4, 2009 to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Tuesday, August 11, 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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**NOTICE OF INVITATION TO BID**

**BID NO. BDC 06-09/10**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from certified or registered contractors licensed to work in the jurisdiction for the project listed below:

**PROJECT NAME:** Cross Florida Greenway – Sweetwater Bridge Replacement

**SCOPE OF WORK** The contractor shall provide the necessary labor, materials, equipment, and supervision for the reconstruction of the existing Sweetwater Bridge which includes driving new wood piles, precast concrete pile caps, prestressed concrete slab deck, steel sheet piles and wood railing.

**PROJECT BUDGET:** \$200,000.00

**PARK LOCATION:** Marjorie Harris Carr Cross Florida Greenway, Putnam County, off SR 20, south of Hollister in Cow Haven Bay. See plans for site access.

**PROJECT MANAGER:** Jim Wolfe, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS 795, Tallahassee, Florida 32399-3000, (850)245-2052, Fax: (850)245-2082.

**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 Chapters 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 July 10, 2009 from: James Wolfe, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS #795, Tallahassee, Florida 32399-3000 or email: Jim.D.Wolfe@dep.state.fl.us, (850)245-2052.

**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 2:30 p.m. (ET), Tuesday, August 4, 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)488-5372. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Tuesday, August 11, 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): 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 Rule 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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## CITY OF FORT LAUDERDALE

### NOTICE TO CONTRACTORS

Sealed bids will be received until 2:00 p.m., Wednesday, August 5, 2009, Office of the City Engineer, Public Works Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT #11497 – WASTEWATER CONVEYANCE SYSTEM LONG-TERM REMEDIATION PROGRAM PROJECT #17 – BASIN A-23 and ANNUAL SEWER REPAIR CONTRACT.

The work includes: The rehabilitation of mainline sewers and laterals identified in the contract documents by using the cured-in-place pipe method for the sewer pipes. The work includes pre and post television survey, flow monitoring, flow bypass, traffic control, site restoration, and related operations resulting in complete and satisfactory rehabilitation of the mainline wastewater collection system piping in Sewer Basin A-23. The project also includes, as Schedule B, the Annual Sewer Repair Contract which provides for localized lining of sanitary sewers, sanitary laterals and storm sewers throughout the City as required and as authorized by the City, for a one year period following completion of the base project. Projects will be authorized on an as-needed basis by the City with no guarantee as to the location and amount of the additional work. A pre-bid meeting will be held at 2:00 p.m., Wednesday, July 15, 2009, Program Management Team Office, 200 North Andrews Avenue, Suite 300 (Third Floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended but not mandatory.

Bidding blanks may be obtained at the Office of the City Engineer. Specifications are on file in the Office of the City Engineer. Bidders are encouraged to carefully review the project specifications, particularly Sections 02520 and 02563 as there have been revisions to these sections.

This project may be funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for 5% of the amount bid, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line at (954)828-5688. For general inquiries please call: (954)828-5772.

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## FLORIDA SHERIFFS ASSOCIATION

### BID ANNOUNCEMENT

BID NUMBER: 09-17-0908

BID TITLE: PURSUIT, ADMINISTRATIVE  
NON-PURSUIT,

UTILITY VEHICLES, TRUCKS AND VANS, AND OTHER  
FLEET EQUIPMENT

ADVERTISEMENT DATES: JULY 2, 2009 AND JULY 10,  
2009

MANDATORY VEHICLE CONTRACT/

SPECIFICATION WORKSHOPS: JULY 23 AND 24, 2009,  
9:00 A.M.

MANDATORY PRE-BID

CONFERENCE: AUGUST 12, 2009, 10:00 A.M.

WORKSHOPS AND PRE-BID CONFERENCE TO BE  
HELD AT:

MARION COUNTY SHERIFF'S OFFICE

692 N. W. 30TH AVENUE

OCALA, FL 34475-5608

REPLIES DUE: SEPTEMBER 8, 2009, 12:00 NOON

BID SUBMITTALS RECEIVED AT:

FLORIDA SHERIFFS ASSOCIATION

COOPERATIVE BID COORDINATOR'S OFFICE

TEMPORARY LOCATION:

1983 CENTRE POINTE BLVD., SUITE 101 (32308)

P. O. BOX 12519

TALLAHASSEE, FL 32317-2519

BIDS MUST BE SUBMITTED ELECTRONICALLY THROUGH THE FLORIDA SHERIFFS ASSOCIATION'S VEHICLE BID AWARD SYSTEM. SOLICITATION DOCUMENTS AND SPECIFICATIONS CAN BE ACCESSED THROUGH <http://veba.flsheriffs.org>. VENDORS WHO WISH TO PARTICIPATE IN THIS INVITATION TO BID MUST ATTEND THE VEHICLE CONTRACT/SPECIFICATION WORKSHOP AND PRE-BID CONFERENCE. YOU WILL BE REQUIRED TO HAVE A USER NAME AND GENERIC PASSWORD BEFORE YOU CAN LOG ON TO THE VEBA SITE.

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**FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION**

Extension of Time to Respond to Request For Information Regarding Engagement of a General Counsel to Represent the Florida Birth-Related Neurological Injury Compensation Association

The Florida Birth-Related Neurological Injury Compensation Association (NICA) is extending the time to respond to its request seeking information regarding the engagement of a General Counsel to represent NICA and the Board of Directors for all general, legislative and administrative matters. NICA is a statutory organization created under Section 766, Florida Statutes, that manages the Florida Birth-Related Neurological Injury Compensation Plan (“Plan”) used to pay for the care of infants born with certain neurological injuries. NICA is governed by a five (5) member Board of Directors appointed by a constitutional officer, the Chief Financial Officer, of the State of Florida and subject to regulation by the Office of Insurance Regulation.

1. Scope of Services

The scope of services required of General Counsel is broad. The General Counsel provides counsel, advice and legal representation of NICA and the NICA Board of Directors for all general, legislative and administrative matters, assigns and supervises outside counsel to handle individual claim matters, and advises the Board of Directors in all matters pertaining to the administration of NICA and related litigation. These services will include but not be limited to:

Provide general legal advice to NICA Staff and the Board as requested.

Represent NICA and the Board of Directors in all general legal matters.

Review contracts, policies and procedures, proposals and other documents as requested by Staff or the Board.

Attend all Board meetings

Handle requests for public information.

Represent NICA in general and administrative actions other than individual claims.

Assign or handle pro-se petitions that have no disputed issues.

Assign and supervise outside counsel to handle individual claim issues.

Assign and supervise outside counsel to handle all appellate matters and coordinate to assure consistent decisions and case law throughout the districts and the State.

Review billing statements received from outside counsel for content and reasonableness.

Advise NICA on legislative issues and represent NICA before the Legislature as needed. Registration as a lobbyist will be required.

All other general, administrative, legislative and other legal matters as requested by NICA staff.

2. Experience

A broad range of legal experience is required, including:

General administrative experience,

Experience with a state agency, board or commission or other governmental entity,

Experience with contracts, personnel, policies and procedures and other general administrative issues,

Experience in administrative actions, including appeals to the district courts of appeal,

Litigation management,

Legislative experience, including bill drafting,

3. Staffing

The counsel identified in the Response to Request for Information will be primarily responsible as lead counsel for NICA in all matters. It is expected that other staff or counsel may be needed at times to assist. In addition, it is expected that the services of other attorneys and paralegals may be utilized on specific matters as requested and/or approved by NICA. Everyone who assists the General Counsel will work under the supervision of General Counsel who is ultimately responsible for handling of all matters. Duplication of review of materials and multiple appearances by attorneys or other personnel is to be avoided, except as specifically approved by NICA in writing.

4. Conflicts of Interest

As part of the Response, confirmation will be required that neither the General Counsel nor any of the lawyers or other individuals involved in the representation of NICA or handling any of NICA’s matters would handle any matter that is potentially adverse to NICA. If there is any potential adverse action handled by the Firm or other associates of the General Counsel, General Counsel would be required to describe, in writing, what the potential conflict is, and how the individuals involved in any such matter would be limited to assure that they have no access to any information from the files or other materials in the possession of the General Counsel. Any potential conflict will be required to be disclosed in writing to NICA and may be cause for termination of any agreement that may result from this RFI.

5. Fees and Billing

NICA will compensate for general and administrative services based on a monthly retainer which should be proposed. Litigation outside the scope of services which is handled by General Counsel at the written direction of Staff or the Board may be based on the time devoted to the matter at a proposed hourly rate. Currently, the hourly rate generally approved for all claim and other outside counsel, including appellate work is \$150/hour. Currently approved para-professional rates range from \$50 to \$120/hour.

NICA will pay for support services, such as photocopy, long distance telephone and facsimile, messenger and delivery service, online research, travel, word processing and search and filing fees. Long distance telephone will be billed based on charges from the phone company, except for calls lasting under one minute, for which there will be no charge. Word processing or secretarial services may only be charged if done on an overtime basis and with NICA's written consent. Certain support services that involve equipment or staffing or that require payments to third parties may include additional charges that reflect internal costs if prior written approval is given by NICA. It is expected that the General Counsel will provide the most cost effective and efficient support systems available.

Statements will normally be expected to be received by NICA each month and will reflect the services and expenses incurred the previous month. Retainer may be billed separately. Respondent may expect payment will be made within 30 days receipt of correct billing.

6. Transition Plan

A detailed description and plan for an orderly transfer and coordination of activities of the General Counsel should be provided as a part of any response.

7. Disposition of Files and Records

NICA maintains individual health information subject to HIPPA and other confidentiality laws. Any otherwise nonpublic information NICA has supplied which is retained by General Counsel must be kept confidential in accordance with applicable rules of professional conduct. Files must be returned to NICA as requested in writing.

8. Submissions:

Interested parties should submit a proposal that includes the following elements:

1. General background information on the Respondent attorney and firm, including a list of current clients.
2. Identification of personnel that would be involved and the qualifications and/or curriculum vitae of each person.
3. Confirmation that the attorney and all members of the firm are not de-barred from doing business with the State of Florida or the federal government.
4. Identification of any current clients which may present a conflict of interest with conducting work on behalf NICA.
5. A brief outline of how the firm would conduct its scope of services.
6. Outline of expected costs and proposal for retainer and hourly fee for services that may fall outside of the scope of services.
7. Any other information deemed relevant or important for NICA to consider.

Additional information may be requested by NICA for any or all of the responding entities.

NICA reserves the right to reject any or all proposals. Selection of any firm is solely at the discretion of NICA. NICA is not subject to the bid requirements of the State of Florida.

Time is extended for receipt of proposals. Proposals will be reviewed as received and interested parties should submit such no later than July 31, 2009. Any proposal previously submitted will be included for consideration and does not have to be re-submitted.

All Responses should be sent to:

Kenney Shipley, Executive Director  
 Florida Birth-Related Neurological Injury  
 Compensation Association (NICA)  
 2360 Christopher Place  
 Tallahassee, FL 32308  
 Email: kshipley@nica.com  
 Fax: (850)922-5369

## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

#### NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 12-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Columbia County School Board and Columbia County, pursuant to Section 163.3177, F.S., to be consistent with the minimum requirements of Sections 163.3177(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: Columbia County Courthouse, 35 North Hernando Street, Lake City, Florida 32055.

Any affected person, as defined in Section 163.3177(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 163.3177(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 Columbia County School Board and Columbia County. 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.

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-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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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 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 Eco Green Machine, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 7000 Park Boulevard, Suite A, Pinellas Park (Pinellas County), Florida 33781, on or after June 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC are dealer operator(s): Patcharee Clark, 7000 Park Boulevard, Suite A, Pinellas Park, Florida 33781; principal investor(s): Patcharee Clark, 7000 Park Boulevard, Suite A, Pinellas Park, Florida 33781.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of Finish Line Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 6600 Gulf Boulevard, St. Pete Beach (Pinellas County), Florida 33706, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finish Line Scooters, LLC are dealer operator(s): John V. Leonard, 6600 Gulf Boulevard, St. Pete Beach, Florida 33706; principal investor(s): John V. Leonard, 6600 Gulf Boulevard, St. Pete Beach, Florida 33706.

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.

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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 El Sol Trading, Inc., intends to allow the establishment of Finish Line Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 6600 Gulf Boulevard, St. Pete Beach (Pinellas County), Florida 33706, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finish Line Scooters, LLC are dealer operator(s): John V. Leonard, 6600 Gulf Boulevard, St. Pete Beach, Florida 33706; principal investor(s): John V. Leonard, 6600 Gulf Boulevard, St. Pete Beach, Florida 33706.

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.

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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 Pacific Rim International West, Inc., intends to allow the establishment of Gas Sippers, LLC, as a dealership

for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 6480 20th Street, #106, Vero Beach (Indian River County), Florida Indian River, on or after June 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Gas Sippers, LLC are dealer operator(s): Keith Estep, 6480 20th Street, #106, Vero Beach, Florida 32966; principal investor(s): Valerie Estep, 6480 20th Street, #106, Vero Beach, Florida 32966 and Keith Estep, 6480 20th Street, #106, Vero Beach, Florida 32966.

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: Wendy Yu, Pacific Rim International West, Inc., 2260 South Archibald Avenue, Unit E, 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 Lotus Cars USA, Inc., intends to allow the establishment of TT of Eatonville, Inc. d/b/a Lotus of Orlando, as a dealership for the sale of Lotus vehicles (LOTU) at 4249 Millenia Boulevard, Orlando (Orange County), Florida 32839, on or after June 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TT of Eatonville, Inc. d/b/a Lotus of Orlando are dealer operator(s): Terry Taylor, 515 North Flagler Drive, P400, West Palm Beach, Florida 33401 and Peter Wilson, 1935 Lake Markham Preserve, Sanford, Florida 32771; principal investor(s): Terry Taylor, 515 North Flagler Drive, P400, West Palm Beach, Florida 33401 and Peter Wilson, 1935 Lake Markham Preserve, Sanford, Florida 32771.

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: Arnold A. Johnson, Lotus Cars USA, Inc., 2236 Northmont Parkway, Duluth, Georgia 30096.

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 BMS Motorsports, Inc., intends to allow the establishment of Scooter Depot, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 3651 Alafaya Trail, #102, Oviedo (Seminole County), Florida 32765, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Depot, LLC are dealer operator(s): Rob Loisel, 250 East Lake Mary Boulevard, Sanford, Florida 32773; principal investor(s): Rob Loisel, 250 East Lake Mary Boulevard, Sanford, Florida 32773.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, 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 BMS Motorsports, Inc., intends to allow the establishment of Scooter Depot, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 3651 Alafaya Trail, #102, Oviedo (Seminole County), Florida 32765, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Depot, LLC are dealer operator(s): Rob Loisel, 250 East Lake Mary Boulevard, Sanford, Florida 32773; principal investor(s): Rob Loisel, 250 East Lake Mary Boulevard, Sanford, Florida 32773.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, 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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**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 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 (Department) gives notice of its intent to grant a renewal of variance CAR-FM-CPC-VA (File No. 0076455-013-VA) under Section 378.212, Florida Statutes (F.S.), from the provisions of Section 378.209(1), F.S., and paragraph 62C-16.0051(11)(b), Florida Administrative Code (F.A.C.), to Mosaic Fertilizer, LLC, Post Office Box 2000, Mulberry, Florida 33860-1100, for the Fort Meade Mine in Polk and Hardee Counties, Florida, to allow for a delay in the reclamation of lands disturbed by phosphate mining activities due to a temporary shutdown of the mine and the associated lack of reclamation materials. This variance renewal will also incorporate a modification to the schedule in Condition No. 2 of Variance GAR-FM-CPB-VA, File No. 0076455-004-VA.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760.

Under this intent to grant a variance renewal, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in granting the application. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it on a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding in accordance with the procedures and requirements set forth below. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 378.212(3), F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;

- b. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests are or will be affected by the agency determination;
- c. A statement of when and how the petitioner received notice of the agency decision;
- d. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e. A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action;
- f. A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g. A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency’s proposed action.

A petition that does not dispute the material facts on which the Department’s action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This determination constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order

under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

**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.

**DEPARTMENT OF HEALTH**

On June 25, 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 Mallikarjuna B. Urmundalavaru, M.D. License #ME 75135. 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.



| Rule No.   | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|------------|-----------|----------------|-------------------|------------------|
| 62-520.900 | 6/22/09   | 7/12/09        | 34/26             |                  |
| 62-522.200 | 6/22/09   | 7/12/09        | 34/26             |                  |
| 62-522.300 | 6/22/09   | 7/12/09        | 34/26             |                  |
| 62-522.400 | 6/22/09   | 7/12/09        | 34/26             |                  |

**DEPARTMENT OF HEALTH  
Board of Orthotists and Prosthetists**

|             |         |         |       |  |
|-------------|---------|---------|-------|--|
| 64B14-5.002 | 6/23/09 | 7/13/09 | 35/20 |  |
|-------------|---------|---------|-------|--|

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

|             |         |         |       |  |
|-------------|---------|---------|-------|--|
| 64B20-2.001 | 6/26/09 | 7/16/09 | 35/20 |  |
| 64B20-4.001 | 6/26/09 | 7/16/09 | 35/20 |  |

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

|            |         |         |       |  |
|------------|---------|---------|-------|--|
| 65G-4.0023 | 6/25/09 | 7/15/09 | 35/12 |  |
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

|             |         |         |       |       |
|-------------|---------|---------|-------|-------|
| 69A-53.0052 | 6/25/09 | 7/15/09 | 35/12 | 35/18 |
| 69A-53.0053 | 6/25/09 | 7/15/09 | 35/12 |       |

**AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY**

|          |         |         |       |       |
|----------|---------|---------|-------|-------|
| 71-1.001 | 6/23/09 | 7/13/09 | 35/14 | 35/17 |
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