

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.021 RULE TITLE: Revocation of Registration of Political Committees

PURPOSE AND EFFECT: Implements the 2010 amendment to Section 106.03(7), F.S., which requires the Division of Elections to adopt rules in which electioneering communications organizations (ECOs) may be dissolved and have their registrations revoked. The rule title and text will be amended to include ECOs within the rule's provisions.

SUBJECT AREA TO BE ADDRESSED: Political Committees, Electioneering Communications Organizations, and Campaign Finance

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 106.03(7), 106.22(9) FS.

LAW IMPLEMENTED: 106.03(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: June 28, 2010, 2:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Eddie Phillips, Department of State, Office of General Counsel, (850)245-6536, email: elphillips@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gary J. Holland, Department of State, Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536; email: gjholland@dos.state.fl.us

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-1.0015 RULE TITLE: K-20 Data Warehouse

PURPOSE AND EFFECT: The purpose of the rule development is to formalize the Commissioner's responsibilities regarding the data integrated into the K-20 data warehouse including the strategies to improve data quality and timeliness.

SUBJECT AREA TO BE ADDRESSED: K-20 Data Warehouse.

RULEMAKING AUTHORITY: 1008.31(4) FS.

LAW IMPLEMENTED: 1008.31 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Copa, Executive Staff Director, Division of Accountability, Research, and Measurement, Florida Department of Education, 325 West Gaines Street, Suite 844, Tallahassee, Florida 32399-0400; (850)245-0457. REQUESTS FOR A RULE DEVELOPMENT WORKSHOP should be addressed to Lynn Abbott, Agency Clerk, Department of Education – lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401 RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of this rule development is to get public input regarding the revised World Language Standards, Benchmarks and Indicators, defining what students should know and be able to do to communicate effectively in a language other than English.

SUBJECT AREA TO BE ADDRESSED: Next Generation Sunshine State Standards for World Languages.

RULEMAKING AUTHORITY: 1001.02, 1003.41(4) FS.

LAW IMPLEMENTED: 1001.03, 1003.41 FS.

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

DATE AND TIME: June 28, 2010, 10:00 a.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Department of Education, Chief, Bureau of Student Achievement through Language Acquisition, 325 W. Gaines St., Room 501, Tallahassee, FL 32399. For a draft copy of the

rule contact Lori Rodriguez at lori.rodriguez@fldoe.org and to submit a comment on the rule go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-30.007
 RULE TITLE: Application for the State Officer Certification Examination and Notification Process

PURPOSE AND EFFECT: Revised to increase the State Officer Certification Examination to assist in providing an online certification exam capability and maintaining per student allocations to training centers which have been reduced due to recent legislative actions and decreases in program related revenue trends. The proposed effective date is January 1, 2011.

SUBJECT AREA TO BE ADDRESSED: Increase of State Officer Certification Examination fee.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12(17), 943.1397(3) FS.

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

DATE AND TIME: Tuesday, June 29, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are 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: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.018
 RULE TITLE: Pavement Selection Process and Industry Involvement

PURPOSE AND EFFECT: Rule 14-15.018, F.A.C., is being promulgated to incorporate Chapter 4 of the Pavement Type Selection Manual.

SUBJECT AREA TO BE ADDRESSED: Chapter 4 of the Pavement Type Selection Manual, "Pavement Selection Process and Industry Involvement," is addressed.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(10)(a), 336.045(1) FS.

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

DATE AND TIME: June 23, 2010, 8:00 a.m.

PLACE: Bldg. 5315, Turkey Lake Service Plaza-Mile Marker 263, Florida's Turnpike, Auditorium B, Ocoee, FL 34761

DATE AND TIME: July 20, 2010, 8:00 a.m.

PLACE: Bldg. 5315, Turkey Lake Service Plaza-Mile Marker 263, Florida's Turnpike, Auditorium A, Ocoee, FL 34761

Pursuant to the provisions of 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.018 Pavement Selection Process and Industry Involvement.

Chapter 4 of the Pavement Type Selection Manual. "Pavement Selection Process and Industry Involvement," FDOT Manual Number 625-010-005-e, Rev. 03/08, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this chapter are available from the Office of Roadway Design at www.dot.state.fl.us/mapsandpublications/.

Rulemaking Authority 334.044(2) FS. Law Implemented: 334.044(10)(a), 336.045(1) FS. History—New

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

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

PURPOSE AND EFFECT: The purpose and effect is to modify existing rules to comply with changes contained in Chapter 2010-39, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Black Business Loan Program.

RULEMAKING AUTHORITY: 288.7102(7) FS.

LAW IMPLEMENTED: 288.7094, 288.7102 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.:	RULE TITLE:
64B-3.001	Definitions

PURPOSE AND EFFECT: The Department determined that it is important to define the terms "current mailing address" and "place of practice" for its applicants and licensees.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 456.035, 458.331(1)(m), 459.015 FS.

LAW IMPLEMENTED: 456.035, 458.331(1)(m), 459.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lola Pouncey, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-3.001 Definitions.

(1) No change.

(2) "Current Mailing Address" means an address acceptable to the United States postal service where the licensee shall be served with notices pertaining to licensure.

(3) "Place of Practice" means the street address of the primary place of practice for those licensees who are practicing.

Rulemaking Specific Authority 458.331(1)(m), 459.015 FS. Law Implemented 458.331(1)(m), 459.015 FS. History—New 9-29-98, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.:	RULE TITLE:
69L-6.007	Compensation Notice

PURPOSE AND EFFECT: Section 440.40, F.S., requires every employer who has secured workers' compensation insurance to post in its place of business a workers' compensation notice and an Anti-Fraud Reward Program notice. Section 440.40, F.S., also authorizes the Department, by rule, to prescribe the form of the notices and to require carriers to provide the notices to policyholders. Currently, Rule 69L-6.007, F.A.C., requires carriers to furnish employers with a compensation notice, commonly referred to as the "broken arm poster" and incorporates the Anti-Fraud Reward Program notice poster. The purpose of the proposed rule amendment is to update the rule and adopt the revised workers' compensation notice posters, including the Spanish version of the poster.

SUBJECT AREA TO BE ADDRESSED: Update of Rule 69L-6.007, F.A.C., and the revised workers' compensation "broken arm posters."

RULEMAKING AUTHORITY: 440.40, 440.591 FS.

LAW IMPLEMENTED: 440.40 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: June 29, 2010, 1:00 p.m.

PLACE: Room 2100, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-1878 or Tasha.Carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tasha Carter, Chief, Bureau of Compliance, Division of Workers' Compensation, 2012 Capital Circle S.E., Tallahassee, Florida 32399, (850)413-1878. The text of the proposed rule and the revised posters will be available on the Division's website: <http://www.myfloridacfo.com/WC/notices/html>.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-138.047	Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary

PURPOSE AND EFFECT: To adopt changes to the NAIC Model Regulation by adding an additional requirement to the Regulatory Asset Adequacy Issues Summary as a result of changes to Rules 690-162.203 and 690-164.020, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Actuarial Opinion.

RULEMAKING AUTHORITY: 625.121(3)(a) FS.

LAW IMPLEMENTED: 625.121(3) FS.

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

DATE AND TIME: June 29, 2010, 9:30 a.m.

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.krantz@flor.com

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-162.203	Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance

PURPOSE AND EFFECT: To adopt changes to the NAIC Model Regulation and explain the conditions for use of the preferred class structure mortality tables and to permit use of the mortality tables for policies issued prior to the adoption date of the original rule.

SUBJECT AREA TO BE ADDRESSED: Life Insurance Reserves.

RULEMAKING AUTHORITY: 624.308(1), 625.121 FS.

LAW IMPLEMENTED: 624.307 (1), 625.121 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: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.krantz@flor.com

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-164.020	Valuation of Life Insurance Policies

PURPOSE AND EFFECT: To adopt changes to the NAIC Model Regulation reducing the minimum premium deficiency reserve requirement, subject to certain conditions to ensure adequacy of reserves.

SUBJECT AREA TO BE ADDRESSED: Life insurance reserves.

RULEMAKING AUTHORITY: 624.308(1), 625.121(5) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5) 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: June 29, 2010, 9:30 a.m.

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.krantz@flor.com

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

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-2.025	Processing of Water Use Permit Applications
40B-2.901	Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rule is to update Chapter 40B-2, F.A.C., based on staff review. Proposed changes will provide clarification for procedures for reviewing unsolicited information, and repeal an existing rule that is no longer valid.

SUMMARY: This proposed rule will clarify procedures for reviewing unsolicited information with regard to application review, and repeal the rule for forms and instructions. Forms and instructions are now incorporated into the appropriate corresponding rule.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.60, 373.116, 373.229, 373.239 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Rules and Contracts Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-2.025 Processing of Water Use Permit Applications.
(1) through (2) No change.

(3) Receipt of unsolicited information from the applicant during the review process shall reset the District's 30-day review clock.

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.60, 373.116, 373.229, 373.239 FS. History—New 1-6-10, Amended _____.

40B-2.901 Forms and Instructions.

~~All forms necessary to apply for permits shall be furnished with instructions by the District upon request. The effective date of the following forms shall be October 1, 1982:~~

- ~~(1) Application for an Individual Water Use Permit.~~
- ~~(2) Individual Water Use Permit Application Supplemental Groundwater Withdrawal Site Description.~~
- ~~(3) Individual Water Use Permit Application Supplemental Surfacewater Withdrawal Site Description.~~
- ~~(4) Application for General Water Use Permit — Agricultural Irrigation and Livestock Use.~~
- ~~(5) Application for General Water Use Permit — Commercial/Industrial, Water Utility, Nursery, Landscape Irrigation, and Other Uses.~~
- ~~(6) Water Use Permit.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.219, 373.229 FS. Law Implemented 373 Part II FS. History—New 10-1-82, Amended 5-1-83, Repealed _____.~~

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2010

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.1070	Exemptions
40B-4.3030	Conditions for Issuance of Works of the District Development Permits

PURPOSE AND EFFECT: The purpose of the proposed rule is to update these sections of Chapter 40B-4, F.A.C., based on staff review. Proposed changes to Rule 40B-4.1070, F.A.C., will amend incorrect language, and proposed changes to Rule 40B-4.3030, F.A.C. will provide clarification in paragraph (12)(a) by removing confusing terminology.

SUMMARY: This proposed rule will amend incorrect language and clarify that the District rule by removing confusing terminology.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.406, 373.416, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Rules and Contracts Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1070 Exemptions.

(1)(a) through (g) No change.

(h) Recreational paths that have a width of eight ~~ten~~ feet or less for one-lane paths and twelve feet or less for two-lane paths ~~and~~ which do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles.

(2) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.406, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04,_____.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) through (11) No change.

(12) The following conditions shall apply to all works of the district development permits issued for development on lands subdivided after January 1, 1985:

(a) No clearing of trees and vegetation shall occur [except as provided in paragraphs (d) and (e) below] other than what is necessary to ~~remove diseased vegetation~~, construct structures, associated water supply, wastewater disposal, and private driveway access facilities.

(b) through (f) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-18-04, 5-13-07, 8-8-07,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-3.600	Special Well Construction Standards

PURPOSE AND EFFECT: To expand the areas designated by the District as the North Dover and South Dover areas, located in the Dover-Plant City area of Hillsborough County, and for which the District has established special water well construction standards consisting of minimum well casing depths.

SUMMARY: The Dover-Plant City area located in eastern Hillsborough County is home to many farms specializing in strawberries, blueberries, row crops and citrus, which rely upon plant irrigation to provide protection from frost or freeze damage during cold events. In 2002, the District adopted Rule 40D-3.600, F.A.C., to establish a North Dover area and a South Dover area for which special well construction standards are applicable. Potable wells constructed in the North Dover area must be cased to a minimum depth of 105 feet below land surface and to 147 feet below land surface in the South Dover area. During 2010, an unprecedented period of actual or predicted freezing temperatures resulted in over 750 potable wells in and around the Dover area experiencing problems or running dry. Sinkholes also occurred because of the significant and concentrated irrigation pumping. Investigation by the District revealed that those wells that experienced failure were not constructed to the casing depths required by Rule

40D-3.600, F.A.C. Further investigation also revealed that the areas affected by large-scale cold protection irrigation in and around the Dover farming community actually extend beyond the boundaries presently designated by the District as the North and South Dover areas.

Based upon the fact that the well casing requirements for the Dover area proved effective in preventing potable wells from failing during this recent period of intense water use, the District proposes to expand the North and South Dover area boundaries to include additional surrounding areas that were affected by the cold protection pumping. The current casing depth requirements for each area will remain the same.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Individuals and entities that may be affected by the proposed rule amendments include licensed well contractors acting as agents for individuals and entities wishing to construct, repair or modify potable wells in the affected areas. Given that over the past five years, an average of 90 new potable wells were constructed and one repaired per year in the proposed expanded areas. District staff anticipate that a similar number will be constructed and repaired per year in the future. For the existing North and South Dover areas, an average of five potable wells per year have been repaired, and it is anticipated that the same number of wells will need to be repaired annually in the future and thus have to comply with the casing depth requirement. Additional well construction inspection and enforcement costs to the District will be minimal. There will be no direct implementation and enforcements costs to other agencies. There will be no impacts on state and local government revenues. In the expanded areas, approximately 24% of new potable wells constructed already meet the new casing depth criteria. Incremental costs for construction of new potable wells in the expanded areas will range from approximately \$1,000 to \$2, 200 per well. Incremental costs of repair or modification of existing potable wells will range from approximately \$2,600 to \$3,000 to extend the casing and provide an appropriate pump. Small businesses requiring construction of new or repair or modification of existing potable wells that must comply with the new requirements will incur these incremental costs but will benefit from avoidance of water supply losses and potential reductions in sales during frost/freeze or other high water use events. There are no small cities within special well construction criteria areas and Hillsborough County is not a small county.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.308 FS.

LAW IMPLEMENTED: 373.308, 373.309 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: Dianne.Lee@watermatters.org, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2010005)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.600 Special Well Construction Standards.

To prevent impacts to water wells from periodic high water use, in addition to complying with the other construction requirements of this chapter, the construction, modification or repair of potable water wells in the area of the Dover community shall also comply with the requirements set forth below.

(1) Potable water wells constructed, modified or repaired in the North Dover Area north of Interstate 4 (North Dover), as identified in subsection (2) below, shall be cased to a minimum depth of 105 feet below land surface.

(2) The area of North Dover is as follows:

Township 27, Range 21, Sections 25 through 36;

Township 27, Range 22, Sections 26 through 35;

Township 28, Range 20, Sections 12 through 14, 23, 24 and those portions of 25 and 26 lying north of Interstate 4;

Township 28, Range 21, Sections 1 through 19 and those portions of 20 through 24 and 30 lying north of Interstate 4; and

~~Township 28, Range 22, Sections 2 through 10, 15 through 18 and that portion of 20, Sections 22 through 27, and Sections 34 through 36 lying north of Interstate 4.~~

(3) Potable water wells constructed, modified or repaired in the South Dover Area south of Interstate 4 (South Dover), as identified in subsection (4) below, shall be cased to a minimum depth of 147 feet below land surface.

(4) The area of South Dover is as follows:

Township 28, Range 20, those portions of Sections 25 and 26 lying south of Interstate 4 and Sections 35 and 36;

Township 28, Range 21, those portions of Sections 20 through 24 and 30 lying south of Interstate 4 and Sections 25 through 29 and 31 through 36;

~~Township 28, Range 22, that portion of Section 20 lying south of Interstate 4;~~

Township 29, Range 20, Sections 1, 2, 11 through 13 and 24;

Township 29, Range 21, Sections 1 through 29, and 33 through and 36; ~~and~~

Township 29, Range 22, Sections 14 through 36 ~~9 and 15 through 21;~~

Township 30, Range 21, Sections 1, 2, 11, and 12; and

Township 30, Range 22, Sections 2 through 10.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.308 FS. Law Implemented 373.308, 373.309 FS. History–New 4-9-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Tony Gilboy, Regulation Well Construction Manager
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: This rulemaking is to comply with Section 373.042, F.S. and will amend Rule 40D-8.041, F.A.C., to establish Minimum Flows for the estuarine reach of the lower Peace River located within the District’s Peace River Basin.

SUMMARY: The proposed revision adopts minimum flow rules for the tidal reaches of the lower Peace River.

Significant harm was defined as occurring when modeled withdrawals from the baseline or unaltered flow conditions caused more than a 15 percent decline in any one of several ecologically based habitat metrics. In addition to determination of an allowable percent flow reduction, a low flow threshold (LFT) of 130 cubic feet per second (cfs) has also been proposed. A LFT is defined to be the flow that serves to prohibit withdrawals under very low flow conditions throughout the year.

The lower Peace River minimum flow was determined based on the sum of the combined flows of the Peace River at Arcadia, Horse Creek and Joshua Creek.

For the low flow period (Block 1, which runs from April 20 through June 25), it was determined that more than 15 percent of the historically available habitat would be lost, if flows were reduced by more than 16 percent based on the combine flows of the three gages noted above as long as total daily withdrawals from Peace River were limited to 400 cfs.

For the medium flow period (which runs from October 27 of one year through April 19 of the next), it was determined that more than 15 percent of historically available habitat would be lost if flows were reduced by more than 16 percent at or below a flow of 625 cfs based on the combined flows of three gages, but that when flows exceeded 625 cfs, up to 29 percent of the combined flows could be taken without causing significant harm to the available habitat as long as total daily withdrawals from off the Peace River were limited to 400 cfs.

For the high flow season of the year (which runs from June 26 through October 26), it was determined that more than 15 percent of historically available habitat would be lost if flows were reduced by more than 16 percent at or below a flow of 625 cfs based on the combined flows of the three gages, but that when flows exceeded 625 cfs, up to 38 percent of the combined flows could be taken without causing significant harm to the available habitat as long as total daily withdrawals from off the Peace River were limited to 400 cfs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A seasonal minimum flow regime is proposed for the Lower Peace River to minimize disruptions to estuarine processes and estuarine dependent species. The flows are based on the sum of flow at the Peace River, Horse Creek and Joshua Creek. Small water users exempt from water use permitting are not subject to the minimum flow restrictions. Aside from the Peace River Manasota Water Supply Authority (PRMWSA), there have been too few applications for withdrawals affecting the flow of the Lower Peace River to estimate a future number of applicants that could be impacted by the proposed minimum flows. It is not anticipated that the proposed revisions will significantly increase permitting, monitoring or enforcement costs to the District. No other state or local governments are responsible for the implementation or enforcement of the proposed minimum flows. The proposed minimum flows will not have an impact on state or local revenues. It is anticipated that there will be quantities available for permitting but they may be seasonal and require storage for a reliable year round supply. Additional sources of water are available in the area from brackish groundwater, local utilities and the PRMWSA ranging in costs from \$.31 to \$6.69 per thousand gallons. The seasonal nature of water availability from the river, due to existing Chapter 40D-2, F.A.C. criteria, makes it unlikely that a small business would apply for withdrawals from the river. Small businesses with withdrawal facilities and quantities that do not exceed Chapter 40D-2, F.A.C. permitting thresholds will not be affected by the proposed minimum flows. Commercial and recreational fishing and related businesses in the area will benefit from the protection of estuarine-dependent fish, invertebrate and shellfish species. Most such businesses are small businesses. It is unlikely that any small cities or counties will be affected by the proposed revisions as they lie upstream of the Lower Peace River.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

Pursuant to the provisions of 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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Martinez, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4660) (OGC #2007102)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (7) No change.

(8) Minimum Flows for the lower Peace River

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the estuarine reach of the lower Peace River are met.

(b) Minimum Flows for the estuarine reach of the lower Peace River are based on the sum of the combined flows of the USGS Peace River near Arcadia Gage # 02296750 plus the flow at the USGS Horse Creek near Arcadia Gage # 02297310, and the USGS Joshua Creek at Nocatee Gage #02297100, and are set forth in Table 8-19 below. Minimum Flows for the lower Peace River are both seasonal and flow dependent. One standard, the Minimum Low Flow Threshold, is flow based and applied continuously regardless of season. No surface water withdrawals shall be permitted that would cumulatively cause the flow to be reduced below the Minimum Low Flow Threshold of 130 cfs based on the sum of the mean daily flows for the three gages listed above. Additionally, permitted withdrawals shall cease when flows are below the Minimum Low Flow Threshold of 130 cfs. The total permitted maximum withdrawals on any day shall not exceed 400 cfs. There are also three seasonally dependent or Block specific Minimum Flows that are based on the sum of the mean daily flows for the three gages denoted above that would occur in the absence of

any permitted upstream withdrawals. The Block Minimum Flows are based on potential changes in habitat availability for select salinity ranges within a season.

Period	Effective Dates	Where Flow on Previous Day Equals:	Minimum Flow Is
Annually	January 1 through December 31	≤ 130 cfs > 130 cfs	Actual flow (no surface water withdrawals permitted) Seasonally dependent – see Blocks below
Block 1	April 20 through June 25	≤ 130 cfs > 130 cfs	Actual flow (no surface water withdrawals permitted) previous day's flow minus 16% but not less than 130 cfs
Block 2	October 28 through April 19	≤ 130 cfs > 130 cfs and < 625 cfs 625 cfs	Actual flow (no surface water withdrawals permitted) previous day's flow minus 16% but not less than 130 cfs previous day's flow minus 29%
Block 3	June 26 through October 27	≤ 130 cfs > 130 cfs and < 625 cfs 625 cfs	Actual flow (no surface water withdrawals permitted) previous day's flow minus 16% but not less than 130 cfs previous day's flow minus 38%

(c) Minimum five-year and ten-year moving mean and median flow values are set forth in Table 8-20 as a tool to assess whether flows to the lower Peace River remain above flow rates that are expected to occur with implementation of the Minimum Flow described in Table 8-19 and a daily maximum withdrawal rate of 400 cfs. The means and medians are based on evaluation of daily flow records for the three gages listed above for the period 1951 through 2008. Yearly means and medians were computed for January 1 through December 31 of each year, then moving five-year and ten-year averages were calculated from these yearly values. Therefore, the five-year and ten-year means and medians are hydrologic statistics that represent the flows that will be met or exceeded if compliance with the Minimum Flow and the 400 cfs maximum withdrawal rate is maintained during hydrologic conditions similar to the 1951-2008 period. Climatic changes or future structural alterations in the watershed could potentially affect surface water or groundwater flow characteristics within the watershed and flows in the river. Therefore, as additional information relevant to Minimum Flows development becomes available, the District is committed to periodically evaluate whether any declines in these minimum moving average values below that expected with the application of the Minimum Flow are due to factors other than permitted water use.

(d) The Minimum Flows for the lower Peace River will be reevaluated to incorporate additional ecological data for the Lower Peace River within 5 years of adoption of this rule.

Table 8-20 Minimum Five-Year and Ten-Year Moving Mean and Median flows for the lower Peace River based on the sum of flows from Horse Creek, Joshua Creek, and the Peace River at Arcadia

Minimum Flow	Hydrologic Statistic	Flow (cfs)
<u>Annual Flow</u>	<u>10-Year Mean</u>	<u>713</u>
	<u>10-Year Median</u>	<u>327</u>
	<u>5-Year Mean</u>	<u>679</u>
	<u>5-Year Median</u>	<u>295</u>
<u>Block 1</u>	<u>10-Year Mean</u>	<u>284</u>
	<u>10-Year Median</u>	<u>264</u>
	<u>5-Year Mean</u>	<u>204</u>
	<u>5-Year Median</u>	<u>114</u>
<u>Block 2</u>	<u>10-Year Mean</u>	<u>429</u>
	<u>10-Year Median</u>	<u>383</u>
	<u>5-Year Mean</u>	<u>330</u>
	<u>5-Year Median</u>	<u>235</u>
<u>Block 3</u>	<u>10-Year Mean</u>	<u>1260</u>
	<u>10-Year Median</u>	<u>930</u>
	<u>5-Year Mean</u>	<u>980</u>
	<u>5-Year Median</u>	<u>595</u>

(8) through (11) renumbered (9) through (12) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marty Kelly, Minimum Flows and levels Program Director, Resource Projects Dept. Southwest Florida Water Management District

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: This rulemaking is to comply with Section 373.042, F.S. and will amend Rule 40D-8.041, F.A.C., to establish Minimum Flows for the Anclote River System located within the District’s Pinellas-Anclote Basin.

SUMMARY: For purposes of the rule, the Anclote River system includes the watercourse from the headwaters to the Gulf of Mexico. For this rule, the location of the gage

represents the division between the freshwater portion of the river upstream of the gage and the estuarine portion downstream of the gage.

Significant harm was defined as occurring when modeled withdrawals from the baseline or unaltered flow conditions caused more than a 15 percent decline in any one of several ecologically based habitat metrics. In addition to determination of an allowable percent flow reduction, a low flow threshold (LFT) has also been proposed for the freshwater segment. A LFT is defined to be the flow that serves to prohibit withdrawals under very low flow conditions throughout the year.

Three seasons (Blocks 1, 2 and 3) were evaluated separately and a freshwater and estuarine MFL was determined for each Block. The proposed freshwater minimum flows allow reduction of up to 11% of Block 1 (April 12 through July 21) baseline flows, up to 18% of Block 3 flows (October 15 through April 11) and up to 14 % of Block 2 flows (July 22 through October 14) when flows are between 12 cfs and 138 cfs. A freshwater LFT is established so that withdrawals are prohibited from depressing flows below 12 cfs at any time. When baseline flows exceed 138 cfs, up to 8% of the excess flows may be withdrawn. Estuarine MFLs are similar, but do not have a low flow threshold. Proposed minimum flows allow reductions of up to 12% of Block 1 flows, up to 16 % of Block 2 flows and up to 18%, of Block 3 flows.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A seasonal minimum flow regime is proposed for the Anclote River to minimize disruptions to estuarine processes and estuarine dependent species. Groundwater withdrawals in the Northern Tampa Bay area have significantly reduced its flows. It is estimated that the mean flow of the river has been reduced by 29% for the years 1955 to 2007. Small water users exempt from water use permitting are not subject to the minimum flow restrictions. There are no permitted surface withdrawals or applications for withdrawals from the river so it is not possible to estimate the number of future surface water withdrawals that may be impacted by the proposed revisions. Groundwater withdrawals that could affect the flows have been limited by existing Chapter 40D-2, F.A.C. permitting criteria but may be available on a case-by-case basis. It is not anticipated that the proposed revisions will significantly increase permitting, monitoring or enforcement costs to the District. No other state or local governments are responsible for the implementation or enforcement of the proposed minimum flows. The proposed minimum flows will not have an impact on state or local revenues. It is not anticipated that there will be quantities available for permitting until proposed minimum flows are exceeded. Additional sources of water are available in the area from stormwater, local utilities and Tampa Bay Water ranging in costs from \$2.80 to \$3.98 per thousand gallons. The seasonal nature of water availability from the river, due to

existing Chapter 40D-2, F.A.C. criteria and the proposed minimum flows, make it unlikely that a small business would apply for withdrawals from the river. Small businesses with withdrawal facilities and quantities that do not exceed Chapter 40D-2, F.A.C. permitting thresholds will not be affected by the proposed minimum flows. Commercial and recreational fishing and related businesses in the area will benefit from the protection of estuarine-dependent fish, invertebrate and shellfish species. Most such businesses are small businesses. It is unlikely that any small cities or counties will be affected by the proposed revisions.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

Pursuant to the provisions of 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: ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dianne.Lee@watermatters.org, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2008071)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (13) No change.

(14) Minimum Flows for the Anclote River.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the freshwater and estuarine reaches of the Anclote River are met.

(b) Minimum Flows for the freshwater and estuarine reaches of the Anclote River are based on the natural flow at the USGS Anclote River near Elfers Gage No. 02310000 (the "Elfers Gage") and are set forth in Table 8-20 (estuarine reach downstream of the Elfers Gage) and Table 8-21 (freshwater reach upstream of Elfers Gage). Natural flow is defined as flow that would exist in the absence of withdrawal impacts. There are three seasonally dependent or Block specific Minimum Flows for each reach. In addition, the Minimum Flows for the

freshwater reach are flow-based. The Minimum Low Flow Threshold for the freshwater reach is applied continuously regardless of season. No surface water withdrawal from the freshwater reach will be permitted that would cumulatively cause the natural flow to be reduced below the Minimum Low Flow Threshold of 12 cfs. Additionally, permitted withdrawals shall cease when flows are below the Minimum Low Flow Threshold of 12 cfs. In addition, the total permitted maximum withdrawals from the freshwater reach on any given day from July 22 through April 11 shall not exceed eight percent of the previous day's flow when natural flow equals or exceeds 138 cfs at the Elfers Gage.

Table 8-20 Minimum Flow for Anclote River below USGS Anclote River near Elfers Gage

Period	USGS No. 02310000 (Estuarine Reach)	
	Effective Dates	Minimum Flow Is
Block 1	April 12 through July 21	Previous day's flow minus 12%
Block 2	October 15 through April 11	Previous day's flow minus 16%
Block 3	July 22 through October 14	Previous day's flow minus 18%

The Minimum Flow at any given point below the Elfers Gage is based on the previous day's natural flow at that point minus the percentage specified above corresponding to the applicable Block.

Table 8-21 Minimum Flow for Anclote River above USGS Anclote River near Elfers Gage USGS No. 02310000 (Freshwater Reach)

Period	Effective Dates	Where Flow on Previous Day Equals:	Minimum Flow Is
Annually	January 1 to December 31	≤12 cfs >12 cfs and <138 cfs 138 cfs	Actual flow Seasonally dependent – see Blocks below Seasonally dependent – see Blocks below
Block 1	April 12 through July 21	≤12 cfs >12 cfs	Actual flow Previous day's flow minus 11% but not less than 12 cfs
Block 2	October 15 through April 11	≤12 cfs >12 cfs and <138 cfs 138 cfs	Actual flow Previous day's flow minus 14% but not less than 12 cfs Previous day's flow minus 8%
Block 3	July 22 through October 14	≤12 cfs >12 cfs and <138 cfs 138 cfs	Actual flow Previous day's flow minus 18% but not less than 12 cfs Previous day's flow minus 8%

(c) Minimum five-year and ten-year moving annual average values are set forth in Table 8-22 as a tool to assess whether flows to the Anclote River remain above flow rates that are expected to occur with implementation of the Minimum Flow described in Table 8-21. The Means and Medians are based on evaluation of daily flow records for the Elfers Gage, adjusted for withdrawal impacts for the period 1955 through 2006. Yearly means and medians are computed for January 1 through December 31 of each year. Therefore, the Means and Medians are hydrologic statistics that represent

the flows that will be met or exceeded if compliance with the Minimum Flow is maintained during hydrologic conditions similar to the 1955-2006 period. However, since changes in the watershed such as future structural alterations and climatic change could potentially affect surface water or groundwater flow characteristics and additional information relevant to Minimum Flows development may become available, the District is committed to periodic re-evaluation of the Minimum Flows.

Table 8-22 Minimum Five-Year and Ten-Year Moving Mean and Median Flows for the Anclote River above USGS Anclote River near Elfers Gage USGS No. 02310000 Based on Application of the Table 8-21 Minimum Flow on Adjusted Flows at USGS 02310000

<u>Minimum Flow</u>	<u>Hydrologic Statistic</u>	<u>Flow (cfs)</u>
<u>Annual Flow</u>	<u>10-Year Mean</u>	<u>48</u>
	<u>10-Year Median</u>	<u>17</u>
	<u>5-Year Mean</u>	<u>36</u>
	<u>5-Year Median</u>	<u>15</u>
	<u>10-Year Mean</u>	<u>13</u>
<u>Block 1</u>	<u>10-Year Median</u>	<u>7</u>
	<u>5-Year Mean</u>	<u>11</u>
	<u>5-Year Median</u>	<u>6</u>
<u>Block 2</u>	<u>10-Year Mean</u>	<u>25</u>
	<u>10-Year Median</u>	<u>17</u>
	<u>5-Year Mean</u>	<u>21</u>
<u>Block 3</u>	<u>5-Year Median</u>	<u>15</u>
	<u>10-Year Mean</u>	<u>92</u>
	<u>10-Year Median</u>	<u>64</u>
	<u>5-Year Mean</u>	<u>81</u>
	<u>5-Year Median</u>	<u>56</u>

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Heyl, Chief Environmental Scientist

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.325
 RULE TITLE: Choctawhatchee River Basin TMDLS

PURPOSE AND EFFECT: The purpose of the rule is to adopt new and update existing Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms in the Choctawhatchee River Basin. Also, the Department is repealing the subsection related to “total coliform concentrations.”

SUMMARY: These TMDLs address fecal coliform impairments in the Choctawhatchee River Basin. Specifically, the TMDL rules being proposed for adoption are for Alligator Creek, Minnow Creek, Camp Branch, and Sikes Creek. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop these TMDLs was the percent reduction method. Also, the existing TMDL for the Choctawhatchee River from the state line to Wrights Creek is being updated for consistency with other TMDLs, and also to remove the subsection regarding “total coliform concentrations,” as this criterion no longer exists. This rulemaking has been given OGC Case Number 10-1283.

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

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: Friday, July 9, 2010, 2:00 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of

Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.325 Choctawhatchee River Basin TMDLs. ~~(Choctawhatchee River.)~~

(1) ~~Choctawhatchee River. Fecal Coliform TMDL.~~ The fecal coliform Total Maximum Daily Load (TMDL) for the Choctawhatchee River from the state line to Wrights Creek is an annual median of 4.913×10^{13} colonies/day, and is allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater point sources is for each facility to meet its permit limits for fecal coliform,

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is not applicable.

~~(c)(b)~~ The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the average measured concentrations for the year the Secretary adopted the verified list that first listed the waterbody as impaired for fecal coliform, will require a 60 percent reduction of in-stream fecal coliform concentrations, and

~~(d)(e)~~ The Margin of Safety is implicit.

While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) Alligator Creek. The TMDL for Alligator Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable;

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require a 94 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required

reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

~~Total Coliform TMDL. The total coliform Total Maximum Daily Load for the Choctawhatchee River from the state line to Wrights Creek is an annual median of 2.948×10^{14} colonies/day, and is allocated as follows:~~

~~(a) The Wasteload Allocation for wastewater point sources is for each facility to meet its permit limits for coliform;~~

~~(b) The Load Allocation for nonpoint sources is a 62 percent reduction of in-stream total coliform concentrations, and~~

~~(c) The Margin of Safety is implicit.~~

~~(3) Minnow Creek. The TMDL for Minnow Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable.~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require an 81 percent reduction of sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

~~(3) Unless specifically stated, "in-stream fecal coliform concentrations" and "in-stream total coliform concentrations" shall be the average concentrations for the year the Secretary adopted the verified list that first listed the waterbody as impaired for the parameter of concern.~~

~~(4) Camp Branch. The TMDL for Camp Branch is 400 counts/100mL for fecal coliform, and is allocated as follows:~~

~~(a) The WLA for wastewater sources must meet the facility's permit condition. The WLA is granted to the City of Bonifay Wastewater Treatment Facility (WWTF);~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require an 88 percent reduction of sources contributing to exceedances of the criteria, and~~

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(5) Sikes Creek. The TMDL for Sikes Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require a 48 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 8-3-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.800
 RULE TITLE: Caloosahatchee River Basin TMDLs
 PURPOSE AND EFFECT: The purpose of the rule is to adopt a Total Maximum Daily Load (TMDL), and its allocations, for fecal coliforms in the Caloosahatchee River Basin.

SUMMARY: This TMDL addresses the fecal coliform impairment in the Caloosahatchee River Basin, specifically for Trout Creek. The waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C.,

Identification of Impaired Surface Waters. The methodology used to develop the TMDL was the percent reduction method. This rulemaking has been given OGC case number 10-1285.

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

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: Friday, July 9, 2010, 2:00 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.800 Caloosahatchee River Basin TMDLs.

(1) through (2) No change.

(3) Trout Creek. The TMDL for Trout Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2010 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2002 to 2010 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 8-3-06, Amended 8-13-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.805
RULE TITLE: Charlotte Harbor Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms in the Charlotte Harbor Basin.

SUMMARY: These TMDLs address fecal coliform impairments in the Charlotte Harbor Basin. Specifically, the TMDL rules being proposed for adoption are for Gottfried Creek and the North Prong of Alligator Creek. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the TMDL was the percent reduction method. This rulemaking has been given OGC case number 10-1286.

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

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: Friday, July 9, 2:00 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of 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: Ms. Pat Waters at (850)245-8449. If you are 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.805 Charlotte Harbor Basin TMDLs.

(1) Coral Creek – East Branch. The Total Maximum Daily Loads (TMDLs) to address the low dissolved oxygen condition for Coral Creek – East Branch are 0.74 mg/L total nitrogen (TN), 0.044 mg/L total phosphorus (TP), and 2.0 mg/L five-day biochemical oxygen demand (BOD₅), and are allocated as follows:

~~(a)~~ The Wasteload Allocation (WLA) for wastewater sources is not applicable;

~~(b)~~ The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria, based on the measured concentrations from the January 2007 to December 2007 period, will require a 31 percent reduction of TN, a 36 percent reduction of TP, and a 33 percent reduction of BOD₅ at sources contributing to exceedances of the criteria;

~~(c)~~ The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the January 2007 to December 2007 period, will require a 31 percent reduction of TN, a 36 percent reduction of TP, and a 33 percent reduction of BOD₅ at sources contributing to exceedances of the criteria; and

~~(d)~~ The Margin of Safety is implicit.

~~(e)~~ While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(2) Gottfried Creek. The TMDL for Gottfried Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2008 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2008 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) North Prong of Alligator Creek. The TMDL for the North Prong of Alligator Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 and 2007 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 and 2007 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 10-15-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-532.200	Definitions for Water Well Permitting and Construction
62-532.400	Permit for Water Well Construction or Repair, or Abandonment
62-532.410	Water Well Completion Report
62-532.420	Emergency Water Well Permits
62-532.440	Abandonment of Water Wells
62-532.500	Water Well Construction Standards
62-532.900	Forms and Instructions

PURPOSE AND EFFECT: To make Chapter 62-532, F.A.C., consistent with recent amendments to Chapters 64E-8 and 62-555, F.A.C., address technical changes to industry practices, adopt standardized forms for statewide use and update references.

SUMMARY: The proposed amendments to the rule add four new definitions, set forth the construction standards for wells serving bottled water plants and wells permitted pursuant to Chapter 62-524, F.A.C., set forth the geothermal well tubing and fitting material standards and grouting requirements, amends several technical drilling methods related to well construction and grouting requirements, amends the alternate grouting requirements, updates the references to NSF International and the American National Standards Institute, updates the setback distances and footnotes in Table 1, and adopts new statewide forms for water well permitting. In addition, the rulemaking uses plain language as much as possible, corrects or improves grammar, and updates citations where needed. There are many Department of Environmental Protection rules that reference rules in this Notice. Rule 62-532.400, F.A.C., which includes the reference to Table 1 with the setback distances, is referenced in Rule 62-555.312, F.A.C., but the amendment will have no effect. Rule 62-532.500, F.A.C., is referenced in Rules 62-520.600, 62-524.550, 62-761.600, 62-762.600, and 62-762.640, F.A.C., and these amendments have no effect on those rules except for Rule 62-524.550, F.A.C., which does effect the construction standards for grouting of wells under Chapter 62-524, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has been prepared. Most of the amendments are clarifications or updates to the existing rules. However, there are several rule amendments that may have an impact on small businesses as summarized hereafter. Water wells are required to be installed by licensed water well contractors and nearly, if not all, of these contractors operate as or are employees of small businesses. Some of the owners of wells including owners of water systems that rely on water from wells are small businesses, small cities, or small counties. The following is a summary of the amendments that may result in an increased or decreased cost. Under the current rule, a geothermal well is not specifically addressed or listed as a water well. However, under the statutory and rule definitions of a well, these types of wells should be considered water wells and regulated as such. Because a water well contractor is required to obtain a license from a water management district by passing a written test and maintaining the license through continuing education, all non-licensed geothermal well installers may incur additional costs because of this amendment. The proposed amendments will impose standards and specifications for heat exchange pipes and fitting materials and for grouting and sealing methods for geothermal wells due to the possibilities of breaching confining units and potential threats of aquifer cross contamination. These new requirements may increase costs to some water well contractors and geothermal well installers who currently do not have these specified manuals and standards and use cheaper, non-standard materials in geothermal well construction. It is conceivable such a requirement may increase well construction costs for some water well contractors that would use native fill or lower cost grouting and sealing methods in the absence of the proposed rule. The amendments will expand the undercutting requirement to wells with driven casing permitted in the delineated areas pursuant to Chapter 62-524, F.A.C., and to production wells for bottled water plants with driven casing. It is conceivable such a requirement may primarily increase costs to persons intending to construct wells with driven casings in the delineated areas. The Department is proposing to amend setback distances from sanitary hazards based on a recent change to Chapter 62-555, F.A.C. This will reduce the setback from some sanitary hazards for public water supply wells from 100 feet to 50 feet. This change may reduce costs to a small number of property owners by having more options for placement of a well. The rules will adopt two statewide forms for water well permitting. Because the statewide forms require more information from applicants, some water well contractors may believe they would take more time to complete. However, the consistency among the water management districts by using the same forms will ultimately save time in their completion. 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: 373.309 FS.

LAW IMPLEMENTED: 373.303, 373.308, 373.309, 373.313, 373.316, 373.326., 373.333, 381.0062, 403.852, 403.862 FS.

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

DATE AND TIME: July 7, 2010, 10:00 a.m.

PLACE: Room 609, Bob Martinez Building, 2006 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David C. James, (850)245-8648 or David.James@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David C. James, (850)245-8648 or David.James@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-532.200 Definitions for Water Well Permitting and Construction.

The following words and phrases, when used in this chapter, shall have the following meaning, except where the context clearly indicates a different meaning:

(1) through (4) No change.

(5) “Bottled water” means water that is intended for human consumption and that is sealed in bottles or other containers.

(6) “Bottled water plant” means a food establishment, regulated by the Florida Department of Agriculture and Consumer Services, in which bottled water is prepared for sale.

(5) through (10) renumbered (7) through (12) No change.

(13) “Geothermal well” means a type of well used for the purpose of developing ground water as a medium for thermal heat exchange.

(11) through (14) renumbered (14) through (17) No change.

~~(18)(15)~~ “Neat Cement Grout” means a mixture consisting of water and Portland cement (American Concrete Institute Type I, Type II, or American Concrete Institute Type III); or a mixture of water and Portland cement of a type or kind approved by the permitting authority; or a mixture of water, Portland cement of a type or kind approved by the permitting authority, and an amount of those additives approved for use in cement grouts and approved by the permitting authority.

(16) through (17) renumbered as (19) through (20) No change.

(21) “Potable water” means water that is satisfactory for human consumption, dermal contact, culinary purposes, or dishwashing.

(18) through (24) renumbered (23) through (29) No change.

Rulemaking Specific Authority 373.309 FS. Law Implemented 373.303, 381.0062, 403.852 FS. History–New 8-17-74, Amended 7-16-81, Formerly 17-21.02, 17-21.020, Amended 7-30-89, 3-11-92, Formerly 17-532.200, Amended 3-28-02, _____.

62-532.400 Permit for Water Well Construction, ~~or~~ Repair, or Abandonment.

(1) After the effective date upon which a district implements a permit system pursuant to Chapter 373, Part III, F.S., a permit shall be required before beginning construction, ~~or repair, or abandonment~~ of any water well within such area. The permit shall be obtained from the permitting authority by making written application on Form Number 62-532.900(1), adopted and incorporated herein, and available as described in Rule 62-532.900, F.A.C appropriate forms. The application shall be made and submitted to the permitting authority by the owner or by the water well contractor on behalf of the owner ~~and shall contain: the well location, description, use, and such other pertinent information as the permitting authority shall require.~~ Any required fee shall be submitted with the permit applications.

(2) Permit issuance shall require that:

(a) The application is in the proper form and contains the required information, provided that the proposed construction, ~~or repair, or abandonment~~ will not violate applicable laws, rules, or orders of the permitting authority.

(b) Additional information shall be required by the permitting authority if needed to assess site specific conditions. Such information includes, ~~but shall not be limited to:~~ geophysical logs, geologic samples and logs, and well pumping tests.

(3) Receipt of the permit by the applicant shall constitute permission to begin well construction, ~~or repair, or abandonment.~~

(4) The permit shall be available for inspection at the site of the well during construction, ~~or repair, or abandonment~~ of the well.

(5) Any permittee who desires to change the location of a well before the start of construction or before construction or repair is completed shall apply to the permitting authority for an amendment to the of his well construction permit. When ~~Where~~ a permit fee was required to obtain the original permit no additional fee charge shall be charged made to amend the permit. As a condition to approving an amended permit, the permitting authority shall require the sealing or plugging of any incomplete the uncompleted well.

(6) Each permit shall be valid for a period of one year. In the event construction, ~~or repair, or abandonment~~ is not completed within that time, the permitting authority shall extend the time limit upon written request by the permittee or require the applicant to obtain a new permit before continuing construction, ~~or repair, or abandonment~~ of a water well.

(7) Water wells shall be located placed to comply with the setback distances in Table I at the end of this chapter.

(8) A drinking water supply well installed by an installation used to serve that installation’s operation is exempt from meeting the 500-foot setback distance from on-site slow rate and rapid rate land application flow systems, domestic wastewater residuals land application, phosphogypsum stack systems, and solid water disposal facilities if reasonable assurance is provided by the installation owner that the ground water and drinking water source are protected. Reasonable assurance shall be demonstrated if:

(a) The planned withdrawal from the drinking water supply well will not cause the discharge from the operation to be captured by the well, or

(b) The drinking water supply well is withdrawing from a confined aquifer, or

(c) Additional monitoring of the ground water and the drinking water is provided to ensure that contaminants are not reaching the drinking water supply well and a commitment is made to treat the drinking water supply if a contaminant is detected or to provide an alternate drinking water supply, and-

~~(d) The 100-foot and 75-foot~~ (d) The 400-foot and 75-foot setback distances from sanitary hazards as provided in Table I shall apply.

Rulemaking Specific Authority 373.309, FS. Law Implemented 373.306, 373.308, 373.309, 373.316, 403.862, FS. History–New 8-17-74, Amended 9-10-78, Formerly 17-21.04, 17-21.040, Amended 7-30-89, 3-11-92, Formerly 17-532.400, Amended 3-28-02, _____.

62-532.410 Water Well Completion Report.

Within 30 days after completion of the construction, ~~or repair, or abandonment~~ of any water well, a written report shall be filed with the permitting authority on Form Number 62-532.900(2), adopted and incorporated herein, and available as described in Rule 62-532.900, F.A.C the appropriate forms.

Rulemaking Specific Authority 373.309 FS. Law Implemented 373.309 FS. History–New 8-17-74, Formerly 17-21.05, 17-21.050 Amended 7-30-89, Formerly 17-532.410, Amended _____.

62-532.420 Emergency Water Well Permits.

(1) Permission to begin construction, ~~or repair, or abandonment~~ of any well may be applied for by telephone when emergency conditions exist that which would justify such a request. The permitting authority shall may grant an emergency permit to avert an imminent and substantial danger to the public health, safety, or welfare.

(2) No change.

Rulemaking Specific Authority 373.309 FS. Law Implemented 373.306, 373.308, 373.313, 373.326 FS. History--New 8-17-74, Formerly 17-21.06, 17-21.060, Amended 7-30-89, Formerly 17-532.420, Amended _____.

62-532.440 Abandonment of Water Wells.

Rulemaking Specific Authority 373.309 FS. Law Implemented 373.306, 373.309, 373.313, 373.316, 373.333 FS. History--New 8-17-74, Formerly 17-21.09, 17-21.090 Amended 7-30-89, Formerly 17-532.440, Repealed _____.

62-532.500 Water Well Construction Standards.

The following minimum standards shall apply to the construction, ~~and repair, and abandonment~~ of water wells in the State unless exempted by a water management district rule with the concurrence of the Department. Operation requirements for public water systems are included in Chapter 62-555, F.A.C., and operation requirements for limited use public water systems, multifamily water systems, and private water systems are included in Chapter 64E-8, F.A.C.

(1) Well Casing, Liner Pipe, Coupling, and Well Screen Requirements.

(a) Well casing, liner pipe, coupling, and well screen shall be new or in like new condition. Such well casing, liner pipe, coupling, or well screen shall not be used unless free of breaks, corrosion and dents, is straight and true, and not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe. All well casing shall conform to one of the following standards: American Society for Testing and Materials (ASTM) A53/A53M-99b, A135-01, A252-98, A589-96, or American Petroleum Institute (API) 5L-2000. Well casing that conforms to any of the aforementioned ASTM or API standards shall also conform to the American National Standard Institute for Welded and Seamless Wrought Steel Pipe (ANSI/ASME B36.10M-2000). All well casing shall be stenciled with the applicable standard, or proper documentation of manufacturer specifications must be supplied to the permitting authority upon request. Copies of these standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA. 19428-2959; the American Petroleum Institute 1220 L Street, N.W. Washington, DC 20005-4070; and the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036, respectively.

(b) through (f) No change.

(g) Well casing, liner pipe, coupling, and well screens used for potable water well construction or repair shall conform to Section 6 of NSF International Standard/American National Standard NSF/ANSI 14-2008e 14-2004, Plastics Piping System Components and Related Materials, or NSF International Standard/American National Standard NSF/ANSI 61-2008 61-2004, Drinking Water System

Components – Health Effects, both of which are adopted and incorporated by reference herein. Copies of these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140.

(h) through (i) No change.

(2) Geothermal well heat exchanger pipe and fitting materials shall meet the standards and specifications in the document Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, Revised Edition 2008, published by the International Ground Source Heat Pump Association, Oklahoma State University, which is adopted and incorporated by reference herein. In addition, the reference Closed-Loop/Ground-Source Heat Pump Systems Installation Guide, 1988, Oklahoma State University, is excellent and is included here as a guidance document. Copies of all of these references may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018.

(a) All geothermal well heat exchanger pipe and fitting materials shall be stenciled with the applicable standard, or proper documentation of manufacturer specifications must be supplied to the permitting authority upon request.

(b) The Department or the permitting authority shall approve geothermal well heat exchanger pipe and fitting materials not meeting the standards and specifications in the document adopted in subsection 62-532.500(2), F.A.C., if the applicant makes a showing, certified by a professional engineer, to justify that such use would provide an equivalent material strength and durability.

~~(3)(2)~~ Well Construction Criteria.

(a) ~~For Wwells casings, which are seated into obtaining water from~~ unconsolidated earth materials, casing shall extend from the upper terminus of the well to the well screen. The well screen shall be attached to the casing with a watertight seal.

(b) ~~For Wwells casings that are seated into a rock layer or other obtaining water from~~ consolidated earth materials, shall be a continuous and casing shall extend from the upper terminus of the well to no less than the top of the uppermost consolidated unit. Wells constructed of telescoping casings shall be considered as a continuous casing provided the grout requirements are met satisfied. The lower terminus bottom end of the well casing shall extend to or below the water level of the aquifer intended to supply water to the well or receive fluids from the well. In addition, all casing zones below the uppermost unit shall be cased.

(c) Geothermal wells shall be grouted in accordance with subparagraph 62-532.500(3)(i)6., F.A.C.

~~(d)(e)~~ No change.

~~(e)(d)~~ Prevention of Interchange of Water and Loss of Artesian Pressure.

All water wells shall be properly designed and constructed to prevent an interchange of water between water bearing zones ~~that which~~ may result in deterioration of the quality of water in one or more water bearing zones, or will result in a loss of artesian pressure. If a well cannot be properly completed to prevent such an unauthorized interchange of water between water bearing zones or to prevent a loss of artesian pressure, the well shall be abandoned and plugged in accordance with this Chapter or other directions from the permitting authority, which are appropriate for the hydrogeological conditions encountered.

(f) In the construction, repair, or abandonment of a water well, caution shall be taken to maintain the work site so as to minimize the potential entrance of contaminants into the bore hole and the ground water resource.

(g) Only water from a potable water source shall used in the construction, repair or abandonment of a water well, including water for cleaning of well materials, drilling equipment, and water used to mix drilling fluids.

(h)(e) No change.

(i)(f) Grouting and Sealing.

1. All well casings seated into a Casing for wells which obtain their water from a rock layer or other such consolidated formation shall, at a minimum, be seated or sealed with neat cement grout, into that rock layer or other consolidated formation.

2. No change.

3. In the construction of water wells with driven casing, For limited use commercial public water systems, limited use community public water systems, and public water systems, potable water wells permitted pursuant to Chapter 62-524, F.A.C., and water wells serving bottled water plants constructed with driven casing, the minimum acceptable seal shall be accomplished by undercutting or under-reaming the last five feet of the hole before seating the casing. A minimum of one foot of such enlarged hole must be into the consolidated formation in which the casing will be seated. The entire enlarged portion of the hole shall be filled with cement grout, and then the casing shall be driven through the cement grout and seated into the enlarged one-foot portion of the consolidated formation. The uppermost 20 feet of casing shall be sealed with no less than a two-inch nominal thickness of cement grout. No other minimum seal shall be acceptable unless approved by the appropriate water management district or delegated permitting authority as providing equivalent protection to the resource.

4. For any part of a well casing with an outside diameter of four inches or larger intended to be installed in a bore hole which is larger in diameter than the inside outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal two-inch thickness of neat cement grout. For ~~those~~ well casings with an outside diameter of less than four inches, intended to be installed in a bore hole which

is larger in diameter than the inside diameter of the casing, the minimum grout thickness shall be a nominal one inch thickness of neat cement grout. The casing shall be centered in the bore hole prior to grouting. In those cases where, during grouting operations, the circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation and the annulus shall be bridged at that point by sand or other approved material introduced through the pipe. Grouting of annular space shall be completed using the tremie pipe or other equivalent method approved by the permitting authority.

5. No change.

6. Except as provided in subparagraph 5. above, grouting and sealing of water wells shall be accomplished by the practices and methods recommended by Appendix C of American Water Works Association (AWWA) Standard A100-97, AWWA Standard for Water Wells, and grouting and sealing of geothermal wells shall be accomplished by the practices and methods recommended by the Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First Edition 2000, Oklahoma State University, which are adopted and incorporated by reference herein. Copies of these recommended practices and methods may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235; and the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018, respectively.

7. Alternate grouting methods and materials providing equivalent protection shall be approved in writing by the permitting authority. Alternatives to the grouting methods described in subparagraphs 1.-6. Above, must be requested for use from the permitting authority as part of the construction permit application, or once construction begins only in situations where the methods in the rules are not working. In either situation, a detailed explanation of what and why alternate methods are requested must be provided. Alternate grout materials (other than neat cement grout) must be requested in the construction permit application, or once construction begins only when neat cement grout is not providing or will not provide as good a seal as the alternate materials.

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

Rulemaking Specific Authority 373.309 FS. Law Implemented 373.309, 373.313, 373.316 FS. History—New 8-17-74, Formerly 17-21.10, 17-21.100, Amended 7-30-89, 3-11-92, Formerly 17-532.500, Amended 3-28-02,_____.

62-532.900 Forms and Instructions.

The forms used by the Department for permitting and construction of a well are listed below by form number and name. Each form has been incorporated into this rule by

reference. Copies of these forms may be obtained by writing to the Department of Environmental Protection, Ground Water Regulatory Section, M.S. 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. These forms also are available at the five regional water management district offices.

(1) State of Florida Permit Application to Construct, Repair, or Abandon a Well, Form Number 62-532.900(1), incorporated in subsection 62-532.400(1), F.A.C., effective _____.

(2) State of Florida Well Completion Report, Form Number 62-532.900(2), incorporated in Rule 62-532.410, F.A.C., effective _____.

Rulemaking Authority 373.309 FS. Law Implemented 373.309, 373.313, 373.316 FS. History—New _____.

TABLE I
WELL SETBACK DISTANCES
[insert effective date of this rulemaking]

Part A Drinking Water Supply Wells Serving Public Water Systems or Bottled Water Plant Wells		
RULE	INSTALLATION	SETBACK (in feet) (footnote)
Reuse of Reclaimed Water and Land Application 62-610.421(3)	Slow Rate Land Application Restricted Public Access	500 (a)
62-610.521(2)	Rapid Rate Land Application	500 (b)
62-610.621(2)	Overland Flow Systems	500
62-610.621(4)	Transmission Facilities Conveying Reclaimed Water to Restricted Public Access Slow Rate Land Application Systems, Rapid Rate Land Application System, or Overland Flow Systems	100
62-610.471(1)	Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75
62-610.471(3)	Transmission Facilities Conveying Reclaimed Water to Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75
Domestic Wastewater Residuals 62-640.700(4)(b)	Domestic Wastewater Residuals Land Application Areas	500
Phosphogypsum Management 62-673.340(2)(d)	Phosphogypsum Stack Systems	500 (c)
Petroleum Storage Tank Systems 62-761.500(1)(a) and 62-762.501(1)(a)	Aboveground or Underground Storage Tanks	100
Solid Waste Management Facilities 62-701.300(2)(h)(b)	Solid Waste Disposal Facilities	500
62-701.300(12)(c)	Yard Trash Disposal, Storage, or Processing	200
62-701.300(13)	Storage or Treatment of Solid Waste in Tanks	100
Permitting and Construction of Public Water Systems 62-555.312(1) 64E 8.002(2)(b)2-	Onsite Sewage Treatment and Disposal Systems	200 (d), 100 (e)
Public Water Systems 62.555.312(3)(4)	Sanitary Hazard as defined in Rule 62-550 for drinking water supply wells serving public water systems	100 (f), 50 (g)
Feedlot and Dairy Wastewater Treatment and Management Requirements 62-670.500(6)(a)	Dairy Farm Waste – Unlined Storage and Treatment, or High Intensity Areas	300
62-670.500(6)(b)	Dairy Farm Waste – Land Application	200

Part B Drinking Water Supply Wells Serving Limited Use Commercial Public Water Systems and Limited Use Community Public Water Systems		
RULE	INSTALLATION	SETBACK (in feet) (footnote)
Reuse of Reclaimed Water and Land Application 62-610.421(3)	Slow Rate Land Application Restricted Public Access	500 (a)
62-610.521(2)	Rapid Rate Land Application	500 (b)
62-610.621(2)	Overland Flow Systems	100
62-610.621(4)	Transmission Facilities Conveying Reclaimed Water to Restricted Public Access Slow Rate Land Application Systems, Rapid Rate Land Application System, or Overland Flow Systems	100
62-610.471(1)	Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75
62-610.471(3)	Transmission Facilities Conveying Reclaimed Water to Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75
Domestic Wastewater Residuals 62-640.700(4)(b)	Domestic Wastewater Residuals Land Application Areas	500
Phosphogypsum Management 62-673.340(2)(d)	Phosphogypsum Stack Systems	500 (c)
Petroleum Storage Tank Systems 62-761.500(1)(a) <u>and</u> 62-762.501(1)(a)	Aboveground or Underground Storage Tanks	100
Solid Waste Management Facilities 62-701.300(2)(b)	Solid Waste Disposal Facilities	500
62-701.300(12)(a)	Yard Trash Disposal, Storage, or Processing (no set back required for from on-site water wells yard trash disposal)	100
62-701.300(13)	Storage or Treatment of Solid Waste in Tanks	100
Drinking Water Systems 64E-8.002(2)(b)2.	Onsite Sewage <u>Treatment and</u> Disposal Systems	200 (d), 100 (e)
	Sanitary Hazard	100 (f), (g)
64E-8.002(2)(b)1.	Pesticide Treated Slab	25 (g)
Feedlot and Dairy Wastewater Treatment and Management Requirements 62-670.500(6)(a)	Dairy Farm Waste – Unlined Storage and Treatment, or High Intensity Areas	300
62-670.500(6)(b)	Dairy Farm Waste – Land Application	200
Part C Private Wells Multifamily Wells		
RULE	INSTALLATION	SETBACK (in feet) (footnote)
Reuse of Reclaimed Water and Land Application 62-610.421(3)	Slow Rate Land Application Restricted Public Access	500 (a)
62-610.521(2)	Rapid Rate Land Application	500 (b)
62-610.621(2)	Overland Flow Systems	100
62-610.471(1)	Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75

Domestic Wastewater Residuals 62-640.700(4)(b)	Domestic Wastewater Residuals Land Application Areas	300
Petroleum Storage Tank Systems 62-761.500(1)(a) and 62-762.501(1)(a)	Aboveground or Underground Storage Tanks	100
Solid Waste Management Facilities 62-701.300(2)(b)	Solid Waste Disposal Facilities	500
62-701.300(12)(a)	Yard Trash Disposal, Storage, or Processing (no set back required for on-site water wells)	100
62-701.300(13)	Storage or Treatment of Solid Waste in Tanks	100
Drinking Water Systems 64E-8.003(1)	Onsite Sewage Treatment and Disposal Systems	75
	Sanitary Hazard	75 (f), (g)
64E-8.002(2)(b)1.	Pesticide Treated Slab	25 (g)
Feedlot and Dairy Wastewater Treatment and Management Requirements 62-670.500(6)(a)	Dairy Farm Waste – Unlined Storage and Treatment, or High Intensity Areas	300
62-670.500(6)(b)	Dairy Farm Waste – Land Application	200
Part D		
Irrigation Wells and Geothermal Wells		
RULE	INSTALLATION	SETBACK (in feet)
Standards for Onsite Sewage Treatment and Disposal Systems 64E-6.005(1)(d)	Onsite Sewage Treatment and Disposal Systems	50

TABLE I FOOTNOTES

(a) This distance shall be reduced to 200 feet if facility Class I reliability is provided and shall be reduced to 100 feet if both facility Class I reliability and high-level disinfection are provided.

(b) This distance shall be reduced to 200 feet if both facility Class I reliability and high-level disinfection are provided and if the applicant provides reasonable assurance that applicable water quality standards will not be violated at the point of withdrawal.

(c) This distance applies only to shallow water supply wells (i.e., potable water wells that pump from an unconfined water table aquifer).

(d) This distance applies to public drinking water supply wells that serve water systems having total sewage flows greater than 2,000 gallons per day.

(e) This distance applies to public drinking water supply wells that serve water systems having total sewage flows less than or equal to 2,000 gallons per day.

(f) This distance applies to sanitary hazards that pose a potentially high risk to ground water quality and public health as defined in subsection 62-555.312(3), F.A.C. The following examples are of sanitary hazards that pose a potentially high risk: active or abandoned mines; airplane or train fueling or maintenance areas at airports and railroad yards; concentrated aquatic animal production facilities; domestic wastewater collection/transmission systems; drainage or injection wells, oil or gas production wells, and improperly constructed or abandoned wells (i.e., wells not constructed or abandoned in accordance with Chapter 62-532, F.A.C.); fertilizer, herbicide, or pesticide storage areas at agricultural sites, golf courses, nurseries, and parks; graveyards; impoundments and tanks that process, store, or treat domestic wastewater, domestic wastewater residuals, or industrial fluids or waste and that are not regulated under Rule 62-670.500, F.A.C.; industrial waste land application areas other than those regulated under Rule 62-670.500, F.A.C.; junkyards and salvage or scrap yards; pastures with more than five grazing animals per acre; cattle dip vats; pipelines conveying petroleum products, chemicals, or industrial fluids or wastes; and underground storage tanks

~~that are not regulated under Chapter 62-761, F.A.C., but are used for bulk storage of a liquid pollutant or hazardous substance (as defined in Chapter 62-761, F.A.C.) other than sodium hypochlorite solution. Sanitary hazard means a physical condition which involves or affects any part of a drinking water system or raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system. Examples of sanitary hazards include drainage wells; commercial applications of pesticides or fertilizers, such as golf courses, nurseries and crop production sites; animal feeding operations; improperly abandoned wells; active or abandoned phosphate mines; pipelines carrying industrial chemicals; railroad yards; domestic wastewater; cemeteries; stormwater retention/detention basins; tanks or lagoons used to store, treat, or dispose of liquid wastes; cattle dipping vats; tomato or egg wash wastewater land application areas; or waste transfer stations.~~

~~(g) This distance applies to sanitary hazards that pose a potentially moderate risk to ground water quality and public health as defined in subsection 62-555.312(3), F.A.C. The following examples are of sanitary hazards that pose a moderate risk: aboveground storage tanks that are not regulated under Chapter 62-762, F.A.C., but are used for bulk storage of a liquid pollutant or hazardous substance (as defined in Chapter 62-762, F.A.C.) other than sodium hypochlorite solution; fertilizer, herbicide, or pesticide application areas that are not under the ownership or control of the supplier of water at agricultural sites, golf courses, nurseries, and parks; railroad tracks; stormwater detention or retention basins; and surface water (the surface water setback does not apply to multi-family and private wells). This distance shall be reduced to 15 feet for wells that are installed through an impervious strata of clay, hardpan, or rock and that are constructed in accordance with subparagraph 62-532.500(2)(f)3, F.A.C.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2010

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary**

RULE NOS.:	RULE TITLES:
62S-4.001	Definitions
62S-4.004	Application Procedures for Coastal Partnership Initiative Grants

62S-4.007	Review Procedures and Criteria
62S-4.008	Funding Coastal Partnership Initiative Grants

PURPOSE AND EFFECT: Rule amendments will improve and streamline an existing grant program and ensure timely, cost-effective grant management by amending review procedures, evaluation criteria and eligible applicants, amending the Work Plan, and revising the grant application form to reflect rule changes.

SUMMARY: The proposed rule amendments delete reference to a form; amend eligible applicants; remove specific grant categories; specify differing funding amounts; revise number and type of application copies; amend the Work Plan; amend evaluation criteria; delete equal distribution of funds by category; revise grant application form to reflect rule changes; and make other clarifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. Due to the structure of this rule and the proposed changes, only those entities that are specifically defined as approved "applicants" will be directly affected by proposed rule changes. These entities include local governments, national estuarine research reserves, colleges, community colleges, state universities (as listed in Section 1000.21, F.S.), regional planning councils, national estuary programs and non-profit organizations. Costs associated with this rule change stem mainly from a reduced planning grant cap size and an imposition of a cap on the percentage of third party matching allowed. The reduction in the use of 3rd party matching funds imposes costs by shifting the matching burden from non-monetary matching to cash and in-kind matching. In the case of the lower planning grant cap, costs are incurred when the maximum amount of the planning grant is reduced thereby increasing the potential financial burden on the recipient. However, the increase in costs associated with the planning grant cap is partially mitigated by an increased number of overall grants that may be distributed. The department estimates the net costs of both of these changes to be minimal based on data from previous grant cycles.

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: 380.22(3), 380.27 FS.

LAW IMPLEMENTED: 380.22 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Goggin: ph. (850)245-2161; fax (850)245-2189; email: susan.goggin@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62S-4.001 Definitions.

As used in this rule, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) No change.

(2) "Applicant" means ~~Local governments of the 35 coastal counties and all municipalities within their boundaries that are required to include a coastal element in the local comprehensive plan; national estuarine research reserves; and national estuary programs.~~ The term also means Florida colleges, community colleges and state universities as listed in Section 1000.21, F.S., public and private colleges and universities, regional planning councils, national estuary programs and non-profit groups, as long as an eligible local government, ~~national estuarine research reserve, or national estuary program~~ agrees to participate as a partner.

(3) "Application" means a formal request for Coastal Partnership Initiative funds by an applicant consisting of a complete, original grant project application form, including required copies and ~~applicable~~ documentation.

(4) through (10) No change.

~~(11) "Special Designations" means waters or areas designated by federal, state or local authorities that protect or preserve environmental, cultural or coastal resources.~~

~~(12) "306A Checklist" means the "Section 306A Guidance and Checklist" Form 62S-4.001(12), which became effective 1-29-09 and is hereby adopted and incorporated by reference. NOAA requires submission of the information in the checklist prior to release of funds under Section 306A of the Act for construction projects, invasive species removal, habitat restoration, capital outlay or land acquisition. 306A Checklists may be obtained from the CPI website at <http://www.dep.state.fl.us/emp/grants/index.htm>, or by contacting FCMP staff at the Department of Environmental Protection, Florida Coastal Management Program, MS 47, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000.~~

Rulemaking Specific Authority 380.22(3) FS. Law Implemented 380.22 FS. History--New 10-15-81, Formerly 17-24.03, Amended 12-2-87, Formerly 17-24.030, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.003, Amended 8-11-03, 9-11-05, 1-29-09, _____.

62S-4.004 Application Procedures for Coastal Partnership Initiative Grants.

(1) CPI Program Purpose. Eligible applicants may request financial assistance to implement projects to protect, enhance, and improve the management of natural, cultural, and historical coastal resources and to increase the sustainability, resiliency and preparedness of coastal communities. Grant applications must benefit the management of coastal resources, and meet the purpose and goals of at least one of the following CPI priority areas categories:

(a) Resilient Communities. The ~~purpose goal~~ of this priority area initiative is to help coastal communities prepare for and respond to the effects of climate change and natural hazard events and disasters. Project examples include: conducting vulnerability analyses and risk assessments; developing post-disaster redevelopment plans and business continuity plans; developing climate change adaptation strategies for incorporation in local comprehensive plans or ordinances; developing policies, guidance and best management practices; restoring and preserving coastal wetlands and shorelines; and developing energy efficiency and alternative energy strategies.

(b) Coastal Resource Stewardship. The ~~purpose goal~~ of this priority area initiative is to promote stewardship and appreciation of fragile coastal resources through ~~citizen, volunteer and local government~~ involvement. Stewardship project examples include dune and wetland restoration; invasive exotic plant removal control; coastal clean-ups; cultural resource protection; environmental awareness initiatives; coastal learning centers; and environmental education events and field trips.

(c) Access to Coastal Resources. The ~~purpose goal~~ of this priority area initiative is to help communities identify and improve public access to cultural, historical and natural areas while protecting resources from overuse and damage. Project examples include: planning for, and construction of small-scale projects such as fishing piers, dune crossovers, boardwalks, observation decks, and canoe and sailboat launches; natural shoreline restoration; invasive exotic plant species removal; waterfront park improvements; and development of recreational surface water use plans or policies pursuant to Section 163.3177(6)(g), F.S.

(d) Working Waterfronts. The working waterfronts priority area initiative is designed to assist communities with waterfront revitalization. The working waterfronts initiative aims to support projects that enhance and sustain traditional waterfront communities while addressing public access, resource protection, and hazard mitigation issues. Project examples in this category include constructing boat ramps, waterside boardwalks, kiosks and fish cleaning stations; and restoring shorelines and wetlands or implementing other measures that mitigate the effects of natural hazards.

(2) through (a) No change.

1. No more than \$30,000 ~~\$60,000~~ and no less than \$10,000 ~~\$20,000~~, for planning, design and coordination activities, ~~land acquisition, small construction, or capital improvement projects; and~~

2. No more than \$60,000 and no less than \$10,000 for construction projects, habitat restoration, invasive exotic plant removal or land acquisition. These projects cannot involve planning and coordination activities as stated in subparagraph 62S-4.004(2)(a)1., F.A.C.

(b) Projects funded under the CPI must be located on publicly-owned or leased land, or land held in perpetuity under a conservation easement. Projects located on federally-owned lands are not eligible for FCMP funds.

(c) Non-profit organizations are not eligible to receive be applicants for funds for construction projects, habitat restoration, invasive exotic plant removal under Section 306A capital outlay or land acquisition of the Act. Applications submitted by non-profit organizations that propose these activities will be disqualified.

(d) A recipient will be required to provide 100% (1:1) matching funds, cash or in-kind. No more than one-half (50%) of match can be provided by a third party.

(e) No change.

~~(f) A project that receives a CPI grant may be considered again for funding in a subsequent grant cycle, provided that the first grant was successfully completed.~~

~~(g) A project that receives CPI funds for two consecutive funding cycles is not eligible to be considered again for funding until two subsequent funding cycles have passed, and provided that the previously funded projects were successfully completed.~~

~~(f)(h)~~ No change.

(3) through (4)(b) No change.

(5) Application Form. All Coastal Partnership Initiative (CPI) grant applications must be submitted on the CPI Application Form. The CPI Coastal Partnership Initiative Application Form 62S-4.004(5), effective date _____ (which includes the 306A checklist as incorporated in 62S-4.001(12)) is hereby incorporated by reference and is available from the FCMP grants CPI website at <http://www.dep.state.fl.us/cmp/grants/index.htm>. To request an application form, contact FCMP staff at the Department of Environmental Protection, Florida Coastal Management Program, MS 47, 3900 Commonwealth Blvd., Tallahassee 32399-3000.

(a) Applications shall be received by the FCMP submitted either in person, by certified or registered mail (return receipt requested), or by courier service. Applications shall be received at Department of Environmental Protection, FCMP, M.S. 47, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 on or before 4:00 p.m., Eastern Time Zone, on the date identified in the notice of availability of funds, which shall be a minimum of 60 days from the publication of the notice of availability of funds.

(b) One originally-signed application, four copies of the application and one CD/DVD version shall be submitted to: FCMP, M.S. 47, ATTN: CPI Applications, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000.

~~(c)(b) It is the applicant's responsibility to ensure that one original application, four and 12 copies, and one CD/DVD version of the application are delivered at the proper time and~~

place. Applications submitted by fax or other electronic media are not acceptable. Applications received after the exact time and date specified above will be disqualified.

Rulemaking Specific Authority 380.22(3) FS. Law Implemented 380.22 FS. History—New 10-15-81, Formerly 17-24.04, Amended 12-2-87, Formerly 17-24.040, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.004, Amended 8-11-03, 9-11-05, 1-29-09, _____.

62S-4.007 Review Procedures and Criteria.

(1) through (3) No change.

Criteria for all Initiative Categories	Maximum Points
(a) The project location is clearly depicted on a map.	10 15
(b) Project description is clearly presented.	15 20
(c) Project objectives, tasks, deliverables and timelines clearly relate to the project description are clear.	20
(d) Applicant and partner roles are adequately identified.	10
(e) Project location is clearly described.	15
(d)(f) There is a demonstrated clear need which for the project addresses.	25 20
(e)(g) Project meets purpose goal of at least one the chosen CPI priority category.	10 15
(f)(h) Applicant demonstrates how the project will benefit coastal resource management.	25
(g) Project is feasible and can be completed within one year.	10
(i) There is community support for the project and project will benefit community.	5
(j) Project supports specific goals and objectives of the local comprehensive plan.	5
(k) If applicable, project helps achieve the goals of the following Department, state, local or federal programs:	
1. Local Mitigation Strategy.	5
2. Florida Forever, or a local land acquisition program.	5
3. Waterfronts Florida.	5
4. Special Designations.	5
(h)(4) Budget and budget narrative clearly shows how FCMP funds and match funds will be expended in accordance with 62S-4.004(2)(d), and demonstrate a cost relationship to project activities by category.	15
(i) Project costs are reasonable.	10
Total Maximum Points Possible	140 185

~~(4)(m) Applications Within each category, projects that receive a final score of at least 110 points will be funded eligible for funding in rank order by score, depending on the~~

availability of funds. If more than one ~~application project in a category~~ receives the same score, those ~~applications projects~~ will receive equal treatment in making funding decisions.

~~(5)(n) Projects will be funded in rank order by score as determined by the evaluation committee and subject to the availability of funds. If the project is funded by NOAA, the subgrant agreement shall be executed within 90 days from approval unless mutually waived by the FCMP and recipient. Failing timely execution, the subgrant award shall not be awarded. Instead, the funds shall be awarded to the next eligible, unfunded CPI project in the same initiative category. If there is no eligible, unfunded CPI project in the same initiative category, then the funds will shall be allocated to other FCMP needs.~~

Rulemaking Specific Authority 380.22(3) FS. Law Implemented 380.22, 380.27 FS. History--New 10-15-81, Formerly 17-24.07, Amended 12-2-87, Formerly 17-24.070, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.007, Amended 8-11-03, 9-11-05, 1-29-09, _____.

62S-4.008 Funding Coastal Partnership Initiative Grants.

(1) The FCMP shall use the criteria and procedures established in this rule chapter to evaluate project applications and determine their eligibility to be included as part of Florida's official cooperative agreement application for federal assistance under the Act. The final decision whether or not to fund a project is made by the Department and NOAA.

(2) Funding of any application submitted in response to the FCMP's notice of availability of funds and in accordance with this rule chapter is subject to the amount of federal coastal zone management funds awarded to the FCMP and the amount allocated to the CPI by the FCMP. The FCMP may reduce awards based upon feasibility of project components.

~~(3) The total amount allocated to CPI shall initially be distributed equally among the categories. After fully funding all eligible applications in a CPI category, any excess funds in a category will be redistributed to categories in which the initial allocation is insufficient to fully fund all eligible applications. In redistributing funds, preference shall be given to achieving full funding of partially-funded projects.~~

(4) through (6) renumbered (3) through (5) No change.

Rulemaking Specific Authority 120.569, 120.57, 380.22(3) FS. Law Implemented 120.569, 380.22 FS. History--New 1-29-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Goggin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

RULE NOS.: RULE TITLES:
62S-5.001 Definitions
62S-5.002 Application Procedures
62S-5.003 Review and Funding of Grants

PURPOSE AND EFFECT: Rule amendments will improve and streamline an existing grant program and ensure timely, cost-effective grant management.

SUMMARY: The proposed rule amendments delete definition of a federal form and requirement to submit federal form with grant application; revise number and type of application copies required; indicate a maximum Indirect Cost rate; clarify where projects may be located; and add that the Department is included in final decision on whether or not to fund a project.

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: 380.22(3) FS.

LAW IMPLEMENTED: 380.22, 380.27 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Goggin: ph. (850)245-2161; fax (850)245-2189; email: susan.goggin@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62S-5.001 Definitions.

As used in this rule, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) through (7) No change.

~~(8) "306A Checklist" means the "Section 306A Guidance and Checklist" as incorporated in subsection 62S 4.001(12), F.A.C., required for applicants requesting funds for construction projects, invasive species removal, habitat restoration, capital outlay or land acquisition. NOAA requires submission of the information in the checklist prior to release of funds under Section 306A of the Act.~~

Rulemaking Specific Authority 380.22(3) FS. Law Implemented 380.22 FS. History--New 1-29-09, Amended _____.

62S-5.002 Application Procedures.

(1) through (4) No change.

(a) All applications shall be submitted on 8 1/2" x 11" white paper. One original ~~ten~~ signed copies of each application, four paper copies of the application, and one

CD-DVD copy of the application must be submitted. ~~No binding (other than paper clips or staples), cover, or folder/notebook shall be used.~~

(b) through (c)3. No change.

4. Budget. The application must include a budget that:

a. ~~Shows~~ Include a budget showing how funds will be expended and ~~describes~~ describing the source and amount of match funds, if any.

b. Indicates whether additional funds from other sources will be used to complete the proposed project. If total project costs exceed the amount of proposed FCMP funds and match funds, indicate the total project cost.

c. Reflects a maximum of 5% in indirect costs, if the applicant elects to include indirect costs in the project budget.

5. through a. No change.

b. The property on which construction activities will take place is owned or leased by the applicant or the applicant holds a sufficient easement. Projects located on federally-owned lands are not eligible for FCMP funds.

c. No change.

d. ~~For construction projects, invasive species removal, habitat restoration, capital outlay or land acquisition, include a completed 306A checklist and other materials required by the 306A checklist with the application. 306A checklists may be obtained by contacting FCMP staff at the Department of Environmental Protection, M.S. 47, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 3000.~~

Rulemaking Specific Authority 380.22(3) FS. Law Implemented 380.22 FS. History–New 1-29-09, Amended _____.

62S-5.003 Review and Funding of Grants.

(1) No change.

(2) The FCMP shall use the criteria and procedures established in this rule chapter to evaluate project applications and determine their eligibility to be included as part of Florida’s official cooperative agreement application for federal assistance under the Act. The final decision whether or not to fund a project is made by the Department and NOAA.

(3) through (6) No change.

Rulemaking Specific Authority 380.22(3) FS. Law Implemented 380.22, 380.27 FS. History–New 1-29-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Goggin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-241.010	Purpose
69B-241.020	Scope
69B-241.030	Definitions
69B-241.035	Crimes of Moral Turpitude
69B-241.040	Calculating Penalty
69B-241.070	Departmental Discretion
69B-241.080	Penalties for Violation of Section 648.44, F.S.
69B-241.090	Penalties for Violation of Section 648.45, F.S.
69B-241.100	Penalties for Violation of Other Specific Provisions of the Insurance Code
69B-241.110	Penalties for Violation of Specific Provisions of Rule Chapter 69B-221, F.A.C.
69B-241.120	Penalties for Violation of Other Insurance Code Provisions
69B-241.130	Penalties for Violation of Other Department Rules
69B-241.140	Penalties for Violation of Department Orders
69B-241.150	Criminal Proceedings
69B-241.160	Aggravating/Mitigating Factors
69B-241.165	Imposition of Administrative Fine In Lieu of Suspension
69B-241.170	Field Office Settlement Stipulation

PURPOSE AND EFFECT: The purpose of the proposed rule chapter is to establish clear standards for penalties imposed upon bail agents subject to the provisions of Chapter 648, F.S., and Rule Chapter 69B-221, F.A.C. The proposed rule also incorporates new form DFS-H1-2021, “Field Office Settlement Stipulation,” that is to be used by the Department when offering licensees the opportunity to pay a fine for certain alleged non-criminal violations, in lieu of the administrative hearing process. The effect of the proposed rule chapter is to provide guidelines that provide a consistent approach for penalties imposed for violations of statute and rules.

SUMMARY: The proposed rule chapter implements the Department’s rulemaking duties under subsections 624.307(1) and 648.26(1)(a), F.S., and enforces the related provisions under Chapter 648, F.S., “Bail Bond Agents,” and all sections of Rule Chapter 69B-221, F.A.C., “Bail, Bonds and Bail Bond Agents.” The proposed rule chapter further establishes standards for the enumerated penalties within and incorporates new form DFS-H1-2021, “Field Office Settlement Stipulation.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. The Department determined that the proposed rule chapter will not have an impact on small business.

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

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

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

IF REQUESTED 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: Thursday, July 8, 2010, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Wenger, (850)413-5660 or Ray.Wenger@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Wenger, Financial Administrator, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5660

THE FULL TEXT OF THE PROPOSED RULES IS:

PENALTY GUIDELINES FOR BAIL BOND AGENTS

69B-241.010 Purpose.

The purpose of this rule chapter is to implement the Department's duty under Sections 624.307(1) and 648.26(1)(a), F.S., to enforce Sections 648.27, 648.285, 648.29, 648.295, 648.30, 648.33, 648.34, 648.355, 648.36, 648.365, 648.382, 648.387, 648.388, 648.40, 648.41, 648.421, 648.43, 648.44, 648.441, 648.442, 648.4425, 648.45, 648.50, 648.55, and 648.571, F.S., and all sections of Rule Chapter 69B-221, F.A.C. by establishing standards for penalties described in those statutory and rule sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-241.020, F.A.C.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a) FS. History—New _____.

69B-241.020 Scope.

This rule chapter shall apply to all bail bond agents licensed under Chapter 648, F.S., who are subject to discipline under Section 648.45, F.S.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a) 648.45 FS. History—New _____.

69B-241.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) "Administrative complaint" means a charging document filed by the Department against a licensee.

(2) "Administrative charges" means charges consisting of factual allegations with citations to violations of the Florida Insurance Code. Department rules or orders grouped together in one or more counts.

(3) "Count" is a single allegation or multiple allegations relating to a single transaction or occurrence which if true, would constitute a violation of one or more provisions of the Florida Insurance Code.

(4) "Crimes involving moral turpitude" means each felony crime identified in Rule 69B-241.035 et seq., F.A.C.

(5) "Department" means the Florida Department of Financial Services.

(6) "Final penalty" means the penalty imposed on a licensee by the Department.

(7) "Penalty per count" means the penalty to be assessed for a single count and is equal to the highest stated penalty in the count for all proven violations.

(8) "Stated penalty" means the penalty set forth in Rules 69B-241.080 through 69B-241.150, F.A.C.

(9) "Total penalty" means the sum of the highest stated penalties for each count.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45 FS. History—New _____.

69B-241.035 Crimes of Moral Turpitude.

(1) Classification of Felony Crimes.

(a) The Department makes a general classification of felony crimes into three classes: A, B, and C, as listed in subsections (2), (3) and (4) of this rule. The lists refer only to such crimes when they are felonies, since certain of the crimes could be misdemeanors in some jurisdictions and felonies in other jurisdictions.

(b) These classifications reflect the Department's evaluation of various crimes in terms of moral turpitude, and of the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by someone who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) The lists are not all-inclusive. Where a particular crime involved in an application is not listed in this rule, the Department has the authority to analogize the crime to the most similar crime that is listed. No inference is to be drawn from the absence of any crime from this list, to the effect that said crime is not grounds for adverse action under this rule.

(e) In evaluating law enforcement records, the Department shall use the highest classification into which the crime fits, where "A" is the highest classification.

(f) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(2) Class "A" Crimes include all those listed in this subsection, where such crimes are felonies, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each felony crime listed in this subsection is a crime of moral turpitude.

(a) Submitting false insurance claims or applications.

(b) Crimes relating to workers' compensation insurance.

(c) Theft or other dishonest dealings with premiums or claims money.

(d) Making false reports to insurance regulatory officials.

(e) Grand theft or embezzlement from an insurance company or agency.

(f) Armed Robbery (face-to-face theft by threat of force or force).

(g) Extortion.

(h) Bribery.

(i) Misuse of public office.

(j) Obstructing justice.

(k) Treason against the United States, or a state, district, or territory thereof.

(l) Abuse of elderly or disabled persons.

(m) Altering public documents.

(n) Forgery.

(o) Perjury.

(p) Racketeering.

(q) Witness tampering.

(r) Child abuse.

(s) Grand Theft.

(t) Larceny.

(u) Burglary.

(v) Breaking and entering.

(w) Fraud.

(x) Embezzlement.

(y) Tax evasion.

(z) Defrauding an innkeeper.

(aa) Passing worthless check(s) with intent to defraud.

(bb) Failure to pay tax.

(cc) Buying, receiving, concealing, or possessing stolen property.

(dd) Fraudulent obtaining of food stamps or other welfare fraud.

(ee) Shoplifting.

(ff) Adulteration or poisoning of drugs or food.

(gg) Illegal possession of a firearm.

(hh) Impersonating or attempting to impersonate a law enforcement officer.

(ii) Robbery.

(jj) Unlawful possession of a postal key.

(kk) Securities fraud.

(ll) Sale of unregistered securities.

(mm) Sale of securities by an unregistered dealer.

(nn) Postal fraud.

(oo) Obtaining controlled substance by fraud.

(pp) Not paying required tax as a transferee of a controlled substance.

(qq) Uttering a forged check.

(rr) Forgery of a deed.

(ss) Defrauding the government.

(tt) Criminal possession of a forged instrument.

(uu) Credit card fraud.

(vv) Conspiracy.

(ww) Carrying a concealed weapon/firearm without a license to do so.

(xx) Murder in all degrees.

(yy) Aggravated Assault (e.g., as with a deadly weapon).

(zz) Aggravated Battery (e.g., as with a deadly weapon).

(aaa) Rape.

(bbb) Sexually molesting any minor.

(ccc) Sexual battery.

(ddd) Arson.

(eee) Aircraft piracy/hijacking.

(fff) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(ggg) Deriving income from another person's prostitution activities.

(hhh) Running a gambling establishment.

(iii) Unlawful placing, throwing, or discharging a bomb.

(jjj) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(kkk) Kidnapping.

(lll) Incest.

(3) Class "B" Crimes include the following felony crimes:

(a) Manslaughter.

- (b) Simple Assault.
- (c) Simple Battery.
- (d) Gambling.
- (e) Possession of burglary tools.
- (f) Resisting arrest with violence.
- (g) Damage to Property.
- (h) Criminal mischief.
- (i) Passing worthless check(s) without intent to defraud.
- (4) Class "C" Crimes include the following felony crimes:

- (a) Public drunkenness.
- (b) Driving under the influence.
- (c) Trespassing.
- (d) Resisting arrest without force.
- (e) Disorderly conduct.
- (f) Solicitation of prostitution.
- (g) Prostitution.
- (h) Obscenity.
- (i) Bigamy.
- (j) Sale of fireworks.
- (k) Criminal trespass.
- (l) Cruelty to animals.
- (m) Personal use of controlled substances (illegal drugs).
- (n) Possession of controlled substances (illegal drugs) for personal use.
- (o) Possession of drug paraphernalia for personal use.
- (p) Domestic disturbance not involving violence.
- (q) Violation of fish and game laws.
- (r) Illegal possession of weapon.
- (s) Fleeing arrest or fleeing a law enforcement officer.
- (t) Escape while in lawful custody.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45 FS. History—New _____.

69B-241.040 Calculating Penalty.

(1) Penalty Per Count.

(a) The Department is authorized to find that multiple grounds exist under Section 648.45, F.S., for disciplinary action against the licensee based upon a single count in an administrative complaint which is based upon a single act of misconduct by a licensee. However, for the purpose of this rule chapter, only the violation specifying the highest stated penalty will be considered for that count. The highest stated penalty thus established for each count is referred to as the “penalty per count”.

(b) The requirement for a single highest stated penalty for each count in an administrative complaint shall be applicable regardless of the number or nature of the violations established in a single count of an administrative complaint.

(2) Total Penalty. Each penalty per count shall be added together and the sum shall be referred to as the “total penalty”.

(3) Final Penalty.

(a) The final penalty which will be imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors, as set forth in Rule 69B-241.160, F.A.C.

(b) The Department may convert the total penalty to an administrative fine and probation if the licensee has not previously been subjected to an administrative penalty and the current action does not involve a violation of Section 648.45, F.S.:

(c) The Department will consider the factors set forth in rule subsection 69B-241.160(1), F.A.C., in determining whether to convert the total penalty to an administrative fine and probation.

(d) In the event that the final penalty would exceed a suspension of twenty-four (24) months, the final penalty shall be revocation. This provision shall not apply to an immediate temporary suspension imposed pursuant to Section 648.45(1), F.S.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45 FS. History—New _____.

69B-241.070 Departmental Discretion.

(1) Stipulated Disposition. The provisions of this rule are not intended and shall not be construed to limit the ability of the Department to informally dispose of disciplinary actions by stipulation, agreed settlement or consent order whether or not the Department has initiated administrative charges.

(2) Cease and Desist Actions. This rule chapter shall not preclude the Department from initiating an administrative action against licensed or unlicensed individuals for the purpose of imposing cease and desist and penalty orders authorized by Section 626.9581, F.S.

(3) Collateral Actions. The provisions of this rule chapter are not intended and shall not be construed to limit the ability of the Department to pursue or recommend collateral, civil or criminal actions where appropriate.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

69B-241.080 Penalties for Violation of Section 648.44, F.S.

If it is found that the licensee has violated any of the following subsections of Section 648.44, F.S., the following stated penalty shall apply:

(1) Section 648.44(1)(a), F.S. – Suspension for 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(2) Section 648.44(1)(b), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(3) Section 648.44(1)(c), F.S. – Suspension for 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(4) Section 648.44(1)(d), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(5) Section 648.44(1)(e), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(6) Section 648.44(1)(f), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(7) Section 648.44(1)(g), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(8) Section 648.44(1)(h), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(9) Section 648.44(1)(i), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(10) Section 648.44(1)(j), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(11) Section 648.44(1)(k), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(12) Section 648.44(1)(l), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(13) Section 648.44(1)(m), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(14) Section 648.44(1)(n), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 3 months up to 12 months for every violation subsequent to the first.

(15) Section 648.44(1)(o), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(16) Section 648.44(1)(p), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(17) Section 648.44(2), F.S. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(18) Section 648.44(3), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(19) Section 648.44(4), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(20) Section 648.44(5), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(21) Section 648.44(6)(a), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(22) Section 648.44(6)(b), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(23) Section 648.44(6)(c), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(24) Section 648.44(6)(d), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(25) Section 648.44(6)(e), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(26) Section 648.44(7), F.S. – Suspension for not more than 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(27) Section 648.44(8)(a), F.S. – Revocation.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

69B-241.090 Penalties for Violation of Section 648.45, F.S.

If it is found that the licensee has violated any of the following subsections of Section 648.45, F.S., for which suspension or revocation of license(s) and appointment(s) is authorized, the following stated penalty shall apply:

(1) Section 648.45(1), F.S. – Immediate temporary suspension of all licenses and appointments which shall continue if the licensee has been found guilty of, or has pleaded guilty or no contest to, the crime, whether or not a judgment or conviction has been entered, during a pending appeal.

(2) Section 648.45(2)(a), F.S. – Suspension until all qualifications have been met, or denial of application.

(3) Section 648.45(2)(b), F.S. –

(a) Suspension for 12 months if, had the license application or appointing form been accurate, the application or appointment would have been granted, based on the statutes and Department licensing rules applicable at the time the Department issued the license or appointment, and the documentation in the applicant's or licensee's file at the time the Department issued the license or appointment.

(b) Revocation of license or eligibility to hold license if, had the license application or appointing form been accurate, the application or appointment would have been denied, based on the statutes and Department licensing rules applicable at the time the Department issued the license or appointment.

(4) Section 648.45(2)(c), F.S. – Denial of issuance of license.

(5) Section 648.45(2)(d), F.S. – Suspension for not less than 6 months up to 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(6) Section 648.45(2)(e), F.S. – Suspension for not less than 6 months up to 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(7) Section 648.45(2)(f), F.S. – Temporary suspension until licensee has successfully completed up to 14 hours of intermediate-level continuing education courses in bail bonds that have been approved by the department; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(8) Section 648.45(2)(g), F.S. – Suspension for not less than 1 month for each count for the first violation; suspension for not less than 12 months up to 24 months, for every violation subsequent to the first.

(9) Section 648.45(2)(h), F.S. – Suspension for not less than 1 month for each count, plus full restitution with interest payable that equals or exceeds the prime rate set by the Federal Reserve Bank for the first violation; suspension for not less than 12 months up to 24 months, plus full restitution with interest payable that equals or exceeds the prime rate set by the Federal Reserve Bank for every violation subsequent to the first.

(10) Section 648.45(2)(i), F.S. – Administrative fine equal to at least two times the amount paid or forgone for the first violation; suspension for not less than 6 months up to 12 months and an administrative fine equal to at least five times the amount paid or forgone, for every violation subsequent to the first.

(11) Section 648.45(2)(j), F.S. – Suspension for not less than 3 months for each rule, order or provision of the Florida Insurance Code violated for the first violation; suspension for not less than 12 months up to 24 months, for every violation subsequent to the first.

(12) Section 648.45(2)(k), F.S. – Revocation.

(13) Section 648.45(2)(l), F.S. – Suspension for not less than 3 months for the first violation; suspension for not less than 12 months up to 24 months every violation subsequent to the first.

(14) Section 648.45(2)(m), F.S. – Temporary suspension, which shall continue until all obligations have been performed for the first violation; temporary suspension, which shall continue until all obligations have been performed for every violation subsequent to the first.

(15) Section 648.45(2)(n), F.S. – Suspension for not less than 3 months up to 6 months, for the first violation; suspension for not less than 12 months up to 24 months and an administrative fine equal to five times the dollar amount or value of the collateral, for every violation subsequent to the first.

(16) Section 648.45(2)(o), F.S. – Suspension for not less than 3 months up to 6 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(17) Section 648.45(2)(p), F.S. – Revocation.

(18) Section 648.45(3)(a), F.S. –

(a) Suspension of license for not less than 6 months but not more than 12 months.

(b) Revocation of license and eligibility to hold a license if, had the license application or appointing form been accurate, the application or appointment would have been denied, based on the statutes and Department licensing rules applicable at the time the Department issued the license or appointment.

(19) Section 648.45(3)(b), F.S. – Denial of issuance of license and revocation of eligibility for licensure or appointment under Chapter 648, F.S.

(20) Section 648.45(3)(c), F.S. – Suspension for not less than 6 months up to 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(21) Section 648.45(3)(d), F.S. –

(a) Temporary suspension which shall continue until all money belonging to any insurer has been fully paid over to the proper insurer; and

(b) Consecutive to the above, suspension for not less than 6 months up to 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(22) Section 648.45(3)(e), F.S. – Suspension for not less than 6 months up to 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(23) Section 648.45(3)(f), F.S. – Suspension for not less than 6 months up to 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

Remaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History–New _____.

69B-241.100 Penalties for Violation of Other Specific Provisions of the Insurance Code.

If a licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

(1) Section 648.27(8), F.S. – Suspension of the Managing General Agent’s license for not more than 3 months for the first violation; suspension for 6 months for every violation subsequent to the first.

(2) Section 648.285(1), F.S. – Immediate final order of suspension of all agency operations until the agency achieves compliance, which shall include suspension of licenses of all owners and the primary bail bond agent.

(3) Section 648.295(1), F.S. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(4) Section 648.295(2), F.S. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(5) Section 648.30(1), F.S. – Suspension for not more than 6 months for the first violation; suspension for not less than 6 months up to 12 months for every violation subsequent to the first.

(6) Section 648.30(2), F.S. – Suspension for not more than 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(7) Section 648.30(3), F.S. – Suspension of the temporary bail bond agent’s license for not less than 6 months up to revocation.

(8) Section 648.33(2), F.S. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(9) Section 648.34(2)(c), F.S. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(10) Section 648.355(1)(e), F.S. – Except for violations for which the penalty is stated in the statute, the penalty shall be suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(11) Section 648.355(7), F.S. – Suspension for not more than 12 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(12) Section 648.355(8)(a), F.S. – Suspension for not more than 6 months for the first violation; suspension for not less than 6 months up to 12 months for every violation subsequent to the first.

(13) Section 648.355(8)(b), F.S. – Suspension for not more than 6 months for the first violation; suspension for not less than 6 months up to 12 months for every violation subsequent to the first.

(14) Section 648.36, F.S. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(15) Section 648.365(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(16) Section 648.382(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(17) Section 648.382(2)(b), F.S. – Denial or suspension of appointment and an administrative fine may be imposed in an amount up to the total amount owed to the insurer. The administrative fine is in addition to the amount owed to the insurer that shall also be paid.

(18) Section 648.382(4), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(19) Section 648.382(5), F.S. – Administrative fine of not less than \$250 and not more than \$500 for the first violation; an administrative fine of not less than \$500 for every violation subsequent to the first.

(20) Section 648.387(1), F.S. – Suspension of all agency operations until the agency achieves compliance, which shall include suspension of licenses of all owners and operators.

(21) Section 648.387(4), F.S. – Suspension for not more than 6 months for the first violation; suspension for not more than 24 months for every violation subsequent to the first.

(22) Section 648.387(5), F.S. – Suspension of all agency operations until the agency achieves compliance, which shall include suspension of licenses of all owners and operators.

(23) Section 648.388, F.S. – Suspension for not more than 6 months or until compliant for the first violation; suspension for not less than 6 months but not more than 12 months for every violation subsequent to the first.

(24) Section 648.40(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(25) Section 648.41, F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(26) Section 648.421, F.S. – Suspension for not more than 6 months for the first violation; suspension for not less than 3 months but not more than 12 months for every violation subsequent to the first.

(27) Section 648.43(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(28) Section 648.43(3), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(29) Section 648.441(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for 12 months for every violation subsequent to the first.

(30) Section 648.442(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for 12 months for every violation subsequent to the first.

(31) Section 648.442(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for 12 months for every violation subsequent to the first.

(32) Section 648.442(3), F.S. – Suspension for not less than 3 months for the first violation; suspension for not less than 12 months for every violation subsequent to the first.

(33) Section 648.442(4), F.S. – Suspension for not less than 12 months up to 24 months; revocation for any subsequent violation.

(34) Section 648.442(5), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(35) Section 648.442(6), F.S. – Suspension for not less than 3 months for the first violation; suspension for not less than 12 months for every violation subsequent to the first.

(36) Section 648.442(7), F.S. – Suspension for not more than 12 months for the first violation; suspension for not less than 6 months up to 24 months for every violation subsequent to the first.

(37) Section 648.442(8), F.S. – Suspension of all current appointments until the licensee is in compliance.

(38) Section 648.442(10), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(39) Section 648.4425(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(40) Section 648.4425(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(41) Section 648.50(3), F.S. – Suspension for not more than 12 months.

(42) Section 648.55, F.S. – Suspension of license of the primary bail bond agent of that agency until such time as all bail bond agents in the agency are in compliance.

(43) Section 648.571, F.S. – Suspension for not less than 12 months up to 24 months for the first violation; revocation for any subsequent violation.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History–New _____.

69B-241.110 Penalties for Violation of Specific Provisions of Rule Chapter 69B-221, F.A.C.

If the licensee is found to have violated any of the following Department rules, the following stated penalties shall apply:

(1) Rule 69B-221.003, F.A.C. – Suspension for not more than 3 months or until compliant for the first violation; suspension for not less than 3 months but not more than 12 months for every violation subsequent to the first.

(2) Subsection 69B-221.051(1), F.A.C. – Suspension of all agency operations until the agency achieves compliance, which shall include suspension of licenses of all owners and operators.

(3) Subsection 69B-221.051(2), F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(4) Subsection 69B-221.051(3), F.A.C. – Administrative fine of not less than \$500 but not more than \$2,500 for the first violation; suspension for not more than 12 months and an administrative fine of not less than \$2,500 but not more than \$10,000 for the second violation and every violation subsequent to the first.

(5) Paragraph 69B-221.051(4)(a), F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not less than 6 months up to 12 months for every violation subsequent to the first.

(6) Paragraph 69B-221.051(4)(b), F.A.C. – Administrative fine of up to two times the amount of hours worked times the amount of minimum salary or wages as required by Florida law.

(7) Paragraph 69B-221.051(4)(c), F.A.C. – Except for violations for which the penalty is stated in the Florida Statutes, the penalty shall be suspension for not more than 6 months and an administrative fine of \$500 per report for the first violation; suspension for not more than 12 months and an administrative fine of \$1,000 per report for every violation subsequent to the first.

(8) Subsection 69B-221.055(1), F.A.C. – Administrative fine of not less than \$1,000 but not more than \$5,000 for the first violation; administrative fine of not less than \$5,000 but not more than \$10,000 for every violation subsequent to the first.

(9) Subsection 69B-221.055(2), F.A.C. – Suspension for not more than 6 months and an administrative fine of not more than \$250 per file for the first violation; suspension for not more than 12 months and an administrative fine of not less than \$250 but not more than \$1,000 per file for every violation subsequent to the first.

(10) Rule 69B-221.060, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not less than 3 months but not more than 12 months for every violation subsequent to the first.

(11) Rule 69B-221.065, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(12) Rule 69B-221.085, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(13) Rule 69B-221.095, F.A.C. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(14) Rule 69B-221.100, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(15) Rule 69B-221.105, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(16) Rule 69B-221.110, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(17) Rule 69B-221.115, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(18) Rule 69B-221.120, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(19) Rule 69B-221.130, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(20) Rule 69B-221.135, F.A.C. – Suspension for not more than 12 months for the first violation; suspension for not less than 12 months for every violation subsequent to the first.

(21) Rule 69B-221.140, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(22) Rule 69B-221.145, F.A.C. – Suspension for 3 months for the first violation; suspension for 24 months up to revocation for every violation subsequent to the first.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History–New _____.

69B-241.120 Penalties for Violation of Other Insurance Code Provisions.

If the licensee is found to have violated a provision of the Florida Insurance Code, the stated penalty, unless otherwise prescribed in these rules or in the code provision violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45 FS. History–New _____.

69B-241.130 Penalties for Violation of Other Department Rules.

If the licensee is found to have violated a Department rule, the stated penalty, unless otherwise prescribed in these rules or in the specific rule violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45 FS. History–New _____.

69B-241.140 Penalties for Violation of Department Orders.

If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful, unless the penalty is prescribed in the order itself; except that if a licensee or an affiliated party transacts bail bonds in violation of an order of suspension, the penalty shall be an additional suspension of twenty-four (24) months if the violation was willful, or shall be an additional suspension of six (6) months if the violation was nonwillful.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45 FS. History–New _____.

69B-241.150 Criminal Proceedings.

(1) If a licensee is convicted by a court of a violation of the Florida Insurance Code or a felony (regardless of whether or not such felony is related to a bail bond license), the penalty shall be revocation.

(2) If a licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 12 months or more under the law of the United States of America or of any state thereof or under the law of any other country, which is a crime involving moral turpitude and is a crime involving breach of trust or dishonesty, the penalty shall be revocation.

(3) If a licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 12 months or more under the law of the United States of America or of any state thereof or under the law of any other country, which is a crime involving moral turpitude or is a crime involving breach of trust or dishonesty, the penalty shall be revocation.

(4) If a licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 12 months or more under the law of the United States of America or of any state thereof or under the law of any other country, which is not a crime involving moral turpitude and is not a crime involving breach of trust or dishonesty, the penalty shall be revocation.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

69B-241.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors and apply them to the total penalty in reaching the final penalty assessed against a licensee under this rule chapter. After consideration and application of these factors, the Department shall, if warranted by the Department's consideration of the factors, either decrease or increase the penalty to any penalty authorized by law.

(1) For penalties other than those assessed under Rule 69B-241.150, F.A.C.:

- (a) Willfulness of licensee's conduct;
- (b) Degree of actual injury to victim;
- (c) Degree of potential injury to victim;
- (d) Age or capacity of victim;
- (e) Restitution to victims;
- (f) Motivation of licensee;
- (g) Financial gain or loss to licensee;
- (h) Financial loss to victim;
- (i) Vicarious or personal responsibility;
- (j) Related criminal charge; disposition;
- (k) Existence of secondary violations in counts;
- (l) Previous disciplinary orders or prior warning by the Department; and
- (m) Other relevant factors.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

69B-241.165 Imposition of Administrative Fine In Lieu of Suspension.

In addition to any other administrative fine imposed, the Department, in its discretion, may convert the suspension imposed by the total penalty against the licensee under this rule chapter to an administrative fine pursuant to paragraphs 69B-241.040(3)(b)-(c), F.A.C., above, unless otherwise prohibited by statute. The aforementioned conversion shall be at a rate not less than \$1,000 per month of suspension.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

69B-241.170 Field Office Settlement Stipulation.

The Department, in its discretion, may offer a Field Office Settlement Stipulation ("FOSS") to any licensee as an opportunity to pay a fine for an alleged violation in lieu of the administrative hearing process. The FOSS shall only be offered to the respondent for committing certain non-criminal violations that pose no threat or harm to the public. The Department shall use form DFS-H1-2021 (Effective: _____)

titled, "Field Office Settlement Stipulation," which is adopted and incorporated herein by reference, to specify licensee violations and the amount of any respective fine. The fines utilized in the FOSS shall be as follows:

- (1) Advertising/Signage:
 - (a) Misleading and deceptive advertising in yellow page advertisement: \$500;
 - (b) Failure to include name, address and phone number in yellow page advertising: \$500;
 - (c) Failure to include address of record filed with Department in yellow page advertising: \$500;
 - (d) Advertising/other/Failure to (specify allegation): \$500;
 - (e) Building not suitably designated as an agency: \$2,000;
 - (f) Signage not readable from reasonable distance: \$2,000;
- (2) Business Engagement/Licensee:
 - (a) Building not open and accessible during reasonable business hours: \$2,000;
 - (b) Failure to designate primary bail bond agent for each bail bond agency location: \$2,000;
 - (c) Failure to submit Designation of Primary Bail Bond Agent form to the Department: \$2,000;
 - (d) Failure to notify the Department of any change to the bail bond agency name, ownership, primary bail bond agent, or other operator of the bail bond agency: \$2,000;
 - (e) Failure to appoint all bail bond agents with the same companies within the same bail bond agency: \$1,000;
 - (f) Failure to prominently display and post applicable service credit card charge: \$1,000;
- (3) Record Keeping:
 - (a) Failure to maintain a register: \$500;
 - (b) Failure to produce a register: \$500;
 - (c) Failure to keep individual file for each principal for whom bond is made: \$250;
 - (d) Failure to keep in individual file all documents defined in rule: \$250;
 - (e) Failure to complete or correctly write original application form: \$250;
 - (f) Failure to properly execute power of attorney/bond power number: \$500;
 - (g) Failure to state terms and conditions of the contract for a bail bond: \$500;
 - (h) Failure to provide Information Notice (Department's contact address): \$500;
 - (i) Failure to use a pre-numbered premium receipt: \$2,000;
 - (j) Failure to include name and address of agency on premium receipt: \$2,000;
 - (k) Failure to include name and address of surety company on premium receipt: \$2,000;
 - (l) Failure to use a pre-numbered collateral receipt: \$2,000;

(m) Failure to give to person giving collateral a pre-numbered collateral receipt: \$2,000;

(n) Failure to include name and address of agency on collateral receipt: \$2,000;

(o) Failure to include name and address of surety company on collateral receipt: \$2,000;

(p) Failure to attach the affidavit accepting collateral on the Department prescribed form to the bond within 30 days of the release of the defendant: \$500;

(q) Failure to respond to Department's request for information: \$2,000;

(r) Failure to indicate name and address of referring agent on transfer bond: \$500;

(s) Failure to complete statement of surrender: \$500;

(t) Failure to keep copies of bond forfeiture documents in individual files: \$250;

(u) Failure to file notice of change of bail bond agency name, business and/or personal addresses and phone numbers with the Department: \$2,000;

(4) Licensing/Appointments:

(a) Failure to submit to Department temporary bail bond agent certified monthly employment reports: \$500;

(b) Failure to file with the Department the temporary bail bond agent appointment: \$500;

(c) Failure to notify Department about termination of appointment of temporary bail bond agent: \$1,000.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Wenger, Financial Administrator, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated May 11, 2010, Forms DR-156, DR-156R, DR-166, and DR-185 will be changed.

Form DR-156, Florida Fuel Tax Application, has been amended as follows:

Information Page – How much is the filing registration fee/license tax?

The filing application fee for a retailer wholesaler of alternative fuel is \$5. There is no fee for a local government user of diesel fuel or mass transit system. The license tax fee for each of the other license categories is \$30.

Page 4 – Bond Information

The license categories shown below usually require a bond. A wholesaler who has no import or export activity that sells only undyed diesel fuel and that is not authorized by the Department to remit fuel tax to its supplier is not required to have a bond. Please complete the information as it applies to your business to determine the bond(s) you must obtain.

Page 4 – Pollutants

Your bond will not exceed \$100,000 ~~and no bond is required if your three-month tax liability is less than \$50.~~

Form DR-156R, Renewal Application for Florida Fuel/Pollutant License, has been as follows:

Page 1 – How much is the renewal license tax/registration fee?

The renewal license tax/registration fee for each of the license categories and each terminal location is \$30. A \$30 registration fee is not due for a pollutant license if you are also obtaining a fuel license.

Page 4 – Bond Information

The license categories shown below usually require a bond. A wholesaler who has no import or export activity that sells only undyed diesel fuel and that is not authorized by the Department to remit fuel tax to its supplier is not required to have a bond. An applicant applying for a pollutants tax license for the sole purpose of applying for refunds pursuant to Section 206.9942, F.S., of tax-paid pollutants is not required to post a bond.

Please list the information on the bonds your business currently has secured.

Form DR-166, Florida Pollutant Tax Application, has been amended as follows:

Page 1 – “Are there additional fees?”

Most applicants are required to post a bond. The bond shall equal three times the average monthly pollutants tax paid or due during the past 12 months, not to exceed \$100,000. ~~If the three-month tax liability is less than \$50, we do not~~

~~require a bond.~~ New registrants should base their bond on a reasonable estimate. An applicant applying for a pollutants tax license for the sole purpose of applying for refunds pursuant to Section 206.9942, F.S., of tax-paid pollutants is not required to post a bond. . . .

Page 2 – Question 15, Instructions for Completing Form DR-166

Bonding Requirements – . . . ~~We do not require a bond if your three month tax liability is less than \$50.~~

Page 2 – Category “Filing Tips”

When completing your application, be sure to provide: . . .

✓ A surety bond (see Question 15 on the application and detailed instructions for computing the bond amount). ~~Do not obtain a surety bond if your average monthly tax liability, multiplied by three, is less than \$50.~~ Your surety bond must be signed and accompanied by a Power of Attorney from a Florida resident agent.

Page 4 – The last sentence of category “Question 15”

Your bond will not exceed \$100,000. ~~If your three month tax liability is less than \$50, a bond is not required.~~

Form DR-185, Application for Fuel Tax Refund Permit, has been amended as follows:

Indicate Type of Permit Requested:

- Municipality (~~see as defined in Section 206.41(4)(d) 206.86(11),~~ Florida Statutes (F.S.))
- Farmer (~~see as defined in Section 206.41(4)(c)2.,~~ F.S.)
The taxes paid on motor fuel placed in licensed and/or registered vehicles ~~do does~~ not qualify for a refund.
- Mass Transit System (as defined in Section 206.86(12), F.S., ~~see Section 206.41(4)(b),~~ F.S.) A contract defining the activity, period, and expiration date must be included with the DR-185.
- School District (~~see as defined in Section 206.41(4)(e) 206.86(11),~~ F.S.)
- Commercial Fishing Fishermen (as defined in Section 206.41(4)(c)3., F.S.) The taxes paid on motor fuel used for sport and/or pleasure fishing ~~do does~~ not qualify for a refund.
- County (~~see as defined in Section 206.41(4)(d) 206.86(11),~~ F.S.)
- Private Schools (as defined in Section 1002.01(2), F.S., ~~see Section 206.41(4)(e),~~ F.S.)
- Commercial Aviation Purposes (as defined in Section 206.41(4)(c)4., F.S.)

Item 5. will be amended to read:

5. The Florida Department of Revenue ~~will may~~ require a corporate surety bond of \$1,000 with an Application For Refund Permit for any person who violates an applicable provision of Section 206.41, F.S., or is convicted of bribery, theft, or false swearing within the preceding five years, or if the department has evidence of the applicant’s financial irresponsibility.

Subsections (3), (4), (11), and (15) of Rule 12B-5.150, F.A.C., have been changed, so that, when adopted, those subsections will read:

(3) DR-156	Florida Fuel Tax Application (R. 05/10 01/05)	_____ 04/07
(4) DR-156R	Renewal Application for Florida Fuel/Pollutant License (R. 05/10 10/05)	_____ 05/06
(11) DR-166	Florida Pollutant Tax Application (R. 05/10 03/09)	_____ 04/09
(15) DR-185	Application for Fuel Tax Refund Permit (R. 05/10 07/07)	_____ 07/07

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.020	Payment Methodology for Inpatient Hospital Services
NOTICE OF CORRECTION	

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

The Notice of Rulemaking incorrectly listed the name of the agency head who approved the proposed rule as Roberta K. Bradford instead of the Agency Secretary Thomas W. Arnold. Additionally, Sections 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9118, 409.9119, Florida Statutes, were inadvertently removed from the rule as law implemented and have been added back to the rule as law implemented.

The foregoing changes do not affect the substance of the proposed rule.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation

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. 36, September 11, 2009 issue of the Florida Administrative Weekly.

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation.

(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110-252, 110-449, 111-5, 111-92, ~~and 111-118, 111-144, and 111-157,~~ and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.

(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501-8525, that are payable to an individual under Sections 443.1115 or 443.1117, Florida Statutes.

(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual's eligibility for emergency unemployment compensation.

(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. ss. 8501-8525, other than extended unemployment compensation under Section 443.1115, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History--New_____.

60BB-3.0252 Eligibility for Emergency Unemployment Compensation.

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;

(b) Have no rights to unemployment compensation under any other state or federal law;

(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

(a) Has received all regular unemployment compensation available on the qualifying benefit year; or

(b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new benefit year for regular unemployment compensation.

(3) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BB-3.0253, F.A.C.

(4) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(5) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.111, 443.151(6), 443.221(3) FS. History--New_____.

60BB-3.0253 Emergency Unemployment Compensation Individual Accounts.

(1) Establishment of Account. Persons deemed eligible under Rule 60BB-3.0252, F.A.C., will be paid from emergency unemployment compensation accounts established for each individual with respect to that individual's benefit year.

(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.

(a) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.

(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3), (4), (5), and (6) of this rule.

(3) Tier One.

(a) Tier One benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:

1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 20 times the individual's average weekly benefit amount for the benefit year.

(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).

(d) Tier One benefits may be paid only in cases in which an individual's regular unemployment compensation benefits are exhausted by the week ending May 22, 2010 ~~April 3, 2010~~.

(4) Tier Two.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier One benefits by the week ending May 29, 2010 ~~April 3, 2010~~;

2. The individual remains otherwise eligible.

(b) Amount Added to Account. The amount established in an account under this subsection will equal the lesser of:

1. 54 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 14 times the individual's average weekly benefit amount for the benefit year.

(c) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(5) Tier Three.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (4) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Two benefits by the week ending May 29, 2010 ~~April 3, 2010~~;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending May 29, 2010 ~~April 3, 2010~~, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Three benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(6) Tier Four.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (5) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Three benefits by the week ending May 29, 2010 ~~April 3, 2010~~;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending May 29, 2010 ~~April 3, 2010~~, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 6 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 8.5 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 24 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 6 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Four benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(7) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of ~~May 29, 2010~~ ~~April 3, 2010~~, will continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after ~~November 6, 2010~~ ~~September 4, 2010~~.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History—New _____.

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

(1) Method of Application. Individuals whose regular unemployment compensation benefits are exhausted, whose benefit year expires between July 6, 2008 and ~~May 29, 2010~~ ~~April 3, 2010~~, or who are entitled to an augmentation of their emergency unemployment compensation accounts pursuant to Rule 60BB-3.0253, F.A.C., will receive notice regarding their eligibility or ineligibility for emergency unemployment compensation. Individuals who qualify for augmentation under any of the provisions set forth in subsections 60BB-3.0253(4)-(6), F.A.C., will be deemed eligible to receive these benefits without filing an application as long as they comply with the continued claims reporting requirements set forth in Rule 60BB-3.015, F.A.C. All other individuals who wish to receive emergency unemployment compensation must submit an application for benefits to the Agency for Workforce Innovation. An application may be submitted:

(a) Online by clicking on the “Internet Unemployment Compensation Claim Application (Initial Claim)” link to the Online Internet Unemployment Compensation Claim Application (11/07), or by clicking on the “Solicitud de Reclamo de Compensacion por Desempleo en el Internet (Reclamo Inicial)” link to the Online Internet Unemployment Compensation Claim Application (Spanish version) (11/07), which are incorporated by reference in paragraphs 60BB-3.029(1)(yy) and (zz), F.A.C., and which are available at www.fluidnow.com; or

(b) In writing on one of the forms listed in subsection (2) of this rule, which are hereby incorporated by reference into this rule and which are available at www.floridajobs.org/unemployment/uc_emp_claims.html.

(2) Submitting Written Applications.

(a) To submit a written application for emergency unemployment compensation under subsections (2), (3), or (4) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUC (Rev. 10/09), Application for Emergency Unemployment Compensation;

2. Form AWI-UC310EUC (S) (Rev. 10/09), Solicitud de Compensacion de emergencia por desempleo, or

3. Form AWI-UC310EUC (C) (Rev 10/09), Aplikasyon pou Alokasyon Chomaj sou Ka Dijan.

(b) To submit a written application for emergency unemployment compensation under subsections (5) or (6) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUCIII (12-09), Application for Tier III;

2. Form AWI UC310EUCIII (Sp) (12-09), Agencia para la innovacion en la fuerza de trabajo de Florida Compensacion de emergencia por desempleo; or

3. Form AWI-UCB310EUCIII (Cr) (12-09), Ajans pou Inovasyon Fos Travay “Agency for Workforce Innovation” Kopkansasyon Chomaj Dijans.

(c) The applications described in paragraph (2)(b) of this rule will be mailed to:

1. All out of state claimants whose application for extended benefits was denied because the law of their state of residence did not permit payment of extended benefits; and

2. All claimants who did not qualify for extended benefits because their Tier Two benefits expired before February 27, 2009.

(d) All applications mailed pursuant to paragraph (2)(c) of this rule will be accompanied by Form AWI UC310EUCIII LTR(N) (Rev. ~~4/10~~ ~~12/09~~), Emergency Unemployment Compensation Instruction Sheet or a Form AWI UC310EUCIII LTR(S) (Rev. ~~4/10~~ ~~12/09~~), Emergency Unemployment Compensation Instruction Sheet, which are hereby incorporated by reference into this rule.

(3) Submitting Written Applications. The claimant must submit his or her application by mailing the completed form to the address set forth on the form and/or accompanying instructions, or by faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(4) Notice of Determination.

(a) Notice of ineligibility for cases in which the claimant does not meet the eligibility requirements of Rule 60BB-3.0252, F.A.C., will be mailed to the claimant on a Form AWI-UCB11-I EUC (10/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(b) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsections (2) or (3) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (11/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(c) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under paragraph (4)(b) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant:

1. On a Form AWI-UCB11 EUC-2 (4/10 ~~12/22/09~~) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant exhausts his Tier One benefits; or

2. On a Form AWI-UCB11 EUC-2R (12/09), Emergency Unemployment Compensation Tier II Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant:

a. Claimed weeks on a Florida claim for extended benefits in a state in which extended benefits are not payable;

b. Received extended benefit payments for any week ending on or after November 14, 2009; or

c. Was determined to be entitled to an additional week of Tier Two benefits under the augmentation authorized by Public Law 111-92 for any week ending on or after November 14, 2009.

(d) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsection (5) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC3 (4/10 ~~12/22/09~~) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(e) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsection (6) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC4 (4/10 ~~12/09~~), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151, 443.221(3) FS. History–New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0261	Definitions Relating to Extended Benefits
60BB-3.0262	How to Apply for Extended Benefits
60BB-3.0263	Diligent Work Search Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly.

60BB-3.0261 Definitions Relating to Extended Benefits. For the purposes of extended benefits payable under Section 443.1117, Florida Statutes, and Rules 60BB-3.0261 through 60BB-3.0263, F.A.C., the following definitions apply:

(1) Good job prospects: An individual has good job prospects if he or she has a definite return to work date within 4 weeks of the eligibility notices referred to in subsection 60BB-3.0263(2), F.A.C.

(2) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. 8501-8525, other than emergency unemployment compensation, trade readjustment allowance, disaster unemployment assistance, and extended unemployment compensation under Sections 443.1115 and 443.1117, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.1115, 443.1117 FS. History–New _____.

60BB-3.0262 How to Apply for Extended Benefits.

(1) Initiating a Claim for Extended Benefits. The Agency will mail a Form AWI-UC310EB (05-10 ~~10-09~~), Application for Extended Benefits (EB), which is hereby incorporated by reference into this rule, to all individuals who exhaust their available emergency unemployment compensation. This form will advise the recipient that the application for extended benefits may be filed using the form or by applying online at <http://www.floridajobs.org>. The online application report (AWI UCB-310EB-ONL (Rev. 2/10) Extended Benefit Online Application) is hereby incorporated by reference into this rule. When the individual is eligible for retroactive payment of extended benefits, the Agency will mail the claimant a Form AWI-UC310EBR (Rev 05/10) Information and Initial Claims Form for Retroactive Claims, which is hereby incorporated by reference into this rule. The Form AWI-UC310EB or Form AWI-UC310EBR may be submitted by:

(a) Mailing the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5350, Tallahassee, Florida 32314-5350.

(b) Faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(2) Notice of Determination.

(a) Notice of the Agency’s determination of an individual’s eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11 EB (05/10 ~~11/09~~), Monetary Determination/Redetermination for Extended Benefits, which is hereby incorporated by reference into this rule, when the Agency:

1. Determines that the individual is eligible for extended benefits; or

2. Determines that the individual is ineligible for extended benefits because:

a. The individual has available credits remaining on a claim for regular benefits or emergency unemployment compensation; or

b. The individual’s claim for extended benefits was previously made in relation to the wrong regular unemployment claim.

(b) Notice of the Agency’s determination of an individual’s eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11-I EB (05/10 ~~10/09~~), Extended Benefits Determination of Eligibility, which is hereby incorporated by reference into this rule, when the individual:

1. Has not exhausted his or her regular benefits or emergency unemployment compensation;
2. Did not exhaust his or her regular benefits or emergency unemployment compensation during his or her eligibility period;
3. Has rights to regular or extended benefits available or is potentially eligible for such benefits under the law of any state (which shall include Puerto Rico, the U.S. Virgin Islands, or the District of Columbia); or
4. Is receiving compensation under the unemployment compensation law of Canada.

(c) Any notice mailed pursuant to this rule will be accompanied by an EB BRI (10/09), Extended Benefits Benefit Rights Information, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History–New_____.

60BB-3.0263 Diligent Work Search Requirements.

(1) Claim Certification. Every two weeks, an individual determined to be eligible for extended benefits must report his or her work search activities. The individual may satisfy this requirement by reporting online at <http://www.floridajobs.org/unemployment/EB/index.html>, and clicking on the “Claim Your Weeks” icon. The individual may also file his or her report on, or by filing an Form AWI UCB-60EB (05/10 ~~1/10~~), Unemployment Compensation Benefit Weekly Claim Certification, or a Form AWI-UCB-60EBR (05/10) Information and Initial Claims Form for Retroactive Claims, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C. ~~The Both~~ the online work search report (AWI UCB-60EB-ONL (Rev. 5/2/10) Weekly Benefit Claim Certifications), the Form AWI UCB-60EB and the Form AWI UCB-60EBR are hereby incorporated by reference into this rule.

(2) Work Search Requirements. Except as provided in subsection (3) of this rule, any eligible individual must conduct at least two work search activities on separate days per week.

(3) Good Job Prospects. Individuals who have been determined to have good job prospects, as defined in subsection 60BB-3.0261(1), F.A.C.:

- (a) Are not required to seek other employment, except as provided by subsection (4) of this rule.

(b) Must list, in the Work Search Record portion of the report required in subsection (1) of this rule, the name and address of the employer to which the individual expects to report to work, and the date such work is expected to begin.

(4) Additional Reporting Requirement for Individuals with Good Job Prospects. If, after four weeks of extended benefits, an individual determined to have good job prospects remains unemployed, the Agency will mail him or her an AWI Form UCB231EB (Rev. 12/09), Unemployment Compensation Extended Benefits (EB) Eligibility Review Questionnaire, which is hereby incorporated by reference into this rule. The individual shall fill out and return this form within ten days of the mailing date, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C.

(5) Failure to Comply. Failure to comply with the requirements of this rule will result in the individual’s disqualification from receiving extended benefits until:

- (a) Four weeks have passed since the noncompliance; and
- (b) The individual has earned wages that equal four times his or her weekly benefit amount.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History–New_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-8.210	Reenrollment for Good Cause and Extreme Hardship in the Voluntary Prekindergarten Education Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

Paragraph (5) of the proposed rule has been amended. See full text of the proposed rule, as revised by the proposed Notice of Change is:

60BB-8.210 Reenrollment for Good Cause and Extreme Hardship and Delayed Enrollment in the Voluntary Prekindergarten Education Program.

- (1) Definitions. As used in this rule:
 - (a) “Delayed enrollment” means recording the initial enrollment of a student in a Voluntary Prekindergarten Education Program (VPK) class after VPK instruction has begun.
 - (b) “Reenrollment” means the enrollment of a student in a new VPK program type (school-year or summer) or with a new VPK provider following the student’s removal or withdrawal from enrollment with a VPK provider after the student has attended a portion of VPK instruction.

(c) "Substantial completion" means a student has been enrolled in a VPK provider's class for more than 70 percent of the instructional hours for the program type (school-year or summer).

(2) Reenrollment for good cause. A student may be reenrolled for good cause in the same program type (school-year or summer) in which the student was previously enrolled if all the following applies:

(a) The student has not substantially completed the VPK program;

(b) The student has not previously reenrolled for good cause or due to an extreme hardship; and

(c) The student's parent or guardian completes the Delayed Enrollment and Reenrollment Application (Form AWI-VPK 05), dated April 9, 2010, which is hereby incorporated by reference, and submits it to the early learning coalition as documentation that the student was or is prevented from attending the VPK class. The following are examples of situations which prevent the student from attending the VPK class:

1. The illness of:

a. The student;

b. An individual living in the student's household;

c. An individual which the student's parent or guardian is responsible for caring for; or

d. The student's parent, guardian, sibling, grandparent, step-parent, step-sibling, or step-grandparent.

2. A disagreement between the parent or guardian and the VPK provider or school concerning policies, practices, or procedures at the provider's or school's VPK program;

3. A change in the student's residence;

4. A change in the employment schedule or place of employment of the student's parent or guardian;

5. The VPK provider's inability to meet the student's health or educational needs;

6. The termination of the student's VPK class before 70 percent of the class instructional hours is delivered;

7. The student is dismissed by a VPK provider for failure to comply with the provider's attendance policy;

8. The provider's designation as a low performing provider under Section 1002.67, F.S.;

9. Any condition described as an extreme hardship in (3)(c) below.

(3) Reenrollment for extreme hardship. A student may be reenrolled and reported for funding purposes as one full-time equivalent student, as defined by Section 1002.71(2), F.S., in the summer VPK program, if all the following applies:

(a) The student has not substantially completed the VPK program;

(b) The student has not previously reenrolled due to an extreme hardship or for good cause; and

(c) The student's parent or guardian completes and submits to the early learning coalition the Delayed Enrollment and Reenrollment Application, and, where documentation is not supplied by the coalition or provider, supporting written documentation of one or more of the following:

1. The illness of the student, as documented in writing by a physician licensed under Chapter 458 or 459, F.S., if the illness would result in the student being absent from more than 30 percent of the number of hours in the program type in which the student is enrolled;

2. The provider's misconduct or noncompliance which results in the provider's inability to offer the VPK program, as documented by the early learning coalition;

3. The parent's or guardian's inability to meet the basic needs of the student, including, but not limited to, a lack of food, shelter, clothing, or transportation, as documented in writing by a federal, state, or local governmental official;

4. The provider's inability to meet the student's educational needs due to the student's learning or developmental disability as documented by a federal, state, or local governmental official;

5. The provider's inability to meet the student's health needs as documented by a physician licensed under Chapter 458 or 459, F.S., or a federal, state, or local governmental official; or

6. Displacement of a student from his or her place of residence or closure of the student's VPK provider as a result of a state of emergency as declared by a federal, state, or local governmental official.

(4) Additional restrictions on reenrollment.

(a) A VPK student may not be reenrolled except as described in this rule.

(b) This rule shall not be construed to allow a student to be enrolled simultaneously in multiple VPK classes.

(c) If the student is reenrolled with a coalition other than the coalition of the previous enrollment, the parent or guardian shall comply with the enrollment requirement of 60BB-8.201, F.A.C., in addition to the requirements of this rule.

(d) Each early learning coalition shall comply with the eligibility determination and enrollment procedures described in Rule 60BB-8.202, F.A.C., when reenrolling a student, except that the coalition is not required to repeat the face-to-face parent orientation session.

(5) Delayed enrollment.

(a) A VPK student may enroll in a VPK class after instruction has begun. To enroll a student in a VPK class after instruction has begun, the student's parent or guardian shall complete the Delayed Enrollment and Reenrollment Application, and submit it to the early learning coalition. Alternatively, an early learning coalition may require a parent to complete a Child Eligibility and Enrollment Certificate

(Form AWI-VPK 02) as incorporated by reference in paragraph 60BB-8.202(1)(c), F.A.C., which has been modified to include the following provisions:

1. A verbatim reproduction of the Informed Parental Consent section of the Delayed Enrollment and Reenrollment Application;

2. A description of the number of provider’s total remaining VPK instructional hours;

3. Provider class identification number; and

4. A checkbox to be completed by the parent indicating whether the parent has previously participated in a VPK parent orientation session.

(b) The coalition shall ensure that the parent has signed either the Delayed Enrollment and Reenrollment Application or a modified Child Eligibility and Enrollment Certificate before enrolling a student in the VPK program.

(c) Each early learning coalition shall comply with the eligibility determination and enrollment procedures described in Rule 60BB-8.202, F.A.C., when enrolling a student in a VPK class in which instruction has already begun except that the coalition shall not be required to conduct the face-to-face parent orientation session for a parent who indicates on the Delayed Enrollment and Reenrollment Application or the Child Eligibility and Enrollment Certificate that he or she has previously attended an orientation session.

Rulemaking Authority 1002.71(4), 1002.75(2)(a), 1002.75(2)(i), 1002.79(2) FS. Law Implemented 1002.71(4), 1002.75(2)(a), 1002.75(2)(i) FS. History—New_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-640.100	Scope, Intent, Purpose, and Applicability
62-640.200	Definitions
62-640.210	General Technical Guidance and Forms
62-640.300	Permit Requirements
62-640.400	Prohibitions
62-640.500	Nutrient Management Plan (NMP)
62-640.650	Monitoring, Record Keeping, Reporting, and Notification
62-640.700	Requirements for Land Application of Class AA, A, and B Biosolids
62-640.850	Distribution and Marketing of Class AA Biosolids

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. 44, November 6, 2009 issue of the Florida Administrative Weekly.

The Department also provides notice that a revised Statement of Estimated Regulatory Cost (SERC) is available. On November 27, 2009, Shelley’s Septic Tanks, Inc., (Shelley’s) submitted a lower cost regulatory alternative requesting that land application sites enrolled in a Florida Dept. of Agriculture and Consumer Services Best Management Practice (BMP) program be exempt from the requirement to prepare a nutrient management plan (NMP). Pursuant to Section 120.541(1)(b), F.S., the Department revised its prior SERC to state that the Department is rejecting the alternative in favor of the proposed rule because the voluntary nature of the BMP programs would restrict the Department’s ability to approve and enforce the nutrient provisions of BMP requirements. However, after discussions with Shelly’s, the Department did make a change that would allow enrollees in a BMP program to potentially submit a NMP required by that program to the Department to satisfy the NMP requirements. This change is reflected in subsection 62-640.500(1), F.A.C., below. If you would like a copy of the revised SERC contact: Maurice Barker, FDEP, 2600 Blair Stone Rd., MS#3540, Tallahassee, FL 32399, (850)245-8614, maurice.barker@dep.state.fl.us.

62-640.100 Scope, Intent, Purpose, and Applicability.

(1) through (4) No change.

(5) Applicability.

(a) through (f) No change.

(g) Unless specifically provided otherwise in this chapter, existing facilities in Florida shall comply with the requirements of this chapter at the time of renewal of the wastewater permit. To facilitate the transition to land application site permits, for those wastewater facility permits renewed between (effective date of the rule) and January 1, 2013, the Department shall include compliance schedules to achieve compliance with the land application site permitting requirements included in Rules 62-640.300, 62-640.500, 62-640.650, 62-640.700, F.A.C., by no later than January 1, 2013. Any such renewed permits shall contain conditions for the land application of biosolids based on the provisions of Chapter 62-640, F.A.C., as amended on 3-30-98, hereby adopted and incorporated by reference, during the period of the compliance schedule. A copy of Chapter 62-640, F.A.C., as amended on 3-30-98, is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department’s District Offices. Existing facilities may choose to comply with the requirements of this chapter prior to the time specified in this rule by obtaining a permit revision under Chapter 62-620, F.A.C.

(h) through (j) No change.

(k) Requirements in this Chapter do not apply to the treatment, management, or disposal of industrial sludges, septage, or residuals resulting from industrial wastewater treatment except as provided for in paragraphs 62-640.100(6)(f) and 62-640.880(2)(c), F.A.C.

(6) No change.

62-640.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below may be taken from definitions in other rules of the Department.

(1) through (25) No change.

(26) "Industrial sludges" means all sludges that are primarily composed of materials generated through an industrial process or from an industrial wastewater activity ~~or facility~~.

(27) No change.

(28) "Liquid biosolids" means any biosolids that are less than 12% solids by weight, or that are determined to contain free liquids as defined by Method 9095B (Paint Filter Liquids Test), November 2004, as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846), January 3, 2008, 73 FR 486, which is hereby adopted and incorporated by reference and is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

(29) through (34) No change.

(35) "pH of biosolids-soil mixture" means the pH value obtained by taking a core sample of soil to at least the depth of six inches or to the depth of biosolids placement if deeper than six inches.

(36) through (39) No change.

(40) "Restricted public access" means that access to a land application site by the general public is both controlled and infrequent. Restricted public access application sites are accessible to persons authorized by the site owner, site manager, or facility permittee, such as farm personnel, wastewater facility operators, and biosolids or septage haulers provided the authorized persons are informed by the site owner, site manager, or facility permittee regarding the nature of the application site. For informational purposes, the NIOSH manual *Guidance for Controlling Potential Risks to Works Exposed to Class B Biosolids*, paragraph 62-640.210(1)(j) 62-640.210(1)(i), F.A.C., provides guidance regarding potential risks.

(41) through (51) No change.

62-640.210 General Technical Guidance and Forms.

(1) Unless specifically referenced elsewhere in this chapter, the following publications are listed for informational purposes as technical guidance to assist facilities, applicators, distributors and marketers, site managers, and site owners in

meeting the requirements of this chapter. Publications or portions of publications containing enforceable criteria are specifically referenced elsewhere in this chapter. Information in the publications listed below does not supersede the specific requirements of this chapter. Members of the public may request and obtain copies of the publications listed below by contacting the appropriate publisher at the address indicated. Copies of the publications are on file ~~with the Florida Secretary of State and the Joint Administrative Procedures Committee of the Florida Legislature~~. ~~Copies are also on file~~ and available for review during normal business hours ~~at in~~ the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 ~~Department's Tallahassee offices~~ and in the Department's district and branch offices.

(a) through (o) No change.

(p) Mylavarapu, R.S. and E.D. Kennelley, ~~2009~~ 2002, "Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training Manual", UF/IFAS Circular 1248, <http://edis.ifas.ufl.edu/SS312>.

(2) Forms. The forms and instructions used by the Department are listed in this rule. The rule numbers are the same as the form numbers. Copies of these forms and instructions may be obtained by writing to the Bureau of Wastewater Facilities, Mail Station 3535, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, these forms are available at the Department's District Offices and from the web site for the Department's Division of Water Resource Management at www.dep.state.fl.us/water. The monitoring information reported on the forms listed below ~~in paragraphs (b) and (e)~~ may be submitted in another format, such as electronic, if requested by the permittee and if approved by the Department as being compatible with data entry into the Department's computer system. The Department adopts and incorporates by reference in this section the following forms and instructions:

(a) No change.

(b) Treatment Facility Biosolids Annual Summary, Form 62-640.210(2)(b), effective _____.

(c) through (e) No change.

62-640.300 General Requirements.

(1) No change.

(2) Treatment Facility Permit for Facilities that Land Apply Biosolids.

(a) No change.

(b) The Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), effective _____, hereby adopted and incorporated by reference, shall be submitted with the permit application to identify sites where the facility's biosolids are permitted to be land applied. This form is available from the Department of Environmental Protection, Domestic

Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

(c) No change.

(3) Biosolids Application Site Permit.

(a) through (b) No change.

(c) Applicants for a permitted biosolids application site shall submit the Biosolids Site Permit Application, Form 62-640.210(2)(d), effective, hereby adopted and incorporated by reference, the applicable fee, and supporting documentation to the appropriate District Office of the Department or delegated local program responsible for the geographic area in which the application site is located. This form is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

1. through 2. No change.

(d) The following shall require a minor permit modification through the procedures provided in subsection 62-620.325(2), F.A.C.:

1. through 2. No change.

(e) No change.

(4) No change.

62-640.400 Prohibitions.

(1) No change.

(2) Land application of biosolids shall not result in a violation of Florida surface water quality standards pursuant to Ch. 62-302, F.A.C., or ground water standards pursuant to Ch. 62-520, F.A.C.

(3) through (10) No change.

(11) The land application of biosolids will not be authorized in the Lake Okeechobee watershed as defined in Section 373.4595(2)(j), F.S., unless the applicant for a site permit affirmatively demonstrates that the phosphorus in the biosolids will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This demonstration shall be submitted with the NMP for the site. No biosolids shall be applied to a site in the Lake Okeechobee watershed after December 31, 2012, unless the demonstration has been made. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with Rule 62-640.850, F.A.C.

(12) The land application of biosolids will not be authorized in the Caloosahatchee River and St. Lucie River watersheds as defined in Section 373.4595(2)(b) and (p), F.S., unless the applicant for a site permit affirmatively

demonstrates that the nitrogen and phosphorus in the biosolids will not add to nitrogen and phosphorus loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the St. Lucie River or Caloosahatchee River watersheds, as applicable, through products generated on the permitted application site. This demonstration shall be submitted with the NMP for the site. No biosolids shall be applied to a site in the Caloosahatchee River or St. Lucie River watersheds after December 31, 2012, unless the demonstration has been made. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with Rule 62-640.850, F.A.C.

(13) No person shall have more than one dry ton of unapplied Class AA biosolids or biosolids products distributed and marketed under Rule 62-640.850, F.A.C., on their property for more than seven days unless stored to prevent runoff of biosolids or stormwater that has been in contact with biosolids, violation of the odor prohibition in subsection 62-296.320(2), F.A.C., and vector attraction.

62-640.500 Nutrient Management Plan (NMP).

(1) A site-specific NMP shall be submitted to the Department with the permit application for an agricultural site. For sites enrolled and participating in a Florida Department of Agriculture and Consumer Services (FDACS) Best Management Practices (BMP) program, a conservation plan or NMP prepared for the purposes of the BMP can be submitted as the site-specific NMP if the plan meets the NMP requirements given in subsections (4) through (8) below.

(2) The NMP shall be developed, or revised as necessary, in accordance with nutrient management standards and guidelines such as those from the Natural Resources Conservation Service (NRCS), the University of Florida Institute of Food and Agricultural Sciences (IFAS), or the Florida Department of Agriculture and Consumer Services (FDOACS). NMPs prepared in accordance with the USDA-NRCS-Florida Field Office Technical Guide – Nutrient Management, Code 590, September 2007, listed in paragraph 62-640.210(1)(m), F.A.C., is available to provide technical guidance in the preparation of NMPs from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices hereby adopted and incorporated by reference, be acceptable to the Department.

(3) The NMP shall be prepared and signed by a person certified by the NRCS for nutrient management planning or prepared, signed and sealed by a professional engineer licensed in the State of Florida with expertise in the area of nutrient management planning.

(4) through (7) No change.

(8) The NMP for a proposed site located within the Lake Okeechobee, St. Lucie River, or Caloosahatchee River watersheds, shall also include the demonstration required by subsections 62-640.400(11) and (12), F.A.C., as applicable. Any permit issued based on such a demonstration shall require monitoring and record keeping to ensure that the demonstration continues to be valid for the duration of the permit. Documentation of compliance with the demonstration shall be submitted as part of the site annual summary submitted under paragraph 62-640.650(5)(d), F.A.C. For application sites subject to Section 373.4595, F.S., the NMP shall include the demonstration required by Section 373.4595(3)(c)6.a., Section 373.4595(4)(a)2.e., or Section 373.4595(4)(b)2.e., F.S., as applicable.

62-640.650 Monitoring, Record Keeping, Reporting, and Notification.

(1) The minimum requirements in this chapter for monitoring, record keeping, or reporting by a permittee ~~shall~~ may be increased or reduced by the Department considering any of the following depending upon ~~including~~ site-specific requirements; ~~including~~ the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.

(2) No change.

(3) Monitoring Requirements.

(a) Biosolids Monitoring.

1. Biosolids sampling and analysis to monitor for the pathogen and vector attraction reduction requirements of Rule 62-640.600, F.A.C., and the parameters in subparagraph 62-640.650(3)(a)3., F.A.C., shall be conducted by the treatment facility in accordance with 40 CFR 503.8, and the POTW Sludge Sampling and Analysis Guidance Document, August 1989, which the Department adopts and incorporates by reference. This document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. In cases where disagreements exist between 40 CFR 503.8 and the POTW Sludge Sampling and Analysis Guidance Document, the requirements in 40 CFR 503.8 will apply.

2. through 7. No change.

(b) Soil Monitoring.

1. The site permittee shall ensure soil fertility testing is conducted in accordance with the NMP. Soil testing shall follow the procedures in the IFAS publications "Soil Testing", UF/IFAS Circular 239, September 2003, identified in paragraph 62-640.210(1)(o), F.A.C., and "Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training

Manual", UF/IFAS Circular 1248, February 2009, identified in paragraph 62-640.210(1)(p), F.A.C., which are hereby incorporated by reference. These documents are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. Results of soil fertility tests shall be included in the application site records.

2. No change.

(c) through (d) No change.

(4) Record Keeping Requirements.

(a) through (i) No change.

(j) Logs and records detailing biosolids applications to each application zone at an application site shall be maintained by the site permittee indefinitely and shall be available for inspection within seven days of request by the Department or the Delegated Local Program. At a minimum, the logs and records for the most recent six months of application shall be available for inspection at the land application site (i.e. maintained onsite). The logs and records shall include:

1. through 2. No change.

3. For each application zone, maintain Biosolids Application Site Log, Form 62-640.210(2)(e), F.A.C. effective , hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices;

4. through 5. No change.

6. Any records necessary for demonstrating compliance with the demonstration submitted with the NMP for sites located within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds in accordance with subsection 62-640.500(8), F.A.C.

(5) Reporting Requirements.

(a) through (b) No change.

(c) Treatment Facility Biosolids Annual Summary. Permittees of wastewater treatment facilities or biosolids treatment facilities permitted for land application shall submit a summary of the shipment records required by paragraph 62-640.650(4)(d) and subsection 62-640.880(4), F.A.C., as applicable, to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary must be submitted on Department Form 62-640.210(2)(b), effective , hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. The summary shall include all biosolids shipped during the period January 1 through December 31. The summary for each year shall be submitted to the Department by February 19 of the following year.

(d) Biosolids Application Site Annual Summary. The site permittee shall submit a summary of land application activity to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary shall be submitted on Department Form 62-640.210(2)(c), effective _____, hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. The summary for each year, covering the period from January 1 through December 31, shall be submitted to the Department by February 19 of the following year. The summary shall include all of the following, as applicable:

1. through 5. No change.

6. Copies of records kept in accordance with subparagraph 62-640.650(4)(j)6., F.A.C., demonstrating compliance with the demonstration submitted with the NMP for sites located within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds in accordance with subsection 62-640.500(8), F.A.C.

(e) No change.

(6) No change.

62-640.700 Requirements for Land Application of Class AA, A, and B Biosolids.

(1) through (5) No change.

(6) General Application Site Requirements.

(a) No change.

(b) Beginning within one year of (the effective date of the rule), Class A and Class B biosolids treated by alkaline addition shall be applied by the best management practice of incorporation or injection unless the application area is located at a distance greater than one-quarter mile from the application site property line. This distance may be decreased to the setback distance provided by subparagraph 62-640.700(8)(b)2., F.A.C., if the affected adjacent property owner provides written consent.

(c) through (f) No change.

(7) No change.

(8) Setback Distances.

(a) The following setback distances shall apply to land application sites that accept either Class A or Class B biosolids ~~the biosolids are injected or incorporated into the soil.~~

1. The biosolids land application zone shall not be located closer than 1000 feet to any Class I water body, Outstanding Florida Water or Outstanding National Resource Water, or 200 feet from any other surface water of the state as defined in Section 403.031, F.S. This setback does not apply to waters owned entirely by one person other than the state, nor to canals or bodies of water used for irrigation or drainage, which are located completely within the application site and will not discharge from the application site. The setback area shall be

vegetated. The 200 foot setback distance from surface waters may be reduced to 100 feet if the biosolids are injected or incorporated into the soil.

~~2.(b) The biosolids residuals~~ land application zone shall not be located closer than 300 feet from any private drinking ~~potable~~ water supply well or 500 feet from any public drinking ~~potable~~ water supply well.

3. No change.

4. Biosolids shall not be stored or stockpiled at a land application site within 1320 feet of a building occupied by the general public. This distance may be decreased to the setback distance provided by subparagraph 62-640.700(8)(b)1., F.A.C., if the owner of the building provides written consent.

(b) No change.

(9) through (10) No change.

(11) Runoff Prevention Requirements.

(a) through (b) No change.

(c) Biosolids shall not be land applied on soils having a flooding frequency class of "frequent" or "very frequent", or on soils having a flooding duration class of "long" or "very long", as given in soil surveys and as defined by the NRCS in Section 618.27 of the National Soil Survey Handbook, as of October 2009, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices ~~that are frequently flooded (i.e. the soil has a flooding frequency class of "frequent" as defined by NRCS in Section 618.27 of the National Soil Survey Handbook, hereby adopted and incorporated by reference, and given in soil surveys).~~ A flooding frequency class of "frequent" or "frequently flooded" means flooding is ~~likely to occur often under usual weather conditions; more than a 50 percent chance of flooding in any year or more than 50 times in 100 years, but less than a 50 percent chance of flooding in all months in any year.~~

(12) No change.

62-640.850 Distribution and Marketing of Class AA Biosolids.

The distribution and marketing of biosolids or biosolids products shall meet the requirements of this section and this chapter, but are not required to meet subsections 62-640.300(2) and (3); Rule 62-640.500; paragraphs 62-640.650(3)(b) through (d); paragraphs 62-640.650(4)(c) through (j); paragraphs 62-640.650(5)(c) through (e); paragraphs 62-640.650(6)(a), (b), (f), and (g); subsections 62-640.700(1) through (4); subsections 62-640.700(6) through (12); and Rule 62-640.800, F.A.C.

(1) No change.

(2) Distributed and marketed biosolids or biosolids products shall be distributed and marketed as a fertilizer in accordance with Chapter 576, F.S., (2009), and Chapter 5E-1,

F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, or distributed and marketed to a person or entity that will sell or give-away the biosolids or biosolids products as a fertilizer or as a component of a fertilizer subject to Chapter 576, F.S., and Chapter 5E-1, F.A.C. Copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. For the purposes of this chapter, biosolids composts that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds, as defined in Section 373.4595, F.S., do not have to be distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance (STA) program in effect on 5-20-2010, hereby adopted and incorporated by reference. A copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

(3) Any treatment facility which produces biosolids in Florida that will be distributed and marketed or any person who delivers biosolids to Florida to be distributed and marketed shall submit the information listed in paragraph 62-640.850(3)(b), F.A.C., to the Department.

(a) No change.

(b) The information shall include:

1. The Florida fertilizer license number assigned in accordance with Florida's Commercial Fertilizer Law, Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, under which the biosolids or biosolids products will be distributed and marketed (copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices) or documentation showing proof of certification for biosolids composts enrolled in the USCC STA program in effect on 5-20-2010, hereby adopted and incorporated by reference (a copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices);

2. through 4. No change.

5. The label or information sheet to be provided at the time of distribution and marketing of the biosolids in accordance with subsection 62-640.850(5), F.A.C., Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, as applicable (copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available

from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices) or equivalent information for biosolid composts certified and enrolled in the USCC STA program in effect on 5-20-2010, hereby adopted and incorporated by reference (a copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices);

6. through 7. No change.

(4) No change.

(5) In addition to any fertilizer labeling requirements of Chapter 576, F.S., and Chapter 5E-1, F.A.C., or the equivalent information for biosolids composts certified and enrolled in the USCC STA program in effect on 5-20-2010, hereby adopted and incorporated by reference (a copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices), the following information must be made available to the users by the manufacturer by product labels or other means:

(a) through (b) No change.

(c) Recommendations on proper storage of the biosolids or biosolids product prior to use and a recommendation that biosolids be applied at a rate that does not exceed crop or plant nutrient needs. For distributed quantities of biosolids or biosolids products greater than one dry ton, the recommendations on proper storage shall include the prohibition language from subsection 62-640.400(13), F.A.C.

(6) No change.

(7) By February 19 of each year, any person shipping biosolids to Florida for distribution and marketing shall submit a copy of the applicable EPA facility annual biosolids report required by 40 CFR 503.18, July 1, 2009, hereby adopted and incorporated by reference, to the Department's Domestic Wastewater Section, MS #3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A copy of 40 CFR 503.18 is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.	RULE TITLE:
64B7-31.001	Colonic Irrigation
	NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 1, of the

January 8, 2010, issue of the Florida Administrative Weekly. The change is due to concerns by the Joint Administrative Procedure Committee in their letter dated February 19, 2010. The rule shall now read as follows and will reflect the correct rule development date:

64B7-31.001 Colonic Irrigation.

(1) Intent.

(a) No change.

(b) The Board of Massage further finds that a significant proportion of licensees do not perform the colonic procedure and further that a significant proportion of those desiring to enter the profession do not intend to engage in the practice of colonics irrigation.

(c) No change.

(2) No change.

(3) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice shall be required to successfully complete and pass the National Board for Colon Hydrotherapy Examination (NBCHT) which is approved by the Board ~~colonic irrigation examination administered by the Department of Health.~~

(4) Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the NBCHT ~~colonic irrigation examination administered by the Department~~ prior to resuming the practice of colonic irrigation.

(5) Any applicant for massage therapist licensure or licensed massage therapist, who in conjunction with previous massage therapist licensure was certified to practice colonics irrigation, shall be required to successfully complete and pass the NBCHT ~~colonic examination administered by the Department~~ prior to practicing colonic irrigation.

Rulemaking Specific Authority 456.036, 480.035(7), 480.041(4) FS. Law Implemented 456.036, 480.032, 480.033, 480.041(4) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, 2-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.007 RULE TITLE: Standards of Practice

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The correction is being made in response to comments received from the Joint Administrative Procedures Committee on May 20, 2010. The correction is as follows:

Although the Notice of Proposed Rulemaking stated that a Statement of Estimated Regulatory Costs (SERC) was prepared, the Notice did not summarize the SERC. The following is a summary of the SERC:

- No licensee is required to conduct initial consultations in the manner allowed by this rule. All licensees would have the option of using this method of initial consultation.
- Only rule making costs will be incurred.
- No transactional costs will be incurred.
- The proposed rule will not impact small businesses, small towns, or small cities.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THIS CORRECTION IS: Allen Hall, Executive Director, Board of Medicine: Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.704 RULE TITLE: Family-Related Medicaid Eligibility Determination Process

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

(1) Public assistance staff determine eligibility for Family-related Medicaid at application, when a change in conditions of eligibility is reported, or, on not greater than a 12 month cycle. The individual or the designated representative is required to assist the Department in completing the determination or redetermination of Medicaid eligibility. Qualified designated Medicaid providers determine presumptive eligibility for pregnant women. Requests for Medicaid coverage on behalf of children in care of the Department of Juvenile Justice are made on form CF-ES 2293, Child in Care Medicaid, May 2010 ~~April 2007~~ (incorporated by reference).

(2) Simplified Eligibility for Pregnant Women ~~Woman~~.

(a) The application form for a pregnant woman applying only for Medicaid and only for herself based on pregnancy is CF-ES Form 2700, Health Insurance Application for Pregnant Women ~~Woman~~, 05/2010 ~~10/2008~~ (incorporated by reference).

This form and attached information/rights and responsibilities (pages 2 & 3) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be offered to pregnant women by mail or picked up by them in health departments and other QDP sites as well as selected doctors' offices designated by each circuit/regional ACCESS Program Office.

4. A declaration of citizenship is required. The applicant's statement on the Health Insurance Application for Pregnant ~~Women~~ ~~Woman~~, CF-ES 2700, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity, if they are not subject to an exemption as specified in 42 C.F.R. 435.406 (2009) (~~2007~~) (incorporated by reference).

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04, 6-26-08, _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 24, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Hungry Howie's Pizza, Plantation, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 28, 2010, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Suzanne Vincent on behalf of C V Mclurg Building in Lakeland, FL. The petitioner is requesting a variance from Rule 3.11.3, A.S.M.E. A17.3, 1996 edition as adopted by Florida Building Code Chapter 3001.2 and paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase I and II be installed. The petitioner is requesting 2 years to raise funds and contract the work. Comments on the petition should be sent to: Mark Boutin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 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."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 30, 2010, the Board of Physical Therapy Practice, received a petition for Ming Shun-Cheng, seeking a waiver of the requirements of paragraph 64B17-3.001(4)(j), Florida Administrative Code. The Petitioner seeks a waiver of the requirement that applicants who did not receive their education in English, obtain a minimum score of 24 on the speaking portion of the TOEFL exam.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)488-0595. Comments

on this petition should be filed with the Board of Physical Therapy Practice/MQA within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on May 26, 2010, the Board of Physical Therapy Practice, received a petition for Adam Sternak, seeking a variance or waiver of subsection 64B17-3.001(4), F.A.C., which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Cultural Affairs** and the **Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 23, 2010, 2:00 p.m.

PLACE: This meeting will take place via teleconference call. For instructions on how to participate please visit <http://www.florida-arts.org/about/calendar/>, and click on the Citizens for Florida Arts, Inc. meeting listing

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Division of Cultural Affairs at mblewis@dos.state.fl.us or by calling (850)245-6356.

Pursuant to the provisions of 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: Laura Blischke at (850)245-6475 or by email: lblischke@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).

For more information, you may contact: Morgan Lewis, Division of Cultural Affairs at mblewis@dos.state.fl.us or by calling (850)245-6356.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: July 8, 2010, 9:30 a.m. – 3:30 p.m. (via video conference)

PLACE: Office of the Attorney General, 107 West Gaines Street, Room 138, Tallahassee, FL 32301; OR

Office of the Attorney General, 110 S. E. 6th Street, 10th Floor, Video Room, Fort Lauderdale, FL 33307; OR

Office of the Attorney General, Concourse Center 4, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607

DATE AND TIME: July 9, 2010, 10:00 a.m. – 3:00 p.m. (live presentation)

PLACE: Office of the Attorney General, Leroy Collins Building, Room G19, 107 W. Gaines Street, Tallahassee, FL 32301

DATE AND TIME: July 13, 2010, 10:00 a.m. – 3:00 p.m. (live presentation)

PLACE: Broward County Sheriff's Office, Ron Cochran Public Safety Building, 2601 W. Broward Blvd., Multi-Purpose (Media) Room, Fort Lauderdale, FL 33312

DATE AND TIME: July 15, 2010, 10:00 a.m. – 3:00 p.m. (live presentation)

PLACE: Office of the Attorney General, Concourse Center 4, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida New Motor Vehicle Arbitration Board 2010 Arbitrator Training.

A copy of the agenda may be obtained by contacting: Kairi Kapoor at (850)414-3500 or by email: kairi.kapoor@myfloridalegal.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 3 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).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2010, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399-1650, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: The Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: http://www.flaes.org/pesticide/pesticide_registration.html.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

NOTICE OF CANCELLATION – The Florida **Department of Agriculture and Consumer Services, Division of Food Safety** announces a public meeting to which all persons are invited.

DATE AND TIME: June 11, 2010 has been CANCELLED

PLACE: Conner Complex, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Food Safety and Food Defense Advisory Council originally scheduled for June 11, 2010 is CANCELLED. Meeting has been rescheduled for June 29, 2010.

A copy of the agenda may be obtained by contacting: Carol Windham, Division of Food Safety at (850)245-5582.

For more information, you may contact: Carol Windham, Division of Food Safety at (850)245-5582.

DEPARTMENT OF EDUCATION

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIMES: A Teacher Hearing Panel, June 25, 2010, 9:00 a.m. or as soon thereafter as can be heard; Training for the New Commission Member, 1:30 p.m. or as soon thereafter

PLACE: Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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

agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 20, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Conference Room 250L, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs announces a public hearing to receive input from all interested parties on the Low-Income Home Energy Assistance Program (LIHEAP) State Administrative Plan for federal fiscal year (FFY) 2011 to which all interested parties are invited.

To obtain input and recommendations from the public and interested parties concerning the LIHEAP State Administrative Plan for FFY 2011. This plan will be submitted to the United States Department of Health and Human Services. The plan is developed annually and is a federal requirement for the state to receive LIHEAP funds.

A copy of the state plan and agenda may be obtained by writing: Department of Community Affairs, Susan Lawrence, Planner IV, the Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, by telephoning (850)488-7541, by Fax: (850)488-2488 or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding. For such purposes he or she may need to ensure that a record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of 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. Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should

contact: The Community Assistance Section, (850)488-7541 at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Community Affairs, Susan Lawrence, Planner Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or by Fax: (850)488-2488.

The **Florida Communities Trust Governing Body** announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 8:30 a.m. – 1:00 p.m.

PLACE: Florida House of Representatives Building, Morris Hall, 17 House Office Building, 400 South Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Three Sisters Springs project, specifically relating to the legislative appropriation in the FY2010-11 budget, and to conduct any other business that the Governing Board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business.

A copy of the agenda may be obtained by contacting: Florida Communities Trust at (850)922-2207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Communities Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Communities Trust at (850)922-2207.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: June 25, 2010, 9:00 a.m. – 2:00 p.m.

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly Missing Endangered Persons Information Clearinghouse Advisory Board (MEPIC) Formal Meeting.

A copy of the agenda may be obtained by contacting: Dawn Mikola at 1(888)356-4774.

Pursuant to the provisions of 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: Dawn Mikola at 1(888)356-4774. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Dawn Mikola or Ms. Gwen Johnson at 1(888)356-4774.

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."

FLORIDA PAROLE COMMISSION

The **Parole Qualifications Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: June 28, 2010, 2:00 p.m.

PLACE: Via Conference Call: 1(888)808-6959, Conference Code: 4884460#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To record the votes taken at the May 18, 2010 meeting and to discuss any other business as needed.

A copy of the agenda may be obtained by contacting: Beatriz Caballero at (850)488-3417.

Pursuant to the provisions of 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: Beatriz Caballero at (850)488-3417. If you are 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: Beatriz Caballero at (850)488-3417, 2601-C Blair Stone Road, Tallahassee, Florida 32399-2450.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public prehearing in the following docket to which all persons are invited.

TITLE: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.
Docket Number: 090478-WS

PREHEARING CONFERENCE

DATE AND TIME: June 28, 2010, 3:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 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.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: June 29, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: The Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <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 to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: June 29, 2010, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: The Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: The Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

REGIONAL PLANNING COUNCILS

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 21, 2010, 1:00 p.m.

PLACE: Suwannee River Economic Council Meeting Room located at 114 Southwest Community Circle, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Lafayette County Transportation Disadvantaged Coordinating Board.

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.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 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 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.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 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. If you are 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 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.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 25, 2010, 10:00 a.m.

PLACE: Avon Park Air Force Range, Commanders Conference Room, 29 South Boulevard, Avon Park, FL 33825-9381

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Avon Park Air Force Range Joint Land Use Study (JLUS) Policy Committee will meet to review the JLUS Report.

A copy of the agenda may be obtained by contacting: Melissa Zerth at email: mzerth@cfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Helen Sears, Principal Planner, 555 East Church Street, Bartow, Florida 33830, (863)534-7130, ext. 124, hsears@cfrpc.org.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 30, 2010, 12:00 Noon

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Joint meeting of the Heartland 2060 Leadership Team and the Task Forces.

A copy of the agenda may be obtained by contacting: Shannon Brett, Senior Planner at (863)534-7130, ext. 132 or email: sbrett@cfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130 or psteed@cfrpc.org.

REGIONAL TRANSPORTATION AUTHORITIES

The **Tampa Bay Area Regional Transportation Authority** announces The Tampa Bay Area Regional Transportation Authority (TBARTA) announces its monthly calendar of

meetings. The TBARTA Board and its advisory committees will meet to discuss the implementation of regional transportation solutions to which all persons are invited.

DATE AND TIME: Friday, June 25, 2010, 9:30 a.m.

PLACE: Florida Department of Transportation (FDOT), District Seven Office, 11201 N. McKinley Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties. Transit Management Committee (TMC)

DATE AND TIME: Wednesday, June 16, 2010, 10:00 a.m.

PLACE: Pinellas Suncoast Transit Authority (PSTA), 3201 Scherer Dr., St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consisting of representatives of the region's transit and transportation agencies, this group advises the Board on implementation of the Master Plan.

Citizens Advisory Committee (CAC)

DATE AND TIME: Wednesday, June 16, 2010, 1:30 p.m.

PLACE: USF Connect Building, 3802 Spectrum Blvd., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This group of volunteers provides region-oriented advice to the Board from a citizen's perspective.

Additional Board subcommittee meetings will be noticed on the TBARTA website. All meetings of the TBARTA Board and its advisory committees are open to the public. These meetings are being conducted pursuant to Section 120.525, Florida Statutes and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Individuals requiring accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Brandie Miklus, Transportation Planner, (813)746-3383 at least three (3) days prior to the meeting. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status.

A copy of the agenda may be obtained by contacting: <http://www.tbarta.com> approximately three to five days prior to each meeting.

For more information, you may contact: Brandie Miklus, Transportation Planner at (813)746-3383.

METROPOLITAN PLANNING ORGANIZATIONS

The **Miami-Dade County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 15, 2010, 1:30 p.m.

PLACE: Stephen P. Clark Center, 18th Floor, Conference Room 1 (18-1), 111 N. W. 1st Street, Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- A. 5310 Grant Update
- B. Special Transportation System (STS) Update
- C. TRansportation Disadvantaged (TD) Conference
- D. Public Meeting

A copy of the agenda may be obtained by contacting: Elizabeth Rockwell at (305)375-1881.

Pursuant to the provisions of 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: (305)375-4507. If you are 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 **Hillsborough County MPO Transportation Disadvantaged Coordinating Board (TDCB)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 24, 2010, 9:15 a.m.

PLACE: The Planning Commission Boardroom, 601 East Kennedy Blvd., 18th Floor, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: A variety of subjects concerning Hillsborough County’s transportation disadvantaged community will be discussed at this regular TDCB board meeting.

A copy of the agenda may be obtained by contacting: Michele Ogilvie at ogilviem@plancom.org or (813)273-3774, ext. 317.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Michele Ogilvie at ogilviem@plancom.org or (813)273-3774, ext. 317. If you are 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: Michele Ogilvie at ogilviem@plancom.org or (813)273-3774, ext. 317.

The **Okaloosa County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 2010, 8:30 a.m.

PLACE: Ft. Walton Beach Administration Bldg., Commission Chambers, 1804 Lewis Turner Blvd., Ft. Walton Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Emergency Local Coordinating Board meeting. Action items include approval of the CTC Evaluation and approval of the annual update of the service plan.

A copy of the agenda may be obtained by contacting: www.wfrpc.org/okaloosatd.

Pursuant to the provisions of 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: Dorothy McKenzie at email: dorothea.mckenzie@wfrpc.org or call 1(800)226-8914. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Julia Pearsall at julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 1:00 p.m. (EDT)

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.

OTHER MEETINGS HELD ON JUNE 24, 2010:

12:00 Noon – 12:30 p.m. (EDT) Administration, Budget and Finance Committee – to consider the Tentative Proposed District Budget for Fiscal Year 2010-2011.

1:15 p.m. (EDT) Public Hearing on Regulatory Matters.

A copy of the agenda may be obtained by contacting: Robin Tucker, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.nwfwmd.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten at (850)539-5999. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: June 22, 2010, 1:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Committee meeting to discuss surplus lands.

A copy of the agenda may be obtained by contacting: The District at (386)362-1001 or 1(800)226-1066 (Florida only).

Pursuant to the provisions of 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: The District at (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: June 28, 2010, 1:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, Florida 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board monthly teleconference: General items of discussion.

A copy of the agenda may be obtained by contacting: Lisa Cheshire or Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida only) or on the District's website at www.mysuwanneeriver.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Water Resources Advisory Commission (WRAC)** Recreation Issues Workshop announces a public meeting to which all persons are invited.

DATE AND TIME: June 21, 2010, 5:00 p.m. – 8:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding recreation issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517, website: <http://my.sfwmd.gov/wrac>.

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

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 23, 2010, 9:00 a.m.

PLACE: Big Cypress Basin Service Center, 2660 Horseshoe Drive North, Naples, FL 34104

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business, including preliminary review of the FY 2011 Basin Budget.

A copy of the agenda may be obtained by contacting: Kathleen M. Tetrault at (239)263-7615.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kathleen M. Tetrault at (239)263-7615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued. For more information, you may contact: Kathleen M. Tetrault at (239)263-7615.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 8:00 a.m.

PLACE: Hyatt Regency, 1000 Boulevard of the Arts, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Peace River Manasota Regional Water Supply Authority will host a Regional Water Conservation Policy Summit of the local governments in the four-county region of Charlotte, DeSoto, Manatee and Sarasota counties to discuss regional conservation efforts. Authority Board members, local government elected officials and members of the Southwest Florida Water Management District's Governing Board and Basin Boards may be in attendance.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1772. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (941)316-1772.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs, Communities for a Lifetime** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 25, 2010, 9:00 a.m. – 11:00 a.m. (EDT)

PLACE: Area Agency on Aging of Palm Beach/Treasure Coast, 4400 Congress Avenue, West Palm Beach, Florida 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presenters will discuss how to develop business and community collaborations.

A copy of the agenda may be obtained by contacting: Janine R. Harris, Community Relations Manager, Communities for a Lifetime, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373 or via email: harrisj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Janine R. Harris, Community Relations Manager, Communities for a Lifetime, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2373 or via email: harrisj@elderaffairs.org. If you

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

For more information, you may contact: Janine R. Harris, Community Relations Manager, Communities for a Lifetime, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373 or via email: harrisj@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: July 14, 2010; August 11, 2010, 10:00 a.m. – 11:00 a.m. (EDT)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lisa Hong, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323 or email: hongl@elderaffairs.org (NOTE: This is a correction of the original meeting notice that was published in the 4/30/10, Vol. 36, No. 17 issue of the F.A.W.).

Pursuant to the provisions of 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: Lisa Hong, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323 or email: hongl@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lisa Hong, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2323 or email: hongl@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 17, 2010, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited. To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: Nick Blake, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://ahca.myflorida.com/SCHS/chismetings.shtml> seven (7) days prior to the meeting. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nick Blake at (850)412-3740. If you are 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: Heidi Fox at (850)412-3749.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 22, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, FL 32399 and via Conference Call: 1(888)808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to review Florida Sunshine Law compliance in relation to communications with Early Learning Information (ELIS) Project Steering Committee members.

A copy of the agenda may be obtained by contacting: Cheryl Lynn Rivers at (850)617-0655 or by accessing the Agency's Web Site at: <http://www.floridajobs.org/Events/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Workforce Innovation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 23, 2010, 10:00 a.m. – 11:30 a.m.

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, FL 32399 and via Conference Call: 1(888)808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting of the Early Learning Information System (ELIS) Project Steering Committee to review the status of the ELIS Project and to make determinations regarding the progress of the ELIS Project.

A copy of the agenda may be obtained by contacting: Cheryl Lynn Rivers at (850)617-0655 or by accessing the Agency's Web Site at: <http://www.floridajobs.org/Events/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 22, 2010, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

A copy of the agenda may be obtained by contacting: Pilotage Rate Review Board, 1940 North Monroe St., Tallahassee, FL 32399-0773.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIME: June 21, 2010, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: June 22, 2010, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Florida Real Estate Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, June 22, 2010, 8:30 a.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to bring the rule into statutory compliance addressing references to fingerprint card.

A copy of the agenda may be obtained by contacting: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

DATE AND TIME: June 18, 2010, 9:30 a.m.

PLACE: Brevard County Ag Center, 3695 Lake Drive, Cocoa FL 32396

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting for the Banana River Lagoon Basin Management Action Plan (BMAP) to discuss implementation of Total Maximum Daily Loads (TMDLs) in the Banana River Lagoon Basin. The primary topics for discussion are an overview of the allocation process and associated technical issues related to BMAP development.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8506.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Amy Tracy at (850)245-8506. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: June 18, 2010, 1:30 p.m.

PLACE: Brevard County Agricultural Center, 3695 Lake Drive, Cocoa, Florida 32926

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a technical meeting for the North Indian River Lagoon (IRL-N) Basin Management Action Plan (BMAP) to discuss implementation of Total Maximum Daily Loads (TMDLs). The primary topic for discussion will be an introduction to the development of the Monitoring Plan for the BMAP.

A copy of the agenda may be obtained by contacting: Ms. Anita Nash, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8545.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Anita Nash at (850)245-8545. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: June 25, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: Southwest Florida Water Management District, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL 34240-9711

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council Business for administering the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Natalie Balcer, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr., Osprey, Florida 34229, (941)486-2052.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Natalie Balcer, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr., Osprey, FL 34229, (941)486-2052. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

The **PCP North Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 25, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at: susan_chase@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at: susan_chase@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing** Central Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 24, 2010, 3:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 0109310#

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, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Opticianry** announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2010, 8:30 a.m.

PLACE: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL 32819, (407) 996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to the meeting date.

The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 22, 2010, 4:00 p.m. or soon thereafter; July 23, 2010, 8:00 a.m. or soon thereafter

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, FL 33142, (305)634-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: ASPPB New Member Training and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office at (850)245-4373, ext. 3482.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 22, 2010, 9:30 a.m.

PLACE: Department of Children and Families, 1055 US Hwy. 17 N., Bartow, FL 33860

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Ch. 39 Local Planning Team.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)534-7100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, DCF at (863)534-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Diane Dvorak, DCF at (863)534-7100.

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 9:00 a.m. – 3:30 p.m.

PLACE: Crowne Plaza Hotel, Orlando-Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families Advisory Committee for the Deaf and Hard-of-Hearing will meet to commence its responsibilities as outlined in the Settlement Agreement between the Department of Children and Families and the U.S. Department of Health and Human Services.

A copy of the agenda may be obtained by contacting: yasmine_gilmore@dcf.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: yasmine_gilmore@dcf.state.fl.us, (850)922-6829, (TDD) (850)922-9220. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 21, 2010, 2:00 p.m.

PLACE: Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the public meeting is to provide an opportunity to the public, including members of the Florida Retail Federation Self Insurers Fund (FRFSIF) and the OIR to solicit testimony, comments, questions and evidence with respect to a Plan of Reorganization under which FRFSIF intends to reorganize as a stock insurer that will be indirectly owned by a mutual insurance holding company. FRFSIF member attendance at the meeting is not required. In lieu of attendance, members may provide a notarized statement that will be included in the record.

A copy of the agenda may be obtained by contacting: Ernie Domondon, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0333, (850)413-2518, e-mail: ernie.domondon@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: Ernie Domondon, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-2518, e-mail: ernie.domondon@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: Ernie Domondon, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-2518, e-mail: ernie.domondon@flor.com.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology**, Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 21, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology at (850)414-3525, email: margie.rainey@myfloridalegal.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: Margie (Rainey) Drury at (850)414-3525. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Enterprise Information Technology (AEIT)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 21, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Room 225A, 4030 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enterprise Services Strategic Plan – meeting of the technical workgroup to discuss non-strategic IT services.

A copy of the agenda may be obtained by contacting: Damu Kuttikrishnan at Damu.Kuttikrishnan@aeit.myflorida.com or (850)410-2954.

Pursuant to the provisions of 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: Damu Kuttikrishnan at (850)410-2954. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION, INC.

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, June 22, 2010, 3:30 p.m.

PLACE: Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss general business of the Association.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308, (850)222-1882.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 23, 2010, 5:00 p.m.

PLACE: 720 North Denning Drive, Winter Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070 or email: lkutz@cilorlando.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).

DISABILITY SOLUTIONS FOR INDEPENDENT LIVING, INC.

The **disAbility Solutions for Independent Living, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2010, 6:00 p.m.

PLACE: 119 S. Palmetto Ave., Ste. 180, Daytona Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Board of Directors Meeting that is open to the public. Fundraising and the Expansion of Program Services at DSIL will be discussed along with the review of the fiscal reports.

A copy of the agenda may be obtained by contacting: Kristine@dsil.org or (386)255-1812 or TTY: (386)252-6222.

Pursuant to the provisions of 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: Kristine@dsil.org or (386)255-1812 or TTY: (386)252-6222. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The **Center for Independent Living of South Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, June 19, 2010, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon prior to the board meeting.

If alternative format (Braille, large print, electronic or audiotape), ASL interpreter, or other accommodation is required, please request at least 14 days in advance of the meeting date. RSVP to: email: Mary@soflacil.org or call: (305)751-8025, ext. 110, or (TDD) (305)751-8891.

A copy of the agenda may be obtained by contacting: email: Mary@soflacil.org or call (305)751-8025, ext. 110.

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 21, 2010, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tentative Special Meeting of the SSRC Board of Trustees to address any outstanding FY 09-10 issues, if necessary.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

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: 3rd Thursday of each month, 8:30 a.m.

PLACE: 14700 Immokalee Rd., Naples, FL 34120

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Business Meeting.

A copy of the agenda may be obtained by contacting: collierswcd.org.

FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY

The **Florida Alliance for Assistive Services and Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 9:00 a.m. – 1:00 p.m.

PLACE: The Embassy Suites Hotel Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142, Conference Call: 1(888)808-6959, Conference Code: 2373773#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specified on the agenda.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, 1(888)788-9216. If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact: FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

A copy of the agenda may be obtained by contacting: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, 1(888)788-9216.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, 1(888)788-9216. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tim McCann at 1(888)788-9216, ext. 100.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday June 22, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: State of Florida, The Capitol, 400 South Monroe Street, Morris Hall, Tallahassee, Florida 32399-0001, Conference Call: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The commission is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

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

agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

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

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to: commission@dms.myflorida.com.

FLORIDA CORRECTIONS ACCREDITATION COMMISSION, INC.

The **Florida Corrections Accreditation Commission, Inc.** announces a workshop to which all persons are invited.

DATE AND TIME: June 28, 2010, 3:00 p.m.

PLACE: Hyatt Regency Coconut Point Resort and Spa, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review agenda for Commission meeting and conduct other business.

A copy of the agenda may be obtained by contacting: Program Manager Jana Paulk at 1(800)558-0218.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Program Manager Jana Paulk at 1(800)558-0218. If you are 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: Program Manager Jana Paulk at 1(800)558-0218.

The **Florida Corrections Accreditation Commission, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 29, 2010, 10:30 a.m.

PLACE: Hyatt Regency Coconut Point Resort and Spa, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review agencies for accreditation and conduct other general business.

A copy of the agenda may be obtained by contacting: Program Manager Jana Paulk at 1(800)558-0218.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jana Paulk at 1(800)558-021. If you are 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: Program Manager Jana Paulk at 1(800)558-0218.

The Commission for Florida Law Enforcement Accreditation, Inc. announces a workshop to which all persons are invited.

DATE AND TIME: July 1, 2010, 8:30 a.m.

PLACE: Hyatt Regency Coconut Point Resort and Spa, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review agenda for Commission meeting.

A copy of the agenda may be obtained by contacting: Program Manager Debbie Moody at 1(800)558-0218.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Program Manager Debbie Moody at 1(800)558-0218. If you are 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: Program Manager Debbie Moody at 1(800)558-0218.

The Commission for Florida Law Enforcement Accreditation, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2010, 1:30 p.m.

PLACE: Hyatt Regency Coconut Point Resort and Spa, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review agencies for accreditation and conduct other general business.

A copy of the agenda may be obtained by contacting: Program Manager Debbie Moody at 1(800)558-0218.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Program Manager Debbie Moody at 1(800)558-0218. If you are 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: Program Manager Debbie Moody at 1(800)558-0218.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 26, 2010, the Board of Physical Therapy Practice has received the petition for declaratory statement from Bruce R. Wills. The petition seeks the agency's opinion as to the applicability of Section 486.021(11), Florida Statutes, as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 486.021(11), Florida Statutes, concerning referrals from other practitioners.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida A & M University (FAMU), announces that construction management services will be required for: Project No.: FM-318, Rural Diversity Healthcare Center, Crestview, Florida

The facility was constructed in 1937 as a manufacturing plant building. The textile facility assisted the area economy during the post depression era and produced various items including military clothing during WWII. This project consists of the design and renovations of 39,200 gsf of space into teaching labs, classrooms and offices. The university design solutions will involve the restoration of the historical aspects of the building, while redesigning the building's interior square

footage into classrooms, teaching labs and offices for the professional schools of Nursing, Allied Health Sciences and Pharmacy. Construction Budget \$7,000,000.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, the latest documentation prepared by the project architect/engineer and a description of the final interview requirements. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed FAMU "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of

\$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.

The FAMU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Samuel Houston, Director of Planning, Office of Facilities Planning and Construction by E-Mail: samuel.houston@famuedu.edu and/or Ph: (850)599-8001, FAX: (850)561-2289.

Eight (8) ring, comb or coil/spiral (no hard, solid or tack) bound copies of the required proposal data shall be submitted to: Samuel J. Houston, Director of Planning, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307.

Submittals must be received in the Facilities Planning and Construction Office by 11:00 a.m. (Local Time), July 22, 2010. Facsimile (FAX) or E-Mail submittals are not acceptable and will not be considered.

NOTICE TO DESIGN BUILDERS

The University of Central Florida announces that Design Build Services will be required for the project listed below:

Project No.: UCF-551, Project and Location: Classroom Building II, Main Campus, University of Central Florida 32816-3020

Project Description: The project consists of the new construction of the Classroom Building II with ROTC on the main campus of the University of Central Florida, Orlando, Florida. The new construction will consist of approximately 91,464 GSF.

The selected Design Build (DB) team will provide design, construction documents, and construction administration services with a two (2) year warranty. The new building is to consist of:

Classrooms: 36,143 NSF; Research Labs: 1,500 NSF; Auditorium: 12,000 NSF; Offices: 10,000 NSF Support: 4,000 NSF

Total 63,643 net square feet 91,464 gross square feet

Major building systems, including mechanical and the building envelope, will be commissioned by an independent consultant, with whom the Design Builder shall plan and coordinate its efforts. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the US Green Building Council is a mandatory minimum. The proposed team shall include at least one LEED-certified design professional and one LEED-certified field construction professional that will work with the university's LEED administration.

Conceptual and advanced schematic design phases shall take place at the University of Central Florida employing an interactive style format. The design team shall prepare graphic illustrations of design concepts for review and will participate in the presentation of those concepts.

The total project budget for this project is \$23,475,601, which includes planning, construction, and furniture and equipment.

The contract for design build services will consist of two phases. Phase One is for pre-construction services, for which the design builder will be paid a fixed fee. Phase One services include value engineering, constructability analyses, and development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. The Design Builder is the single point of responsibility for performance of the design and construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design builder's contract.

Selection of finalists for interviews will be made on the basis of the design builder's qualifications, including experience and ability, past experience, bonding capacity, cost estimating, and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the final interview requirements, a copy of the University of Central Florida Design and Construction Standards, and the University of Central Florida Design Build agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Carefully review the Design Build Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement. Please note that the University of Central Florida will not compensate for lodging, food, or travel associated with this project.

Firms desiring to provide design build services for the project shall submit a letter of application and a completed University of Central Florida "Design Builder Qualifications Supplement." Proposals must not exceed 40 pages, including the Design Builder Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a design build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design build firm must warrant that it will neither

utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The University of Central Florida Design Builder Qualifications Supplement forms and the Project Fact Sheet which contains the Selection Criteria may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, Phone: (407)823-2166, Fax: (407)823-5141, Email: gseabroo@mail.ucf.edu or on our website: www.fp.ucf.edu.

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 4:30 p.m. (Local Time), Friday, July 23, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted. This project is contingent on the availability of funds.

NOTICE TO ARCHITECTS AND CONSTRUCTION MANAGERS

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services in the disciplines of architecture and construction management will be required for the project listed below:

Project No.: UCF-554 and Location: Interdisciplinary Research Incubator Facility, University of Central Florida, Orlando, Florida.

The projects consist of the design and construction of a new facility. The space categories to be designed and constructed are as follows:

Classroom: 16,835 NSF; Research Labs: 33,570 NSF; Offices: 16,835 NSF

Total 67,240 net square feet and 101,010 gross square feet

The combined project cost will be approximately \$45,700,836 depending on approval of funding for planning, construction and furnishings/equipment. The total project budget includes planning, construction and furniture and equipment. There will be two (2) separate contracts for this project, one for the Architect (A/E) and one for the Construction Manager (CM).

FORM OF PROPOSALS

It is the University's intention to have professionals in the disciplines of architecture and construction management to submit proposals separately one for architect and one for construction manager. Proposal reviews, selection and interviews will be conducted separately.

This facility will be the in the early planning phase in the fiscal year 2010-11. The selected architect and construction manager will provide program verification, design, construction documents, and administration for the referenced project.

Blanket professional liability insurance for the Architect/Engineer will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), July 23, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

The selection committee members have elected not to meet with proposed firms. Please do not contact the selection committee.

INSTRUCTIONS FOR ARCHITECT AND CONSTRUCTION MANAGEMENT

Architects and Construction Management firms desiring to apply for consideration must include a letter of application and should have attached:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 7/03, completed by the applicant. Do not alter the PQS form.
2. A copy of the firm's current Professional Registration Certificates from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. The most recent version of the Florida Board of Education "Revised Construction Manager Qualifications Supplement" (CMQS) dated 02/02. Do not alter the CMQS form.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist for interviews will be made on the basis of architect/engineer and construction manager qualifications separately, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants; and ability to include minority business enterprise participation. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The plans and specifications for Florida Board of Education projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor,

or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Carefully review the Architect/Engineer, Construction Management Contract and General Condition's documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement. Please note that the University of Central Florida will not compensate for lodging, food, or travel associated with this project.

INSTRUCTIONS FOR CONSTRUCTION MANAGERS

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

CONSTRUCTION MANAGEMENT CONTRACT

The contract for construction management services will consist of pre-construction services only, for which the construction manager will be compensated. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and a cost estimate at 100% Construction Documents. Availability of funds will determine the termination of the construction manager's contract at the end of pre-construction services. The University reserves the right to continue on with the GMP or re-advertise.

Project Fact Sheet contains the selection criteria, which is the primary basis for determining the shortlist. The Project Fact Sheet, Professional Qualifications Supplement forms, Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu, or the Facilities Planning Web site: www.fp.ucf.edu under the heading advertisements.

ADVERTISEMENT FOR BIDS

Elevator Maintenance

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the School Board of Pinellas County, Florida 301 – Fourth Street S.W., Largo, Florida 33770-3536, until 3:00 p.m. (Local Time), June 21,

2010, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below. Elevator Maintenance Bid #10-968-329 County Wide.

SCOPE OF PROJECT: The purpose and intent of this invitation to bid is to select one (1) elevator contractor who is OEM certified and OEM trained to provide preventative maintenance (PM) services to elevators on a monthly schedule at various locations, county wide and who will deliver and install parts and provide emergency repair service.

LICENSING REQUIREMENTS: All contractors must possess any applicable licenses required for this type of work per the State of Florida Department of Business and Professional Regulation; Division of Hotels and Restaurants, and Pinellas County Construction Licensing Board.

PRE-BID CONFERENCE: A pre-bid conference will be held at Walter Pownall Service Center, 11111 S. Belcher Road, Cypress Room on June 14, 2010, 10:00 a.m. (Sign-in at the front desk, and you will escorted to the pre-bid room for the "official: sign-in. Attendance at this pre-bid conference is **MANDATORY** in order for all potential bidders to receive the benefit of answers to theirs and other's technical questions first hand. If you are not the prime bidder but are attending on behalf of someone else, please make note of this when signing the attendance roster where indicated. We apologize for any inconvenience this may cause you, but it is imperative that all information be disseminated in a public forum with all potential bidders present to minimize confusion or misunderstandings. Additions or changes to the original bid documents resulting from this conference of a material nature, will be documented in the form of written addenda and distributed to all attendees. Please note that if you are late to this mandatory pre-bid conference you will not be eligible to sign the attendance roster and therefore may not submit a bid. You may still, however, attend the conference if you wish. Purchasing Department, 301 Fourth Street, S. W., Largo, Florida 33770, (727)588-6149, (727)588-6129 (Fax).

The Owner reserves the right to reject all bids. **BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA DR. JULIE M. JANSSEN, ED. D JANET R. CLARK SUPERINTENDENT OF SCHOOLS CHAIRMAN AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD MARK C. LINDEMANN DIRECTOR, PURCHASING.**

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."

METROPOLITAN PLANNING ORGANIZATIONS**REQUEST FOR PROPOSALS
TO PROFESSIONAL CONSULTANTS**

The Pinellas County Metropolitan Planning Organization (MPO) request that qualified consultants submit Proposals for consideration in the competitive selection of professional transportation planning services on the following project:

PROJECT: GENERAL PLANNING CONSULTANTS (GPC)

The MPO requires the services of one or more Consultants to provide production support to the MPO transportation planning activities set forth in the Unified Planning Work Program (UPWP). The MPO receives grant funding from the Federal Highway Administration, the Federal Transit Administration, the Florida Department of Transportation and the Florida Commission for the Transportation Disadvantaged. The length of contract is three years with three one-year options for renewals. The maximum contract value for each selected consultant is \$1.5 million. The work involves providing assistance to the MPO staff on a work assignment basis in a variety of technical, graphical, public involvement and product review activities. The Consultant(s) shall assist the MPO staff by providing additional resources to accomplish assignments authorized by the MPO. The Scope of Services outlines tasks that may be assigned to Consultant(s) under one or more general planning Consultant contracts. Consideration will be given to only those firms that have been prequalified by the FDOT to perform the indicated MAJOR Type(s) of Work.

MAJOR TYPE OF WORK:

- 13.3 Policy Planning
- 13.4 Systems Planning
- 13.5 Subarea/Corridor Planning
- 13.6 Land Planning/Engineering
- 13.7 Transportation Statistics

SCOPE OF SERVICES:

- A. Public Participation (UPWP Task 2.1): Consultants will assist the MPO with public outreach activities. Work may include organizing and facilitating public workshops and meetings, identifying potential stakeholders, production of professional quality graphics, displays, publications and PowerPoint presentations and implementation of surveys and analysis of results. Consultants will assist MPO staff in complying with state and federal requirements by incorporating visualization techniques into their work products.
- B. Land Use and Socioeconomic Data Activities (UPWP Task 3.1): Work related to this task includes the monitoring of transportation-related socioeconomic, school enrollment and land use data variables on a continual basis to support the update and amendments to the MPO's Long Range Transportation Plan (LRTP) and local governments' comprehensive plans so that the Tampa Bay Regional Demand Model and other models

developed for specific projects can project future travel demand conditions in the most accurate manner possible. Consultant resources may be utilized in soliciting and collecting data items through various sources; developing zonal data for the MPO's LRTP regional model validation; assisting FDOT in the development of a dynamic Tampa Bay Urban Land Use Allocation Model to be used in socioeconomic data development; and continuing to facilitate involvement of the Pinellas County School Board and Pinellas County Economic Development staff as well as municipal representatives in developing the aforementioned data.

- C. Transportation System Surveillance and Database Management (UPWP TASK 3.2): Work activity anticipated in this task includes all of the data collection, transportation system monitoring and transportation database management activities needed to support the MPO Program. Consultant resources may be used to assist the MPO in all aspects of its system monitoring activities including its ongoing efforts to refine socioeconomic data such as future employment, school enrollment, and seasonal population data. Consultant tasks may also include data collection to assess the performance and operations of the transportation facilities and services, such as traffic counts using Survey Processing Software, accident data, vehicle occupancy data, trail usage surveys, and other related activities. The Consultant may be utilized to assist with some of the related tasks such as the implementation of the Congestion Management Process (CMP), Safety and annual Level of Service Reports.
- D. Financial Resource and Legislative Management (UPWP TASK 3.3): Work activity anticipated in this task includes the identification and evaluation of existing transportation funding sources to ensure availability of funds necessary for the development and implementation of both long and short-range transportation programs. Additional tasks may include, but are not limited to; analysis of legislative proposals; periodic reports to the MPO; developing position statements; and communications with state and federal legislators and regulatory officials.
- E. Congestion Management Process (UPWP TASK 4.1): Consultants may be used to assist the MPO with the update and implementation of the federal and state mandated CMP including the development of corridor plans for congested roadways/sub-areas, State of the System Report updates; review, evaluation, and refinement of performance measures; continuing monitoring and evaluation of the effectiveness of implemented strategies; assistance with the Regional CMP activities (and integration of congestion and concurrency management strategies through provision of technical support to local governments.)

- F. Miscellaneous Technical Studies (UPWP TASK 4.2): The activities associated with this task are included in the MPO's Unified Planning Work Program as studies that are prompted on short notice as the result of a special need identified during the course of carrying out the metropolitan planning program. Illustrative tasks may include special trip generation studies, technical support to other transportation agencies, review and analysis of other planning studies, etc.
- G. Transit Operations Planning (UPWP TASK 4.3): Consultants may be used to assist the MPO and the Pinellas Suncoast Transit Authority with transit operations planning activities including an update to the Ten-Year Transit Development Plan for the PSTA, assistance with transit corridor planning studies, development of service plans for new transit corridors and under performing routes, route analysis, assistance with promotional and public involvement activities, and implementation of transit-friendly design standards. Consultants may also be utilized to provide services to the FDOT District 7 Public Transportation Office and regional transit planning authorities in their efforts to develop and update public transportation programs and plans for Pinellas County, West Central Florida and the Tampa Bay region.
- H. Transportation Disadvantaged Planning (UPWP TASK 4.4): Consultant tasks may include evaluating services to the transportation disadvantaged population to ensure adequacy of service and compliance with applicable federal and state rules. Tasks may include, conducting the annual Community Transportation Coordinator evaluation, update of the TD Program Service Plan and Tri-County Access Plan, evaluating and implementing, where feasible, strategies to provide more cost-effective transportation services to the TD Program customers, including Medicaid consumers. Work may also include on-site TD, Job Access Reverse Commute and New Freedom program provider inspections.
- I. Pinellas Mobility Initiative Planning (UPWP TASK 4.5) Consultants may be used for premium transit planning activities associated with Federal Transit Administration Small Starts and New Starts initiatives. Premium transit may include Bus Rapid Transit and fixed guideway technologies. Tasks may include FTA grant application development, ridership forecasting, route and station planning, feasibility studies, technology analysis, capital resource assessment, operations and maintenance planning, etc.
- J. Bicycle and Pedestrian Planning Program (UPWP TASK 4.6): Consultant tasks may include planning efforts relative to trails, inter/intra-county transportation activities, bike amenities, cross streets, sidewalk and pedestrian improvements, enhanced bicycle amenities and implementation of the MPO Bicycle and Pedestrian LRTP Policies. Consultant tasks may also include planning and implementation of education, safety and awareness strategies for bicyclist, pedestrians and motorists. Usage studies for off-road facilities may be conducted as well.
- K. Management and Operations Planning (UPWP TASK 4.7): Consultant tasks may include work associated with the Advanced Transportation Management System (ATMS) plan for Pinellas County that is consistent with federal Intelligent Transportation System requirements. Consultant resources may also be utilized to assist the MPO and its advisory committees in developing and implementing ITS strategies affecting various travel modes. Development of short-range transportation system management strategies.
- L. Transportation Demand Management Planning (UPWP TASK 4.8): Consultant tasks may include assisting the MPO in the implementation and integration of Transportation Demand Management (TDM) programs and strategies to discourage the use of single-occupant vehicle trips, encourage transportation alternatives (e.g., car pooling, riding the bus, telecommuting, bicycling, and walking), reduce congestion and improve air quality in Pinellas County.
- M. Local Government Comprehensive Plan Coordination, Technical Assistance and Livable Communities Planning (UPWP TASK 4.9): This task includes activities associated with the MPO's technical support to the local governments in the development and implementation of local comprehensive plans, concurrency management systems, livable communities initiatives, the Countywide Mobility Plan, etc. Consultant tasks may include the provision of data and technical support to local governments in carrying out their comprehensive planning responsibilities for transportation and other related elements. The consultant may also provide assistance, as requested, to local governments in the development of transportation concurrency strategies, review of traffic impact studies and livable community land development standards.
- N. Transportation Improvement Program Development and Maintenance (UPWP Task 5.1): This task involves the development of a Transportation Improvement Program (TIP) document that meets federal and state metropolitan planning requirements used in identifying federal, state, and locally funded transportation projects consistent with the MPO LRTP and ensuring that modifications and/or amendments to the adopted TIP will be coordinated with local Comprehensive Plans.
- O. Long Range Transportation Plan Maintenance and Update/Air Quality Planning (UPWP Task 6.1) This task involves work with the ongoing maintenance and update of the LRTP in accordance with the federal and state requirements. Tasks may include both long-range and

short-range strategies and actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. Those tasks may include travel demand modeling support for project development and environmental studies and update of travel demand models; technical support to conduct the Efficient Transportation Decision Making (ETDM) planning process and to evaluate potential sociocultural effects of projects including social, economic, land use, mobility, aesthetics, and relocation. Technical support may also include development of a fiscally constrained financial plan that demonstrates how the adopted transportation plan can be implemented by relating the cost/revenue information to year of expenditure, and highlighting the requirements for classification of major projects (regarding their monetary threshold and the development of a Project Management Plans). Support may also be sought to develop LRTP public participation outreach material. Technical support may include the compilation of all the information produced through the LRTP development and public involvement processes to draft the final report of the LRTP update for adoption and submittal to the state and federal agencies. This task also includes activities associated with county and region-wide air quality planning. Support may include review of the Pinellas County Emissions Inventory for ozone precursors and greenhouse gases in coordination with the Pinellas County Air Quality Division, Department of Environmental Management and the Florida Department of Environmental Protection. Monitor VMT and mobile source emissions; trends on vehicle type, fuel usage, and air toxics in coordination with the Pinellas County Division of Air Quality. Development of a conformity report.

- P. Regional Planning (UPWP Tasks 7.1 and 7.2) This task involves activities associated with regional transportation planning including work on the update or amendment of the West Central Florida MPOs Chairs Coordinating Committee regional long range transportation plan, transit plan, multi-use trail element, public participation plan, congestion management process, etc. The consultant may need to coordinate with staff from regional planning and transit agencies, Citrus County, the Polk County TPO and MPOs from Sarasota/Manatee, Pasco, Hernando and Hillsborough. This task may also involve the production of print materials for regional purposes, such as brochures, newsletters, summaries, etc.

This RFP will be conducted pursuant to the provisions of Section 287.055, F.S., and 49 USC Sections 5303, 5309, 5316 and 5317. State of Florida, Federal Highway Administration and Federal Transit Administration terms will be incorporated into the GPC contracts with the MPO.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), F.S., and must be determined by the MPO and the FDOT as qualified to do business in Florida and qualified to perform the advertised work requirements.

Lobbying of MPO employees and elected officials regarding this RFP by any member of a Proposer's staff, or those people who are members of, or employed by, any legal entity affiliated with an organization that is responding to the RFP is strictly prohibited. Such actions may cause your proposal, or the proposal you are supporting, to be rejected.

SUBCONSULTANT OPPORTUNITY: Subconsultants that are not pre-qualified by the FDOT shall be subject to compensation restrictions as specified in Chapter 14-75, F.A.C. Any such subconsultant utilized must be technically qualified by the FDOT before work may commence. Preference points will be given in the technical proposal evaluation for certified DBE consultants and non-DBE consultants who propose certified DBE subconsultants.

NOTIFICATION OF CRIME CONVICTION: Each applicant shall notify the FDOT within 30 days after a conviction of a contract crime applicable to it or any officers, directors, executive, shareholders active in management, employees, or agents of its affiliates. Under Section 337.164, F.S., the privilege of conducting business with the FDOT shall be denied to applicants so convicted until such applicant is properly reinstated pursuant to Section 337.165, F.S., and Chapter 14-75, F.A.C.

FEDERAL DEBARMENT: By signing and submitting a Letter of Response, the consultant certifies that no principal (which includes officers, directors, or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any federal department or agency.

EQUAL OPPORTUNITY AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAM STATEMENT:

The MPO does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, as amended 42 USC 2000d to 2000d-4, and Title 49 CFR, Part 21, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any MPO program or activity. In addition, no person shall be discriminated on the basis of sexual orientation, in accordance with Pinellas County Code Chapter 70, as amended. The MPO ensures, in accordance with 49 CFR Part 26, that certified FDOT Disadvantaged Business Enterprise Program (DBE) participants have an equal opportunity to receive and participate in DOT assisted contracts. More information on the MPO's DBE Program may be found at: www.pinellascounty.org

TO RESPOND: Firms, qualified to conduct business in the State of Florida, are asked to submit five copies of the Proposal to the MPO office and copy to the FDOT office by 4:30 p.m. (EST), Friday, July 9, 2010. The outside of the envelope containing the Proposal must be marked "PROPOSAL TO PROVIDE GENERAL PLANNING CONSULTANT SERVICES TO THE PINELLAS COUNTY MPO". The MPO will accept no responsibility for proposals not so marked. Proposals are to remain in effect for 90 calendar days from the date of submission. The MPO reserves the right to reject any and all proposals.

Requests for clarification of the requirements or inquiries about information contained in the RFP package must be submitted to: Linda Manoleros at lmanoleros@pinellascounty.org by 4:30 p.m. (EST), June 25, 2010. Responses to all questions will be posted at one time by 4:30 p.m., June 29, 2010, on the MPO GPC RFP webpage at: www.pinellascounty.org/mpo/gpcrpf.htm.

The complete Request for Proposals (RFP) packet can be obtained from the MPO website: www.pinellascounty.org/mpo/gpcrpf.htm or from the address listed below.

Mail five copies to the MPO:

Linda Manoleros
Pinellas County Metropolitan
Planning Organization
600 Cleveland St., Suite 750
Clearwater, FL 33755

E-MAIL: lmanoleros@pinellascounty.org

PHONE: (727)464-8200

Mail one copy to FDOT:

The Florida Department of Transportation, District 7
Attn.: Brian Beaty, MS 7-500
Government Liaison
11201 North McKinley Drive
Tampa, FL 33612

SELECTION PROCESS: From the received Proposals, a Selection Committee consisting of MPO and FDOT staff shall develop a shortlist of qualified firms. Shortlisted firms will be notified by e-mail by 4:30 p.m., August 4, 2010. The selection committee reserves the right to ask for oral presentations from shortlisted firms. Firms will be ranked based upon their understanding of requested services, project approach, technical strength, unique concepts, experience, quality control methods and DBE status. The committee will present their selection to the MPO Board for their approval at September 8, 2010, meeting.

SCHEDULE: The proposed schedule for this RFP is as follows:

RFP ISSUED: June 11, 2010

Questions/Clarifications received by 4:30 p.m., June 25, 2010

Response to questions posted: June 29, 2010

RFP Proposals due to MPO by: 4:30 p.m., July 9, 2010

Selection Committee meets to shortlist RFPs: August 3, 2010 tentative.

Shortlisted firms notified by email: August 4, 2010 tentative.

Section Committee meets, presentations may be asked for: August 17, 2010 tentative.

Recommendation submitted to MPO Board: September 9, 2010.

Contract Executed and Notice to Proceed: October 13, 2010

The MPO reserves the right to change the above schedule as necessary. Any changes will be posted on the RFP website.

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS DESIGN CONSULTANT SERVICES FOR SYSTEMWIDE TRAFFIC MONITORING STATIONS

Project No.: 599-511, Contract No.: 000716

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of Systemwide Traffic Monitoring Stations identified as Project No.: 599-511, Contract No.: 000716.

Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been pre-qualified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Consultants shall be pre-qualified by FDOT in the following work groups: 6.3.1, Intelligent Transportation Systems Analysis and Design; 6.3.2, Intelligent Transportation Systems Implementation; 6.3.3, Intelligent Transportation Systems Traffic Engineering Systems Communications. Use of subconsultants to perform major types of work will not be allowed.

ADDITIONAL TYPES OF WORK REQUIRING PRE-QUALIFICATION: Consultants may use pre-qualified subconsultants for the following work groups: 8, Survey and Mapping; 9, Soil Exploration, Material Testing and Foundations; 12, Right of Way Survey and Mapping.

DESCRIPTION: These services include the design of a systemwide deployment of radar-based Traffic Monitoring Stations that provides:

- Full coverage of each interchange ramp
- Redundant coverage of the expressway mainline at each interchange
- Redundant coverage of each mainline toll plaza
- Redundant coverage of the expressway mainline between each interchange

It is estimated that approximately 475 sensor sites will be required to provide full system coverage.

The selected consultant and its subconsultants, if any, shall not enter into any other contract with the Authority during the term of the Contract which would create or involve a conflict of interest with the services to be provided.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. **Firms Experience** – Details of specific experience for at least three (3) projects, similar to those described above that involve radar-based traffic sensor design, civil support for ITS design, and power and communications design completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. **Personnel Experience** – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have at least five (5) years of experience administering similar types of consultant contracts;
3. **Project Team** – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. **Prequalification Documentation** – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. **Office Location** – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may cause for rejection of the package as non-responsive. **SELECTION / NEGOTIATIONS:** The Authority’s Evaluation Committee will shortlist firms based on its evaluation and scoring of the Letters of Interest and qualifications information received. Scoring of the submittals will be as follows: Firms Experience – 25 points; Personnel Experience – 30 points; Project Team – 25 points; Prequalification Documentation – 10 points; Office Location – 10 points. The three (3) firms with the highest point totals will be shortlisted. More than 3 firms may be shortlisted at the Committee’s option. If less than 3 firms submit responses, the Authority, at its sole discretion, may elect to continue the selection process or re-advertise the project.

Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation. The Authority will provide the shortlisted firms with a Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Evaluation Committee based on

the Technical Proposal and oral presentation. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority’s Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

June 25, 2010, 1:30 p.m. (Orlando Local Time)

AUTHORITY CONTACT PERSON:

Mr. Robert Johnson
 Manager of Procurement
 Telephone: (407)690-5372

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
 4974 ORL Tower Road
 Orlando, FL 32807

Re: Consultant Services for Design of Systemwide Traffic Monitoring Stations
 Project No. 599-511
 Contract No. 000716

ORLANDO-ORANGE COUNTY EXPRESSWAY
 AUTHORITY
 Claude Miller
 Director of Procurement

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 XII
Miscellaneous**

DEPARTMENT OF STATE

The Bureau of Historic Preservation of the Florida Department of State announces the availability of forms for application for designation as a 2010 Main Street Community. A maximum of three communities will receive Florida Main Street Designation in 2010. Complete applications must be delivered to: Florida Main Street Program, R. A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250, no later than 5:00 p.m. or postmarked and mailed or submitted (with evidence) to an express mail service on or before 12:00 midnight July 30, 2010. Applications are available by contacting: Ms. Joan Jefferson, Florida Main Street Coordinator, at the above address of by calling 1(800)847-7278.

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTION 163.3177(2), FLORIDA STATUTES
DCA DOCKET NO.: 01-03**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Alachua County School Board the City of Archer, pursuant to Section 163.3177, F.S., to be consistent with the minimum requirements of Sections 163.3177(2), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Archer, 16870 S. W. 134th Avenue, Archer, Florida 32618-0039.

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 the: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Alachua County School Board and the City of

Archer. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

DEPARTMENT OF LAW ENFORCEMENT

**Notice of Application for Federal Funds and
Funding Availability**

The State of Florida, Department of Law Enforcement (FDLE), Office of Criminal Justice Grants will be submitting an application to the United States Department of Justice, Bureau of Justice Assistance, for \$19,268,732 in Federal Fiscal Year 2010 funds made available under Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Section 500 as amended.

A copy of the application will be available for review and comment by the public at FDLE, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308. Interested parties should contact the Office of Criminal Justice Grants at (850)617-1250 to obtain a copy of the application for review.

If the Bureau of Justice Assistance approves this application, units of local government will be eligible to receive subgrants from the Department of Law Enforcement. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political

subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

Chapter 11D-9, Florida Administrative Code, governs program administration and funding. Local governments should thoroughly review rule provisions before applying for subgrant funds.

FDLE has mailed a notice of funding availability to the chief official of each county. The notice states the amount of funds available to the county and includes information about the application process.

Questions regarding FDLE's application and the funding process should be directed to Clayton Wilder, Administrator of the Office of Criminal Justice Grants, FDLE, at (850)617-1250.

DEPARTMENT OF TRANSPORTATION

Site Approval-North Bay Hospital Heliport

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

North Bay Hospital Heliport, a private airport, in Pasco County, at Latitude 28° 15' 20" and Longitude 82° 42' 50", to be owned and operated by Morton North Bay Hospital, 6600 Madison Street, New Port Richey, FL 34652.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, phone: (850)414-4514, email: aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA, Co., Ltd., intends to allow the establishment of My Car Connection, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Jmstar Motorcycle Co., Ltd. (JMST) at 5500 Northwest 15th Street M3, Margate (Broward County), Florida 33063, on or after June 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of My Car Connection, Inc. are dealer operator(s): D. Nathan Bzalel, 550 Northwest 15th Street M3, Margate, Florida 33063; principal investor(s): D. Nathan Bzalel, 550 Northwest 15th Street M3, Margate, Florida 33063.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Darrell Green, Jonway Motorcycles USA Co., Ltd., 1503 Kelly Boulevard, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA, Co., Ltd., intends to allow the establishment of My Car Connection, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd. (SHEN) at 5500 Northwest 15th Street M3, Margate (Broward County), Florida 33063, on or after June 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of My Car Connection, Inc., are dealer operator(s): D. Nathan Bzalel, 550 Northwest 15th Street M3, Margate, Florida 33063; principal investor(s): D. Nathan Bzalel, 550 Northwest 15th Street M3, Margate, Florida 33063.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Darrell Green, Jonway Motorcycles USA Co., Ltd., 1503 Kelly Boulevard, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Group International, LLC, intends to allow the establishment of S & E Group, Inc., d/b/a Golf Car Depot as a dealership for the sale of low-speed vehicles manufactured by Tomberlin Automotive Group (TOMB) at 4334 Land O' Lakes Boulevard, Land O' Lakes (Pasco County), Florida 34639, on or after June 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of S & E Group, Inc., d/b/a Golf Car Depot are dealer operator(s): Martin Luster, 4334 Land O' Lakes Boulevard, Land O' Lakes, Florida 34639; principal investor(s): Martin Luster, 4334 Land O' Lakes Boulevard, Land O' Lakes, Florida 34639.

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: Elinore Hollingsworth, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION

PETITION TO MERGE THE WESTCHASE COMMUNITY DEVELOPMENT DISTRICT AND THE WESTCHASE EAST COMMUNITY DEVELOPMENT DISTRICT

On April 5, 2010, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a Petition to merge the Westchase Community Development District and the Westchase East Community Development District. The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this Petition.

SUMMARY OF CONTENTS OF PETITION: The Petition filed by the Westchase Community Development District ("Westchase CDD") and the Westchase East Community Development District ("Westchase East CDD"), requests the merger of same. On January 5, 2010, the Board of Supervisors for the Westchase CDD and the Westchase East CDD each adopted resolutions approving a merger agreement. The merger agreement, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The merger agreement is contained as Exhibit A to the Petition. Westchase CDD currently covers approximately 741 acres of land located entirely within Hillsborough County, Florida. Westchase East CDD currently covers approximately 972 acres of land located entirely within Hillsborough County,

Florida. General location maps are contained as Exhibit 2 to the Petition. Pursuant to Section 190.046(3), F.S., the approval of a Merger Agreement and Petition by the Districts' Board of Supervisors constitutes consent of the landowners within the Districts. Westchase CDD will be the surviving District and the development plan that exists today will remain the same.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the Petition to merge the Westchase CDD and the Westchase East CDD. The complete text of the SERC is contained as Exhibit 8 to the Petition. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under Section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing Section (a), the proposed merged District, the State of Florida and its residents, Hillsborough County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under Section (b), FLWAC and the State of Florida will incur administrative costs. Hillsborough County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the proposed merged District. There is a filing fee paid to Hillsborough County to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Westchase CDD and the Westchase East CDD will not have a negative impact on State and local revenues. Addressing Section (c), the Westchase CDD and Hillsborough County will continue to have responsibility for the operation and maintenance of public infrastructure originally funded by Westchase and Westchase East CDDs. However the responsibilities of Hillsborough County will remain unchanged following the merger. All properties within the proposed merged District will be encumbered with obligations to pay for public infrastructure and operations and maintenance expenses incurred by the proposed merged District. Assessments securing repayment of previous bond issuances will not be affected by the merger of the Districts. Under Section (d), approval of the Petition to merge the

Westchase CDD and the Westchase East CDD will have no impact on small businesses. The Petition to merge the Districts will not have an impact on small counties as Hillsborough County is not a small county as defined by Section 120.52, F.S. Under Section (e), the merger is expected to lead to the reduction or elimination of redundant meetings, paperwork, and expenses and is expected to produce direct cost savings to the proposed merged District. The proposed merged District will likely be able to reduce its non-ad valorem assessment collections and still achieve its goal of providing appropriate public infrastructure facilities and services.

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

DATE AND TIME: Thursday, September 30, 2010, 1:00 p.m.

PLACE: Upper Tampa Bay Regional Library
(Hillsborough County)
Conference Room
12111 Countryway Boulevard
Tampa, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Erin McCormick Larrinaga, Fowler White Boggs, Post Office Box 1438, Tampa, Florida 33601, (813)228-7411 at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the Petition may be obtained by contacting: Erin McCormick Larrinaga, Fowler White Boggs, Post Office Box 1438, Tampa, Florida 33601, (813)228-7411, or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- County: Pasco District: 5
ID # E1000007 Decision: A Issue Date: 4/26/2010
Facility/Project: Morton Plant North Bay Hospital
Applicant: Morton Plant Hospital Association, Inc.
Project Description: Addition of six child/adolescent inpatient psychiatric beds
Proposed Project Cost: \$273,500.00
- County: Pasco District: 5
ID # E1000008 Decision: A Issue Date: 4/26/2010
Facility/Project: Morton Plant North Bay Hospital
Applicant: Morton Plant Hospital Association, Inc.
Project Description: Establish a 56-bed adult inpatient psychiatric unit
Proposed Project Cost: \$2,552,667.00
- County: Orange District: 7

ID # E1000009 Decision: A Issue Date: 5/28/2010
 Facility/Project: University Behavioral Center
 Applicant: University Behavioral, LLC
 Project Description: Addition of eight child/adolescent inpatient psychiatric beds
 Proposed Project Cost: \$12,800.00

County: Bay District: 2
 ID # E1000010 Decision: A Issue Date: 5/28/2010
 Facility/Project: Sea Breeze Health Care
 Applicant: Gulf Coast Health Care Associates, LLC
 Project Description: Construct a 120-bed replacement nursing home within three miles of the existing site
 Proposed Project Cost: \$10,000,000.00.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF AVAILABILITY

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT
 DADE CITY, FLORIDA**

The Department of Environmental Protection has determined that Dade City's proposed rehabilitation and replacement of lift stations, a new force main, and the rehabilitation of the existing wastewater treatment facility will not have a significant adverse affect on the environment. The total project cost is estimated at \$5,970,400. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8358.

NOTICE OF AVAILABILITY

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
 City of Newberry**

The Florida Department of Environmental Protection has determined that the City of Newberry's project involving constructing a new water supply well and pumping system, a new sodium hypochlorite injection system, and adding a new chlorine detention tank will not adversely affect the environment. The total cost of the project is estimated to be \$957,455. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Josh Thomas, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-7546.

**NOTICE OF AVAILABILITY
 ORLANDO, FLORIDA**

The Department of Environmental Protection has determined that Orlando's proposed wastewater management facilities will not have a significant adverse impact on the environment. The total construction cost is estimated at \$75,000,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bryan Goff, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

Notice of Routine Program Change Request

A routine request to update the approved Florida Coastal Management Program (FCMP) has been submitted to the federal Office of Ocean and Coastal Resource Management (OCRM), of the National Oceanic and Atmospheric Administration (NOAA). The Department of Environmental Protection has determined that the proposed program changes are a routine program change as defined by 15 CFR 923.84. This routine program change will incorporate relevant statutory changes to the referenced statutes enacted by the Florida Legislature during the 2009 legislative session, which are included in the FCMP. These proposed changes seek to update all statutes which are part of the list of statutes that make up the FCMP, available at: http://www.dep.state.fl.us/cmp/federal/24_statutes.htm.

Staff has evaluated these changes pursuant to 15 CFR 923.80 and concluded that the changes are not amendments to the FCMP. These changes will not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest.

This notice has been sent to affected parties, including affected local governments, state agencies, and regional offices of relevant federal agencies as required by 15 CFR 923.84(b)(2). A list of persons and organizations notified is available for inspection or can be provided at cost upon request from the FCMP.

Pursuant to 15 CFR 923.84, comments on whether the changes constitute a routine program change of the FCMP may be submitted to John King, NOAA/OCRM, Coastal Programs Division N/ORM3, Suite 11305, 1305 East-West Highway SSMC4, Silver Spring, MD 20910 within 21 days of the date of publication of this notice.

For more information on this Routine Program Change, please contact: Ms. Mayte Santamaria, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2161.

DEPARTMENT OF HEALTH

On May 28, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of John Raymond Habib, M.D. License #ME 79800. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 28, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Sarah Marie Ellis, R.N. License #RN 9291137. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 27, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Andrew Noel Francis, R.N. License #RN 3229312. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this

summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 28, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Maria Perez, C.N.A. License #CNA 201937. 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.

Request for Public Comments on Florida's WIC Program

The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to: Cheryl Miller, Department of Health, WIC and Nutrition Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726 or by fax: (850)922-3936. Your feedback is essential and is appreciated before August 15, 2010. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call 1(800)795-3272 (Voice) or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer.

FISH AND WILDLIFE CONSERVATION COMMISSION

AVAILABILITY OF GRANT

FUNDS FOR LOCAL GOVERNMENTS

The Florida Fish and Wildlife Conservation Commission (FWC) announces the anticipated availability of grant funds under the Florida Boating Improvement Program (FBIP). Eligible projects include construction and repair of boating access facilities, uniform waterway markers, derelict vessel removal, economic development initiatives that promote boating, and other local boating-related activities. County

governments, municipalities and other governmental entities of the State of Florida are eligible to apply. Applications for grant funding for fiscal year 2010-2011 will be accepted beginning June 14, 2010. Applications must be received by FWC before close of business on August 13, 2010. Applications received after the deadline will be ineligible for consideration.

Program guidelines and application forms may be downloaded from the web site: http://myfwc.com/RECREATION/boat_grant_fbip.htm.

For more information, email: FBIP@MyFWC.com or call: (850)488-5600.

DEPARTMENT OF FINANCIAL SERVICES

Notice of Qualified Public Depository Withdrawal
DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

MERCHANTS AND FARMERS BANK LOCATED IN
KOSCIUSKO, MISSISSIPPI HAS WITHDRAWN FROM
THE FLORIDA PUBLIC DEPOSITS PROGRAM AS OF
05/20/2010.

NOTICE TO ALL POLICYHOLDERS, CREDITORS AND
CLAIMANTS HAVING BUSINESS WITH MAGNOLIA
INSURANCE COMPANY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO.: 2010-CA-1522

In Re: The Receivership of MAGNOLIA INSURANCE
COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND
CLAIMANTS HAVING BUSINESS WITH MAGNOLIA
INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 30th day of April, 2010, the Department of Financial Services of the State of Florida was appointed as

Receiver of MAGNOLIA INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of MAGNOLIA INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m. on Monday, May 2, 2011, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for MAGNOLIA INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at: www.floridainsurancereceiver.org.

HERNANDO COUNTY PLANNING DEPARTMENT

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

GOAL FOR FISCAL YEAR 2010/11

IT IS THE POLICY of the Hernando County Metropolitan Planning Organization (MPO) to provide Disadvantaged Business Enterprises (DBEs) the opportunity to participate in contracts for The Hernando Express Bus (THE Bus) that are financed in whole or part with funds from the Federal Transit Administration. For this reason, the MPO has established a fiscal year 2010/11 goal of 4% for the DBE Program. A description of the goal and the process for establishing the goal are available for review during regular business hours by contacting: Mr. Steve Diez, Transportation Planner II, at the Hernando County Metropolitan Planning Organization, 20 North Main Street, Room 262, Brooksville, FL 34601, email: sevend@hernandocounty.us, or by telephone (352)754-4057. The DBE goal and rationale may also be viewed online via the Bus website at: www.hernandobus.com. The address for the Federal Transit Administration, Office of Civil Rights is: 230 Peachtree Street, N. E., Suite 800, Atlanta, GA 30303. The DBE goal and rationale for its adoption will be available for inspection for 45 days following the date of this notice.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN May 24, 2010
 and May 28, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

5M-12.001	5/27/10	6/16/10	36/7	
5M-12.002	5/27/10	6/16/10	36/7	36/15
5M-12.003	5/27/10	6/16/10	36/7	
5M-12.004	5/27/10	6/16/10	36/7	36/15
5M-12.005	5/27/10	6/16/10	36/7	
5M-12.006	5/27/10	6/16/10	36/7	36/15
5M-12.007	5/27/10	6/16/10	36/7	
5M-12.008	5/27/10	6/16/10	36/7	

DEPARTMENT OF REVENUE

Sales and Use Tax

12A-1.060	5/25/10	6/14/10	36/10	
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DEPARTMENT OF TRANSPORTATION

14-100.005	5/24/10	6/13/10	36/4	36/16
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BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

18-1.002	5/26/10	6/15/10	36/5	
18-1.006	5/26/10	6/15/10	36/5	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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18-1.007	5/26/10	6/15/10	36/5	
18-24.001	1/27/10	5/1/10	35/44	35/51
18-24.002	1/27/10	5/1/10	35/44	35/51
18-24.0021	1/27/10	5/1/10	35/44	
18-24.0022	1/27/10	5/1/10	35/44	35/51
18-24.003	1/27/10	5/1/10	35/44	35/51
18-24.004	1/27/10	5/1/10	35/44	35/51
18-24.005	1/27/10	5/1/10	35/44	35/51
18-24.006	1/27/10	5/1/10	35/44	35/51
18-24.007	1/27/10	5/1/10	35/44	35/51
18-24.008	1/27/10	5/1/10	35/44	35/51

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

61C-4.010	5/24/10	6/13/10	35/47	36/7
61C-4.0161	5/24/10	6/13/10	35/47	36/13

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	5/28/10	6/11/10	36/17	
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DEPARTMENT OF FINANCIAL SERVICES

Funeral and Cemetery Services

69K-1.001	5/28/10	6/17/10	36/12	
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