

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-6.0361  
**RULE TITLE:** Contractual Arrangements With Nonpublic Schools

**PURPOSE AND EFFECT:** The purpose of this rule development is to comply with the requirement in Section 1003.57(3)(d), Florida Statutes, that the Department of Education adopt by rule procedures for written notification to school districts regarding the placement of students with disabilities in private residential care facilities by the Department of Children and Family Services, the Agency for Persons with Disabilities, and the Agency for Health Care Administration; to incorporate services to children with disabilities, ages birth through two; and to update references and ensure accuracy of content. The effect will be a rule that accurately reflects all current requirements related to contractual arrangements between school districts and nonpublic schools and delineates the obligations of the relevant parties, including school districts and state agencies responsible for placing students with disabilities in private residential care facilities.

**SUBJECT AREA TO BE ADDRESSED:** Procedures for providing a free appropriate public education to students ages three through 21 in accordance with an individual educational plan, or early intervention services to children birth through age two, through a contractual agreement with approved nonpublic schools or community facilities; and procedures for written notification to school districts regarding the placement of an exceptional student with a disability in a residential care facility, including identification of the entity responsible for notification for facilities operated, licensed, or regulated by an agency.

**RULEMAKING AUTHORITY:** 1001.02, 1001.42, 1003.57 FS.

**LAW IMPLEMENTED:** 1002.52, 1003.57, 1011.61, 1012.42, 1012.56 FS.

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

**DATE AND TIME:** August 12, 2010, 9:00 a.m. – 12:00 Noon

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Bambi J.

Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; (850)245-0475

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9N-3.002	Definitions
9N-3.007	Product Approval by the Commission
9N-3.008	Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies

**PURPOSE AND EFFECT:** To implement Section 39, Chapter 2010-176, Laws of Florida, and create an expedited method of product approval for products certified to comply with the Florida Building Code and repeal means by which the Florida Building Commission approves evaluation entities in addition to those identified in statute.

**SUBJECT AREA TO BE ADDRESSED:** State system of product approval.

**RULEMAKING AUTHORITY:** 553.77(1)(i), 553.842(1), (8) FS.

**LAW IMPLEMENTED:** 553.842(1), (8) FS.

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

**DATE AND TIME:** July 27, 2010, 9:00 a.m.

**PLACE:** Special Occupancy TAC, Department of Community Affairs, Randall Kelley Training Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**DATE AND TIME:** August 8, 2010, 2:00 p.m.

**PLACE:** Roofing TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

**DATE AND TIME:** August 9, 2010, 8:00 a.m.

**PLACE:** Plumbing TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

**DATE AND TIME:** August 9, 2010, 8:00 a.m.

**PLACE:** Roofing TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

**DATE AND TIME:** August 9, 2010, 1:00 p.m.

**PLACE:** Code Administration TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

**DATE AND TIME:** August 10, 2010, 1:00 p.m.

**PLACE:** Electrical TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 10, 2010, 1:00 p.m.  
 PLACE: Fire TAC, Crown Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903  
 DATE AND TIME: August 11, 2010, 8:00 a.m.  
 PLACE: Fire TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903  
 DATE AND TIME: August 11, 2010, 8:00 a.m.  
 PLACE: Mechanical TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903  
 DATE AND TIME: August 23, 2010, 9:00 a.m.  
 PLACE: Structural TAC, University Hilton, 1714 Southwest 34th Street, Gainesville, Florida 32607  
 DATE AND TIME: August 24, 2010, 8:00 a.m.  
 PLACE: Structural TAC, University Hilton, 1714 Southwest 34th Street, Gainesville, Florida 32607  
 DATE AND TIME: August 25, 2010, 8:00 a.m.  
 PLACE: Energy TAC, University Hilton, 1714 Southwest 34th Street, Gainesville, Florida 32607

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247 or at [www.floridabuilding.org](http://www.floridabuilding.org)

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

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

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

**COMMISSION ON ETHICS**

RULE NO.: 34-7.010  
 RULE TITLE: List of Forms and Instructions  
 PURPOSE AND EFFECT: The Commission intends to amend the current rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Financial disclosure forms and instructions (CE Forms 1, 6, 1F and 6F, and 1X and 6X) will be affected by this rulemaking.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Assistant General Counsel, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE NOS.:	RULE TITLES:
59B-9.031	Definitions
59B-9.032	Ambulatory and Emergency Department Data Reporting and Audit Procedures
59B-9.034	Reporting Instructions
59B-9.038	Ambulatory Data Elements, Codes and Standards

PURPOSE AND EFFECT: The agency is proposing this rule amendment to remove the ambulatory exception provision upon recommendation of the State Consumer Health Information and Policy Advisory Council. This change will require that all ambulatory facilities report regardless of low patient volume. This amendment will also modify existing ambulatory data element codes to align with recent revision in the CMS Health Insurance Claim Form (UB04) and its electronic equivalent. The amendment deletes all ICD-10-CM references due to delayed national implementation and the Agency's inability to receive an ICD-10-CM format. Additional revisions are amended for clarification.

SUBJECT AREA TO BE ADDRESSED: Ambulatory and Emergency Department Data Collection.

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062 FS.

Pursuant to the provisions of 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: Patrick Kennedy at (850)412-3757. If you are 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: Patrick Kennedy at (850)412-3757

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 59B-9.031 Definitions.

(1) "Ambulatory Center." For the purposes of this rule, an ambulatory center means a freestanding ambulatory surgery center, ~~and~~ a short-term acute care hospital and an Emergency Department.

(2) through (3) No change.

(4) "E-code" means a Supplementary Classification of External Causes of Injury and Poisoning ICD-9-CM codes where environmental events, circumstances, and conditions are the cause of injury, poisoning and other adverse effects as specified in the ICD-9-CM ~~or ICD-10-CM~~ manual and the conventions of coding.

(5) through (12) No change.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 1-1-10, Amended.

*Editorial note: see former Rule 59B-9.010.*

#### 59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(1) The following entities shall submit patient data reports to the Agency for Health Care Administration (AHCA or Agency):

(a) through (b) No change.

(c) All Emergency Departments licensed under Section 395, F.S.:

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

(2) Each facility in paragraph (1)(~~a~~)(b) above shall submit a separate report for each location per Section 408.061(3), F.A.C.

(3) All ambulatory centers performing the services set forth in Rules 59B-9.030 through 59B-9.039, F.A.C., shall submit ambulatory patient data as set forth in Rules 59B-9.037 and 59B-9.038, F.A.C., ~~unless the reporting entity meets the criteria listed in subsection 59B-9.032(5), F.A.C., below.~~

~~(4) Any Ambulatory Surgical Center receiving 200 or more patient visits during the reporting quarter periods outlined in Rule 59B-9.033, F.A.C., are required to report data as specified in Rules 59B-9.037 and 59B-9.038, F.A.C.~~

(5) Ambulatory Surgical Centers (ASC) receiving fewer than 200 patient visits during the reporting quarter periods outlined in Rule 59B-9.033, F.A.C., may request an exemption

~~from a quarters reporting requirement. To request an exemption, the ASC shall send a letter on facility letterhead stating the number of patient visits for the reporting quarter and signed by the entity's chief executive officer or director. The exemption letter shall be received at the Agency office in Tallahassee on or prior to the deadline for submission of the quarterly report. This is not a onetime letter, but must be submitted for each quarter with fewer than 200 visits.~~

(4)(6) Upon notification by the Agency staff, all facilities shall provide access to all required information from the medical records and billing documents underlying and documenting the ambulatory patient data submitted, as well as other patient related documentation deemed necessary by the Agency to conduct complete ambulatory patient data audits subject to the limitations as set forth in Section 408.061(1)(d), F.S. No patient records that support patient data are exempt from disclosure to AHCA for audit purposes.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08, 408.15(11) FS. History—New 1-1-10, Amended.

*Editorial note: see former Rule 59B-9.011.*

#### 59B-9.034 Reporting Instructions.

(1) Ambulatory Surgical centers shall report data for:

(a) No change.

1. through 3. No change

4. Report one record for each visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit. See subsection 59B-9.031(11), F.A.C.

(2) Emergency Departments (ED) shall report data for: ~~an Emergency Department Evaluation and Management Procedure code representing the patient's acuity as part of the emergency department visit.~~

(a) ~~Report all~~ Emergency department visits in which emergency department registration occurs for the purpose of seeking emergency care services, including observation, and the patient is not admitted for inpatient care at the reporting entity.

(b) The CPT-HCPCS codes representing the services provided as part of the emergency department visit. CPT-HCPCS codes are reported in the 'OTHER CPT-HCPCS' fields (1-30) and are not restricted to the CPT-HCPCS reportable range defined in paragraph 59B-9.034(1)(a), F.A.C., for an ambulatory surgical center.

(c) An Emergency Department Evaluation and Management Procedure code representing the patient's acuity as part of the emergency department visit.

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

(3) Hospitals shall exclude records of any patient visit in which the outpatient and inpatient billing record is combined because the patient was admitted to inpatient care within a

facility at the same location per Section 408.061(3), F.S. ~~Report one record for each visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit. See subsection 59B-9.031(11), F.A.C.~~

(4) through (5) No change.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History– New 1-1-10, Amended \_\_\_\_\_.

*Editorial note: see former Rule 59B-9.015.*

59B-9.038 Ambulatory Data Elements, Codes and Standards.

(1) No change.

(2) Patient Control Number. The ‘Patient Control Number’ is defined as ‘Record id’ in the schema. Up to twenty four (24) characters. A required field. Duplicate patient control numbers are not permitted. The facility must maintain a key list to locate actual records upon request by AHCA. A required field.

(3) through (9) No change.

(10) Patient Country Code. A required entry for type of service “2”. Use 99 where the country of residence is unknown, or where efforts to obtain the information have been unsuccessful, or if type of service is “1”. A required entry for type of service “2”.

(11) No change.

(12) Source or Point of Origin of Admission. No change

(a) 01 – Non-health care facility point source of origin – The patient presented to this facility for outpatient services. Includes patients coming from home, ~~physician office~~ or workplace. ~~The patient presents to this facility with an order from a physician for services, or seeks scheduled services for which an order is not required. Includes non-emergent self-referrals.~~

(b) 02 – Clinic or Physician’s Office. The patient presented was referred to this facility for outpatient services from a clinic or physician’s office ~~or referenced diagnostic procedures.~~

(c) through (e) No change.

(f) ~~07 – Emergency Room. The patient received unscheduled services in this facility’s emergency department and discharged without an inpatient admission. Includes self-referrals in emergency situations that require immediate medical attention. Excludes patients who came to the emergency room from another health care facility.~~

(g) through (k) renumbered (f) through (j) No change.

(14) Principal Diagnosis Code. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ diagnosis code if type of service is “1” indicating ambulatory surgery. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ diagnosis code. If not space filled, must contain a valid ICD-9-CM diagnosis code ~~or valid ICD-10-CM diagnosis code~~ for the reporting period.

(15) Other Diagnosis Code. If not space filled, must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period.

(16) Evaluation and Management Code (1), Less than five entries is permitted. Ambulatory surgical centers, type of service “1”, should not report Evaluation and Management codes. A required field.

(17) through (39) No change.

(40) Patient Visit Ending Date. Patient visit ending date must occur within the calendar quarter included in the data report. ~~A blank field is not permitted unless type of service is “2” indicating an emergency department visit and patient status is “07” indicating the patient left against medical advice or discontinued care.~~

(41) through (42) No change.

(43) Patient’s Reason for Visit ICD-CM Code (Admitting Diagnosis). The code representing the patient’s chief complaint or stated reason for seeking care in the Emergency Department. Must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period if type of service is “2” indicating an emergency department visit.

(44) Principal ICD-CM Procedure Code. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(45) Other ICD-CM Procedure Code (1), Must be a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(46) External Cause of Injury Code. If not space filled, must be a valid ICD-9-CM ~~or ICD-10-CM~~ cause of injury code for the reporting period. Alpha characters must be in upper case.

(47) No change.

(48) Patient Status.

(a) through (h) No change.

(i) 21 – Discharged or transferred to jail.

(i) through (p) renumbered (j) through (q) No change.

(49) No change.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History– New 1-1-10, Amended \_\_\_\_\_.

*Editorial note: see former Rule 59B-9.018.*

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

RULE NOS.:

59E-7.021

59E-7.028

RULE TITLES:

Definitions

Inpatient Data Elements, Codes and Standards

PURPOSE AND EFFECT: The agency is proposing this rule amendment to modify existing inpatient data element codes to align with recent revision in the CMS Health Insurance Claim Form (UB04). The proposed inpatient amendment will incorporate a new P7 data element to explicitly flag inpatient admissions from a hospital's emergency department. The amendment deletes all ICD-10-CM references due to delayed national implementation and the Agency's inability to receive an ICD-10-CM format. Nursery Level I, II, and III Charge data elements are modified to include acceptable revenue codes previously omitted in error. Additional revisions are amended for clarification and correction.

SUBJECT AREA TO BE ADDRESSED: Inpatient and Comprehensive Rehabilitative Data Collection.

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062 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: August 9, 2010, 2:00 p.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room A, Building 3, 2727 Mahan Drive, 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: Patrick Kennedy at (850)412-3757. If you are 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: Patrick Kennedy at (850)412-3757

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-7.021 Definitions.

(1) through (3) No change.

(4) "E-code" means a Supplementary Classification of External Causes of Injury and Poisoning, ICD-9-CM ~~or ICD-10-CM~~, where environmental events, circumstances, and conditions are the cause of injury, poisoning, and other adverse effects as specified in the ICD-9-CM ~~or ICD-10-CM~~ manual and the conventions of coding.

(5) through (10) No change.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History—New 1-1-10, Amended.

*Editorial note: see former rule 59E-7.011.*

59E-7.028 Inpatient Data Elements, Codes and Standards.  
(1) No change.

(2) Patient Control Number. The 'Patient Control Number' is defined as 'Record id' in the schema. Up to twenty four (24) characters. ~~A required field.~~ The facility must maintain a key list to locate actual records upon request by AHCA. A required field.

(3) through (12) No change.

(13) Source or Point of Origin for Admission. No change.

(a) 01 – Non-health care facility point ~~source~~ of origin. The patient was admitted to this facility. ~~upon an order of a physician.~~ Includes a patient coming from home, ~~physician office~~ or workplace.

(b) 02 – Clinic or Physician's Office. The patient was admitted to this facility from a clinic or physician's office ~~as a transfer or referral from a freestanding or non freestanding clinic.~~

(c) through (e) No change.

(f) ~~07 – Emergency Room.~~ The patient was admitted to this facility after receiving services in this facility's emergency department. ~~Excludes patients who came to the emergency room from another health care facility.~~

(g) through (k) renumbered (f) through (j) No change.

(4) Codes required for newborn admissions (Priority of Admission=4):

(l) through (m) renumbered (k) through (l) No change.

(14) Direct Inpatient Admission From Emergency Room. A two-character code that describes patients admitted to the inpatient facility after admission to or treatment in the facility's emergency department. Must be reported using the two-character condition code 'P7'. Otherwise zero fill using "00." A required field.

(14) through (17) renumbered (15) through (18) No change.

~~(19)(18)~~ Patient Discharge Status.

(a) through (h) No change.

(i) 21 – Discharged or transferred to jail.

(i) through (p) renumbered (j) through (q) No change.

~~(20)(19)~~ No change.

~~(21)(20)~~ Principal Diagnosis Code. Principal diagnosis code must contain a valid ICD-9-CM ~~or ICD-10-CM~~ code for the reporting period.

~~(22)(21)~~ Other Diagnosis Code (1), Must contain a valid ICD-9-CM code ~~or valid ICD-10-CM~~ code for the reporting period. Alpha characters must be in upper case.

~~(23)(22)~~ No change.

~~(24)(23)~~ Principal Procedure Code. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

~~(25)~~(24) Principal Procedure Date. The principal procedure date must be less than seven (7) days ~~four (4) days~~ prior to the admission date and not later than the discharge date.

~~(26)~~(25) Other Procedure Code (1), Must be a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

~~(27)~~(26) Other Procedure Code Date (1), The procedure date must be less than seven (7) days ~~four (4)~~ prior to the admission date and not later than the discharge date.

(27) through (29) renumbered (28) through (30) No change.

~~(31)~~(30) Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider who had primary responsibility for the Principal Procedure performed.

~~(32)~~(31) No change.

~~(33)~~(32) Other Operating or Performing Practitioner National Provider Identification (NPI). A unique ten (10) character identification number assigned to a provider who assisted the operating or performing practitioner or performed a secondary procedure ~~who had primary responsibility for the Principal Procedure~~.

~~(34)~~(33) No change.

~~(35)~~(34) Nursery Level I Charges. Report charges for revenue code 170 and 171, or 179 if applicable, as used in the UB-04.

~~(36)~~(35) Nursery Level II Charges. Accommodation charges for services which include provision of ventilator services. Report charges for revenue code 172, or 179 if applicable, as used in the UB-04.

~~(37)~~(36) Nursery Level III Charges. Report charges for revenue code 173 and 174, or 179 if applicable, ~~(Level III)~~ as used in the UB-04.

(37) through (58) renumbered (38) through (59) No change.

~~(60)~~(59) Infant Linkage Identifier. Zero fill ~~No entry is permitted~~ if the patient is two (2) years of age or older. A required entry.

~~(61)~~(60) Admitting Diagnosis. Must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period.

~~(62)~~(61) External Cause of Injury Code (1), Must be a valid ICD-9-CM ~~or ICD-10-CM~~ cause of injury code for the reporting period. Alpha characters must be in upper case.

(62) through (64) renumbered (63) through (65) No change.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 1-1-10, Amended \_\_\_\_\_.

*Editorial note: see former Rule 59E-7.014.*

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE NO.: 64B9-6.003  
 RULE TITLE: Reactivation of Inactive License  
 PURPOSE AND EFFECT: The Board proposes this change to increase the number of hours of didactic education.

SUBJECT AREA TO BE ADDRESSED: Reactivation of Inactive License.

RULEMAKING AUTHORITY: 456.036, 464.006, 464.014 FS

LAW IMPLEMENTED: 456.036, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-6.003 Reactivation of Inactive License.

(1) An inactive license may be reactivated upon application to the Department and demonstration of compliance with the following conditions:

(a) through (d) No change.

(2) No change.

(3) If a license has been inactive for more than two consecutive biennial licensure cycles, and the licensee has not been practicing nursing in any jurisdiction for the two years immediately preceding the application for reactivation, the applicant for reactivation will be required to complete a nursing remedial refresher course as described in Rule 64B9-3.0025, F.A.C. with clinical component appropriate to the licensure level of the licensee. The remedial refresher course must be given at a Board-approved program, and must include at least 860 hours of didactic education ~~classroom~~

~~instruction~~ and 96 hours of clinical experience in medical/surgical nursing and any specialty area of practice of the licensee.

Rulemaking Specific Authority 456.036, 464.006, 464.014 FS. Law Implemented 456.036, 464.014 FS. History—New 2-5-87, Amended 10-21-87, 6-21-88, Formerly 21O-14.005, Amended 9-7-93, 1-26-94, Formerly 61F7-6.003, Amended 1-1-96, Formerly 59S-6.003, Amended 3-14-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: RULE TITLE:  
 64B9-12.005 Competency and Knowledge Requirements Necessary to Qualify the LPN to Administer IV Therapy

PURPOSE AND EFFECT: The Board proposes this change to add graduate practical nurse.

SUBJECT AREA TO BE ADDRESSED: Competency and Knowledge Requirements Necessary to Qualify the LPN to Administer IV Therapy

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.003(3)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-12.005 Competency and Knowledge Requirements Necessary to Qualify the LPN to Administer IV Therapy.

(1) No change.

(2) Central Lines. The Board recognizes that through appropriate education and training, a Licensed Practical Nurse is capable of performing intravenous therapy via central lines under the direction of a registered professional nurse as defined in subsection 64B9-12.002(2), F.A.C. Appropriate education and training requires a minimum of four (4) hours of instruction. The requisite four (4) hours of instruction may be included as part of the thirty (30) hours required for intravenous therapy education specified in subsection (4) of this rule. The education and training required in this subsection shall include, at a minimum, didactic and clinical practicum instruction in the following areas:

(a) through (f) No change.

(g) CVL complications and remedial measures.

Upon completion of the intravenous therapy training via central lines, the Licensed Practical Nurse shall be assessed on both theoretical knowledge and practice, as well as clinical practice and competence. The clinical practice assessment must be witnessed by a Registered Nurse who shall file a proficiency statement regarding the Licensed Practical Nurse’s ability to perform intravenous therapy via central lines. The proficiency statement shall be kept in the Licensed Practical Nurse’s personnel file.

(3) No change.

(4) Educational Alternatives. The cognitive training shall include one or more of the following:

(a) Post-graduate Level Course. In recognition that the curriculum requirements mandated by subsection 64B9-2.006(3), F.A.C., for practical nursing programs are extensive and that every licensed practical nurse will not administer IV Therapy, the course necessary to qualify a licensed practical nurse or graduate practical nurse to administer IV therapy shall be not less than a thirty (30) hour post-graduate level course teaching aspects of IV therapy containing the components enumerated in subsection 64B9-12.005(1), F.A.C.

(b) Credit for Previous Education. The continuing education provider may credit the licensed practical nurse or graduate practical nurse for previous IV therapy education on a post-graduate level, providing each component of the course content of subsection 64B9-12.005(1), F.A.C., is tested by and competency demonstrated to the provider.

(c) No change.

(5) No change.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.003(3)(b) FS. History—New 1-16-91, Formerly 21O-21.005, 61F7-12.005, Amended 7-15-96, Formerly 59S-12.005, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: RULE TITLE:  
 64B13-4.001 Examination Requirements  
 PURPOSE AND EFFECT: The Board is revising the examination requirements

SUBJECT AREA TO BE ADDRESSED: Examination Requirements

RULEMAKING AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(2) 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: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

(1) through (2) No change.

(3) Part II of the Florida licensure examination shall consist of a clinical portion and a pharmacology/ocular disease portion.

(a) through (e) No change.

(f) An applicant must attain a score of ~~80~~ 70 percent or better in order to secure a passing grade on the pharmacology/pathology portion of the practical examination.

(4) No change.

Rulemaking Authority 456.017(1), 463.005, 463.006(2) FS. Law Implemented 456.017(1), 463.006(2) FS. History—New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, 4-22-10,

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: RULE TITLE:

64F-12.015 Licensing, Application, Permitting

PURPOSE AND EFFECT: The Department intends to review this section to make changes to all aspects of permitting licensing and inspection requirements. This will include, but not be limited to adding requirements for permits that have been created by statute since the last changes to this rule section were made, including revising and updating application, permitting and inspection related forms.

SUBJECT AREA TO BE ADDRESSED: Licensing, Application, Permitting.

RULEMAKING AUTHORITY: 499.01, 499.012, 499.0121(1), 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028(6), 499.04, 499.004, 499.041, 499.05, 499.06, 499.006, 499.007, 499.051, 499.052, 499.062, 499.063, 499.064, 499.066, 499.067, 119.092 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: Rebecca Poston R. Ph., Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

RULE NO.: RULE TITLE:

69H-1.003 Certificate and Other Forms Adopted

PURPOSE AND EFFECT: The purpose of the amendment to the rule is to authorize for use by state universities and agencies a form that captures more accurate and detailed information for developing proper insurance ratings and premiums for buildings insured by the State. The current Form 850 is inadequate for present and future needs. The current Form 850 is authorized by paragraph 69H-1.003(1)(a), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Capturing and storing, for future use by the Division of Risk Management and its insureds, details concerning factors determining the insurability and rating for State-owned and leased properties.

RULEMAKING AUTHORITY: 284.17 FS.

LAW IMPLEMENTED: 255.03(1), 284.01 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, August 3, 2010, 9:30 a.m.

PLACE: 142 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: George Rozes, (850)413-4754 or George.Rozes@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-1.003 Certificate and Other Forms Adopted.

(1) The Department hereby adopts and incorporates by reference a Certificate of Coverage and the other forms in paragraphs (a) through (i), below, for use in the State Risk Management Trust Fund, State Property Claims.

(a) Form DFS-D0-850, Coverage Request Form, rev. \_\_\_\_\_.

(b) through (i) No change.

(2) No change.

Rulemaking Specific Authority 284.17 FS. Law Implemented 255.03(1), 284.01 FS. History—New 7-29-72, Formerly 4-29.04, 4-29.004, Amended 1-7-92, 10-3-94, 12-27-95, 6-21-01, Formerly 4H-1.003, Amended 7-23-06, \_\_\_\_\_.

**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**

**Southwest Florida Water Management District**

Rule No.:	RULE TITLE:
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to amend the District's current process for staff-issued notices of denial of incomplete permit applications consistent with a recent District Order delegating authorization to the Executive Director to take final action on permit applications and denials of permit applications.

**SUMMARY:** In June 2010, the District Governing Board issued an order delegating authority to the Executive Director and designated staff to take agency action on all environmental resource permits, and on all water use permits unless referred to the Governing Board for action by the Executive Director. The order rescinds a similar order enacted last year as the result of legislation concerning delegation of permitting authority for water management districts. Minor amendments are proposed to Rule 40D-1.6051, F.A.C., to make the process for denials of incomplete applications as described in the rule consistent with the denial process outlined in the new Governing Board order. Rule 40D-1.6051, F.A.C., provides that, for applications being

processed for denial, staff will advise the applicant of the opportunity to request referral to the Governing Board for agency action on the application. Amendments provide that applications not referred to the Board for agency action will be denied by staff through issuance of a notice of final agency action as opposed to a notice of proposed agency action. Prior to issuance of final action notice, applicants will still be able to withdraw or amend their application or request referral to the Board. Following issuance, applicants will still have 21 days from receipt to file a petition objecting to the agency action.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The Statement of Estimated Regulatory Costs identified approximately 44 permit applications that were denied between January 2005 and October 2009 that had been pending for one year or longer. Additionally, 99 ERP applications and 29 WUP applications received from January 2004 through June 2009 and still pending were identified as incomplete. Very few applications are denied as incomplete, which means that the number of individuals and entities likely to be required to comply with the rule is very low. Most permit applicants having applications that are incomplete for an extended period of time either withdraw their applications or make modifications to their plans. The proposed changes constitute a minor change in procedure and are not substantive. The proposed revisions are not expected to pose any additional costs to the District or other state and local governments. There are no anticipated negative impacts to state or local revenues. There will be no additional transactional costs to permit applicants. Small businesses, counties and cities will not be adversely impacted by the proposed changes.

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

**RULEMAKING AUTHORITY:** 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 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, ext 4660 (OGC #2010028)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.

(1) No change.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, or if an application remains incomplete for more than 365 days and no further extension will be granted, District staff shall issue to the applicant a notice advising of staff's intent to deny the application and that the applicant may request referral of the application to the Governing Board for final action. Upon such request and provided the request is made in sufficient time for proposed agency action to occur within the time limits required by Chapter 120, F.S., or other applicable law, the application will be referred to the Governing Board for final action. Applications not referred to the Governing Board will be denied by staff issuance of a notice of final action to deny the permit application for lack of completeness. ~~The proposed application denial shall become final 21 days after receipt of written notice, as defined in paragraph 40D-1.1010(2)(b), F.A.C., or 14 days after receipt of written notice for a consolidated application concurrently reviewed pursuant to Section 373.427, F.S., unless prior to that date: the application is amended as provided in subsection 40D-1.603(7), F.A.C.; the application is withdrawn; a petition for administrative hearing is filed; or a written request to refer the application to the Governing Board for agency action is submitted by the applicant.~~

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History--New 7-2-98, Formerly 40D-1.1020, Amended 9-1-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2010

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.607	Permit Processing Fee
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of amendments to Rule 40D-1.607, F.A.C., are to clarify that with respect to the application fee specified for public highway projects having less than 10 acres of project area and less than 2 acres of new impervious surface area, any new semi-impervious area is to be included in the acreage of new impervious surface area. The purpose and effect of amendments to Rule 40D-1.659, F.A.C., are to include in the listing of all District-adopted forms a revised Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form No. 547.27/ERP (6/10).

SUMMARY: Environmental resource permitting rules have certain exemptions, limitations or requirements that are based on the amount of impervious surface either proposed or existing for a project. Long-standing District practice has been to include semi-impervious materials with impervious materials when addressing such provisions. Recently, the District adopted a specific definition of "semi-impervious," which made the continued inclusion of semi-impervious material in requirements for impervious material unclear in some rules. The proposed amendments are part of a rulemaking package that includes Chapters 40D-4 and 40D-40, F.A.C., and is intended to eliminate any uncertainty concerning how semi-impervious material is to be addressed. The Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form No. 547.27/ERP (6/10) is revised to clarify that information on semi-impervious material is to be included with information submittals relating to impervious material.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC addresses adding the term, "semi-impervious" to all appropriate sections of the Environmental Resource Permitting Information Manual, rules and application forms where limitations, restrictions or requirements are specified concerning impervious material. In February 2010, the Governing Board approved amendments to add a separate definition of "semi-impervious" to subsection 40D-4.021(15), F.A.C. A definition for "impervious" already existed. The intent was to confirm inclusion of both impervious and semi-impervious areas in calculations relating to impervious surfaces. However, by adding a definition of "semi-impervious," the earlier rulemaking makes the continued like treatment of semi-impervious and impervious materials unclear in some rules. The proposed revisions will not pose any additional implementation, monitoring or enforcement costs to the District or any other state or local governments. No individuals or entities will incur additional

transactional costs as a result of the proposed changes. The proposed rule language is a non-substantive change. Small businesses, counties and cities will not be impacted by these proposed changes in rule language.

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, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.083, 373.0831(3), 373.083(5), 373.109, 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.421(2), 668.50 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 RULES IS: Dianne Lee, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211, ext 4657

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications,

(a) The fee for a permit application for activities reviewed pursuant to Chapters 40D-4, 40D-40, and 40D-400, F.A.C., are as follows:

1. through 11. No change.

12. Application for general permit for a public highway project, which has less than 10 acres of project area and has less than 2 acres of new impervious and semi-impervious surface area \$ 316.00

13. Application for permit modification for a public highway project, which has less than 10 acres of project area and has less than 2 acres of new impervious and semi-impervious surface area \$158.00

(14) No change.

(b) through (d) No change.

(2) through (12) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08, 12-7-09, 6-30-10, \_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District's website at www.watmatters.org.

(1) No change.

(2) Surface Water.

(a) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT, FORM 547.27/ERP (6/10) (~~4/09~~), incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.

(b) through (n) No change.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-12-10, 4-27-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Clark Hull, ERP Program Director  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Southwest Florida Water Management  
 District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 29, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 9, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-3.101	Content of Application
40D-3.411	Well Completion Report

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt and incorporate by reference a revised State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, to be numbered as District Form No. LEG-R.040.01 (6/10) and a revised Well Completion Report, to be numbered as District Form No. LEG-R.005.02 (6/10). The effect will be to make the District-adopted forms identical to revised forms proposed for statewide use by the Department of Environmental Protection.

SUMMARY: The proposed rulemaking is to adopt standardized forms for well construction permit applications and well completion reports which are submitted to document the well construction work. The District-adopted forms are the same as forms used by all water management districts and delegated agencies for the administration of well construction permitting and were initially designed by the Florida Department of Environmental Protection (DEP) as statewide forms adoptable by each district. DEP has prepared new forms for use by the water management districts in administering the well construction permitting program. DEP anticipates adopting these forms for statewide use.

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, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.109, 373.308, 373.309, 373.313, 373.316 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 RULES IS: Dianne Lee, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211, ext 4657

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

40D-3.101 Content of Application.

(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well," Form No. LEG-R.040.01~~0~~ (6/10 4/09), incorporated herein by reference. Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2., and Figure 2.1, F.A.C., shall include the form entitled "Well Verification for all Non-Domestic Use Wells Located in the Most Impacted Area of the Southern Water Use Caution Area," Form No. LEG-R.016.01 (4/09), incorporated herein by reference. Copies of all forms incorporated in this rule can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices.

(2) No change.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 373.316 FS. History—Readopted 10-5-74, Formerly 16J-3.07, Amended 7-1-90, 9-30-91, 12-31-92, 4-11-94, 10-19-95, 2-26-07, 8-19-08, 8-30-09,\_\_\_\_\_.

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled "Well Completion Report," Form No. LEG-R.005.02~~+~~ (6/10 4/09), incorporated

herein by reference, within 30 days of the expiration of the permit. Copies of the Well Completion Report form can be obtained from the District’s website at www.watmatters.org or from District offices.

(b) If no work is performed or if the well is not completed, a completion report shall be filed within 30 days of the expiration of the permit stating that no well construction was performed or completed under the permit.

(c) The District shall require a record of the well construction at any time prior to the submittal of the completion report if any drilling problems are encountered during well construction. The District may request a record either orally or in writing. The water well contractor or individual permittee shall provide the record within ~~7~~ seven days of receipt of the District’s request.

(d) The record of the well construction shall include the depth of the well, the depth of the well casing, the amount of grout material used, and a description of the geologic material and any drilling problems encountered during the well construction.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07, 8-19-08, 8-30-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Tony Gilboy, Well Construction Regulation Manager  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-4.051	Exemptions
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application

PURPOSE AND EFFECT: The purpose of this rulemaking is to add the term, “semi-impervious” to the environmental resource permit rules and portions of the Environmental Resource Permitting Manual Part B, Basis of Review, which set forth permitting exemptions, limitations or requirements that are based upon the amount of impervious surface existing or proposed for a project. The effect will be to clarify that semi-impervious material is to be included in requirements relating to impervious material. Historically, impervious and

semi-impervious materials have been treated the same in District rules. However, recent rulemaking involving adoption of a separate definition of “semi-impervious” made the continued inclusion of semi-impervious material in calculations relating to impervious material unclear.

SUMMARY: Environmental resource permitting rules have certain exemptions, limitations or requirements that are based on the amount of impervious surface either proposed or existing for a project. Longstanding District practice has been to include semi-impervious materials with impervious materials when addressing such provisions. Recently, the District adopted a specific definition of “semi-impervious,” which made the continued inclusion of semi-impervious material in requirements for impervious material unclear in some rules. The amendments proposed in this rulemaking will eliminate any uncertainty concerning how semi-impervious material is to be addressed. Subsection 40D-4.051(3), F.A.C., which sets forth an exemption from environmental resource permitting for surface water management systems for agricultural or silvicultural activities, is amended to clarify that the area of impervious and semi-impervious surface must not equal or exceed 2 acres in order to be exempt under this provision. Subsection 40D-4.091(1), F.A.C., is amended to incorporate by reference a revised Environmental Resource Permitting Information Manual Part B, Basis of Review, various sections of which are amended to include the word “semi-impervious” in provisions relating to impervious surface materials. The definition of “impervious” is also amended to eliminate overlap with the definition of “semi-impervious.” The Joint Application for Environmental Resource Permit/Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit, Form No. 547.27/ERP, is revised to include the term, “semi-impervious” in application information requirements relating to impervious surface material. Rule 40D-4.101, F.A.C., is amended to incorporate by reference the revised form, with an effective date of 6/2010.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC addresses adding the term, “semi-impervious” to all appropriate sections of the Environmental Resource Permitting Information Manual, rules and application forms where limitations, restrictions or requirements are specified concerning impervious material. In February 2010, the Governing Board approved amendments to add a separate definition of “semi-impervious” to subsection 40D-4.021(15), F.A.C. A definition for “impervious” already existed. The intent was to confirm inclusion of both impervious and semi-impervious areas in calculations relating to impervious surfaces. However, by adding a definition of “semi-impervious,” the earlier rulemaking makes the continued like treatment of semi-impervious and impervious materials unclear in some rules. The proposed revisions will not pose any additional implementation, monitoring or enforcement costs to the District or any other state or local

governments. No individuals or entities will incur additional transactional costs as a result of the proposed changes. The proposed rule language is a non-substantive change. Small businesses, counties and cities will not be impacted by these proposed changes in rule language.

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

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS.

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

Pursuant to the provisions of 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 RULES IS: Dianne Lee, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211, ext 4657

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.051 Exemptions.

The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the District.

The following activities are exempt from permitting under this chapter:

- (1) through (2) No change.
- (3) The construction, alteration, or operation of a surface water management system for agricultural or silvicultural activities which satisfies the following requirements:
  - (a) No change.
  - (b) The area of impervious and semi-impervious surfaces will not equal or exceed 2 acres;
  - (c) through (j) No change.

(4) through (15) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History--Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, 4-9-02, 2-19-04, 6-30-05, 11-26-07, 9-29-08,\_\_\_\_\_.

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

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

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_ ~~December 9, 2009~~. This document is available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District upon request.

(2) through (6) No change.

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

40D-4.101 Content of Application.

(1) Applications for Environmental Resource Permits required by this chapter shall be filed with the District in accordance with the requirements of this chapter and Chapter 40D-1, F.A.C. The application shall consist of all of the following:

- (a) The information required in Section 373.413(2), F.S.;
  - (b) Five copies of the Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form No. 547.27/ERP (6/10) ~~547.27/ERP (4/09)~~, incorporated herein by reference, with applicable supplements, sections A through K, copies of which can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices.;
  - (c) Five copies of drawings, calculations, environmental and construction information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed.;
  - (d) The appropriate fee as specified in Chapter 40D-1, F.A.C., ~~and~~
  - (e) Such other information as is reasonably necessary to determine that the surface water management system meets the conditions of this chapter.
- (2) through (5) No change.

(6) If the application involves activities located in, on, or over wetlands or other surface waters the District shall forward a copy of the notice of application to and request comments from both agencies listed below:

(a) The Florida Fish and Wildlife Conservation Commission, ~~and~~

(b) The Florida Department of State, Division of Historical Resources.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.413 FS. History—Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(1), (2), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 12-16-97, 2-27-03, 9-10-08, 8-30-09, \_\_\_\_\_.

Environmental Resource Permitting Information Manual Part B, Basis of Review

1.7.7 “Directly Connected Impervious Areas.”

Unless otherwise specifically stated in the Basis of Review, directly connected impervious areas as considered in the calculation of volumes for treatment systems are those impervious and semi-impervious areas hydraulically connected to the treatment system directly or by pipes or ditches.

1.7.20 “Impervious.”

Land surfaces which do not allow, or minimally allow, the penetration of water; examples are buildings, nonporous concrete and asphalt pavements, ~~and some fine grained soils such as clays.~~

2.4 Water Management Areas.

Such areas shall be shown on construction plans and, when appropriate, legally reserved for that purpose by dedication on the plat, deed restrictions, easements, etc., so that subsequent owners or others may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available. ~~Impervious Areas~~ designed for purposes such as roads, parking lots, sidewalks, or public access shall not be used as water management areas if the level or duration of standing or flowing water on these areas is a potential risk to vehicular traffic or pedestrian use.

5.2 Retention, Detention Criteria.

a. No change.

b. Detention with Effluent Filtration System (Manmade Underdrains).

1. A detention with effluent filtration system shall treat the runoff from the first one inch of rainfall; or as an option for projects or project subunits with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.

2. through 7. No change.

c. On-line treatment system

1. An on-line treatment system shall treat the runoff from the first one-inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one-half inch of run-off. In determining the runoff from one-inch of rainfall, the applicant must provide calculations determining runoff from the directly connected impervious and semi-impervious areas separately from any other contributing area.

2. through 3. No change.

d. Off-line treatment system

1. Off-line treatment system shall treat the runoff from the first one-inch of rainfall; or as an option for projects or project sub-units with drainage areas less than 100 acres, the first one-half inch of runoff. In determining the runoff from one-inch of rainfall, the applicant must provide calculations determining run-off from the directly connected impervious and semi-impervious areas separately from any other contributing area.

2. No change.

e. No change.

f. Off-site treatment volumes shall be the total runoff from one-inch of rainfall over the contributing off-site area. The runoff from the directly connected impervious and semi-impervious contributing areas shall be determined separately from the runoff from the other contributing areas.

6.1 Discharge Structures.

a. through d. No change.

e. Discharge structures for water quality systems shall include a “baffle” system to encourage discharge from the center of the water column rather than the top or bottom. Discharge structures from areas with greater than 50 percent impervious and semi-impervious area or from systems with inlets in paved areas shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from detention and on-line treatment systems.

f. through h. No change.

6.6 Impervious Areas.

Runoff shall be discharged from impervious and semi-impervious surfaces into retention areas, or through detention devices, filtering and cleansing devices, or subjected to some type of Best Management Practice (BMP) prior to discharge from the project site. For projects, which include substantial paved areas, such as shopping centers, large highway intersections with frequent stopped traffic, and high density developments, provisions shall be made for the removal of oil, grease and sediment from storm water discharges.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Clark Hull, ERP Program Director  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Southwest Florida Water Management  
 District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 29, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 9, 2010

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-40.301	Conditions for Issuance of General Permits for Minor Surface Water Management Systems

PURPOSE AND EFFECT: The purpose of this rulemaking is to add the term, “semi-impervious” to the conditions for issuance of general environmental resource permits that are based upon the amount of impervious material proposed for a project. The effect will be to clarify that any such limitations concerning impervious surfaces are intended to include semi-impervious material. Historically, impervious and semi-impervious materials have been treated the same in District rules. However, recent rulemaking that included adoption of a separate definition of “semi-impervious” made the continued inclusion of semi-impervious materials in these rule provisions unclear.

SUMMARY: Rule 40D-40.301, F.A.C., sets forth conditions for issuance of general permits for minor surface water management systems. One of the conditions is that the area of impervious surface not exceed 2 acres. Historically, impervious and semi-impervious materials have been treated the same in District rules. However, recent rulemaking that included adoption of a separate definition of “semi-impervious” made the continued inclusion of semi-impervious materials in this condition unclear. Therefore, the condition is amended to provide that the area of impervious and semi-impervious surfaces shall not exceed 2 acres.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC addresses adding the term, “semi-impervious” to all appropriate sections of the Environmental Resource Permitting Information Manual, rules and application forms where limitations, restrictions or requirements are specified concerning impervious material. In February 2010, the Governing Board approved amendments to add a separate definition of “semi-impervious” to subsection 40D-4.021(15), F.A.C. A definition for “impervious” already existed. The intent was to confirm inclusion of both impervious and semi-impervious areas in calculations relating to impervious surfaces. However, by adding a definition of “semi-impervious,” the earlier rulemaking makes the continued like treatment of semi-impervious and impervious materials unclear in some rules. The proposed revisions will

not pose any additional implementation, monitoring or enforcement costs to the District or any other state or local governments. No individuals or entities will incur additional transactional costs as a result of the proposed changes. The proposed rule language is a non-substantive change. Small businesses, counties and cities will not be impacted by these proposed changes in rule language.

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, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.427 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 RULES IS: Dianne Lee, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211, ext 4657

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-40.301 Conditions for Issuance of General Permits for Minor Surface Water Management Systems.

(1) To obtain this general permit, an applicant must provide reasonable assurance that all of the following conditions are met and certify that:

(a) Except for minor residential subdivisions meeting the criteria in subsection (2), the total land area does not equal or exceed 10 acres.;

(b) Except for minor residential subdivisions meeting the criteria in subsection (2), the area of impervious and semi-impervious surfaces shall not exceed 2 two acres.;

(c) The proposed activities will occur in, on or over less than 100 square feet of wetlands or other surface waters. Road or driveway crossings of ditches constructed in uplands will not be counted against the 100 square foot limit.;

(d) The activities will not utilize pumps for storm water management.;



(e) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its equivalent.;

(f) Discharges from the site will meet state water quality standards.;

(g) The proposed building floors will be above the 100 year flood elevation.;

(h) The proposed activities do not cause significant adverse impacts to occur individually or cumulatively.;

(i) The surface water management system can be effectively operated and maintained.;

(j) The surface water management system will meet the applicable water quality design criteria in the ERP Basis of Review incorporated by reference in subsection 40D-4.091(1), F.A.C. Alternatively, individual lots in minor residential subdivisions may meet the applicable criteria in subsection (2).

(2) Additional criteria for minor residential subdivisions:

(a) Roadways within the subdivision shall consist of paved or unpaved stabilized roads with an unyielding subgrade.;

(b) The drainage system shall not act in a manner that would divert and channelize large areas of overland sheet flow, thereby creating point source discharges that will adversely affect ~~effect~~ wetlands, or areas beyond the applicant's perpetual control.;

(c) Point discharges shall not exceed the capacity of receiving waters.;

(d) All terminal discharge structures shall be designed to withstand the 25-year, 24-hour post-development discharge without functional failure.;

(e) The proposed post-development impervious and semi-impervious surfaces will not exceed a five percent (5%) increase over pre-developed conditions.;

(f) Proposed or projected construction shall maintain a minimum 75 foot vegetated buffer, which includes a 25 foot perpetually undisturbed buffer upland of all wetlands and other surface waters. Only the 25 foot perpetually undisturbed buffer shall be required adjacent to an isolated wetland entirely located within an individual residential lot.;

(g) Proposed or projected construction shall maintain a minimum 75 foot buffer adjacent to all project boundaries.;

(h) The applicant's demonstration of compliance with this subsection shall include provision of a typical lot layout showing proposed driveways, buildings, and other impervious and semi-impervious areas and the anticipated percentage of impervious and semi-impervious surfaces resulting from projected construction on individual residential lots.;

(i) The boundaries of the surface water management system, wetlands, surface waters and buffers shall be recorded in plats or easements and included in any declaration of covenants, conditions, easements and restrictions and shall be identified in all sales contracts by the developer. These recorded documents shall be perpetual and applicable to all future sales of property within the development. Language

shall also be contained in the recorded documents notifying all individual lot owners that permits are required if any of the following items are proposed:

1. Alteration to the surface water management system.;
2. Encroachment into the wetlands, wetland buffers, or adjacent off-site property line buffers.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.427 FS. History—New 3-1-88, Amended 10-3-95, 10-16-96, 9-26-02, 2-1-05, 2-26-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Clark Hull, ERP Program Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2010

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.008	Scope of Services
59A-8.0086	Denial, Suspension, Revocation of License and Imposition of Fines
59A-8.0095	Personnel
59A-8.0185	Personnel Policies
59A-8.020	Acceptance of Patients or Clients
59A-8.0215	Plan of Care and Service Provision Plan
59A-8.022	Clinical Records and Service Records
59A-8.0245	Advance Directives
59A-8.027	Emergency Management Plans

PURPOSE AND EFFECT: The purpose is to provide new rules for oversight by the director of nursing and the use of a recent unannounced licensure survey related to a licensure application for a change of ownership as required in Sections 400.497(5) and (6), F.S.; to provide a rule on the submission of the quarterly report required in Section 400.474(6)(f), F.S.; to update the statutory references in the rule and forms referenced to conform to current statutes, and remove items that are now in Florida Statutes and Chapter 59A-35, F.A.C.; to revise personnel rules to conform to state practice act rules for included professions; to clarify the wording of the rule on health statements and refer to communicable disease that can be spread by casual contact; to require a photo identification

tag for staff that have contact with patients in order to protect patients and avoid persons wrongfully representing themselves as someone they are not; to remove rubber stamped signatures for physicians to prevent fraud; and to include minimum requirements for home health aide, certified nursing assistant, homemaker and companion client records and service provision plans which are less than the requirements for clinical records and plans of care for patients receiving nursing and therapy.

**SUMMARY:** Rule 59A-8.002, F.A.C., adds the definition of temporary basis used in the definition of staffing in Section 400.462, F.S., and deletes two definitions that are now covered in state law.

Paragraph 59A-8.003(6)(c), F.A.C., adds that changes of ownership will demonstrate compliance with state laws by an unannounced inspection as required in Section 400.497(6), F.S. Subsection 59A-8.003(14), F.A.C., adds how home health agency quarterly reports are submitted to the Agency for Health Care Administration. Rule 59A-8.003, F.A.C., also clarifies that satellite offices are expected to meet the law and rule requirements of home health agency offices and that training of home health agency staff may be done at drop-off sites.

Rule 59A-8.004, F.A.C., removes the application forms and licensing procedures, including background screening, and refers to Rules 59A-35.060 and 59A-35.062, F.A.C., and Section 408.809, F.S. that now contain uniform health care licensing procedures for the Agency. A form for attestation of compliance with the 10-mile distance requirement in Section 400.471(7), F.S., is added.

Rule 59A-8.008, F.A.C., adds that when a home health agency provides staffing services, the staff are assigned to patients and supervised by the requesting facility or entity.

Rule 59A-8.0086, F.A.C., on denial, suspension, revocation of licenses and imposition of fines is proposed to be repealed since the contents are now in state law. Fine amounts are now in Sections 400.474 and 400.484, F.S. Denial, suspension, and revocation of licenses are now in Sections 408.806(3), 400.474, 400.484, 408.813, 408.814, and 408.815, F.S.

Rule 59A-8.0095, F.A.C., updates and adds to the requirements for various types of personnel. The administrator shall be responsible for the overall operation of the home health agency. Additional oversight by the director of nursing is added as required in Section 400.497(5), F.S. The home health aides and certified nursing assistants section adds patient care tasks that can be done related to elimination, adds that client records include the tasks performed and any changes observed in the client, and clarifies that demonstration cardiopulmonary resuscitation can still be performed is required when renewing CPR certification. The nurses, physical therapist and occupational therapist sections add that services will be provided in compliance with the state practice acts and rules. The physical therapist and occupational therapist sections

clarify supervisory requirements for therapy assistants. The one year of experience requirement for physical therapists and physical therapist assistants is removed. For homemakers and companions minimum requirements for work records are added and clients may be verbally reminded to take their medications. Each home health agency will have a process to verify that services were provided.

Rule 59A-8.0185, F.A.C., clarifies that personnel policies also apply to contracted staff and independent contractors, not just employees. The health statement requirement is updated to clarify that persons are to be free from communicable disease that can be casually transmitted. The requirement for a biennial course on HIV and AIDS is replaced with a one-time course since the state law changed. A photo identification tag that identifies the employee, independent contractor and contracted staff is required.

Rule 59A-8.020, F.A.C., deletes that the written agreement can be the service provision plan required in Section 400.491(2), F.S. since the written agreement does not have sufficient information.

Rule 59A-8.0215, F.A.C., adds the minimum content for the service provision plan for clients that are only receiving home health aide, certified nursing assistant, homemaker, or companion services; and permits the client to participate in the planning of his or her services and receive a copy of the plan. The rule also adds that plans of care and service provision plans must be individualized based on each patient or client's needs, strengths, limitations and goals.

Rule 59A-8.022, F.A.C., adds the minimum content required in service records. Home health agencies that provide services under contract for patients admitted by another agency should have a copy of the records for the visits made by their staff and a copy of the plan of care or services provision plan. Rubber stamp signatures for physicians can no longer be used.

Rule 59A-8.0245, F.A.C., revises the date and web site address for the "Health Care Advance Directives – The Patients' Right to Decide."

Rule 59A-8.027, F.A.C., updates the emergency management plan format to include the title "safety liaison" as the primary contact per Section 408.821, F.S. and include caregivers remaining with patients at special needs shelters per the Department of Health.

Other minor changes are made to update the Agency's web site address and licensing unit name, and update the numbering of law sections to conform to law changes.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A statement of estimated regulatory costs has been prepared and is available from the proposed rule contact person below. The following is a summary of the SERC:

As of May 20, 2010, there were 2,349 licensed home health agencies in Florida. These agencies will be required to comply with the rule as well as any new agencies that are licensed in

the coming years. The cost to each home health agency will be minimal. The Agency for Health Care Administration will incur the cost of rulemaking, as well the costs associated with enforcing the proposed changes. There is no cost to local government for the revisions in this rule since none of these changes affect local government entities.

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

RULEMAKING AUTHORITY: 400.497 FS.

LAW IMPLEMENTED: 400.497(5)(6), 400.474(6)(f) 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: Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation, Anne.Menard@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-8.002 Definitions.

(1) "Accrediting organization" means the Community Health Accreditation Program, The Joint Commission, or the Accreditation Commission for Health Care ~~or the Joint Commission on Accreditation of Healthcare Organizations.~~

(2) through (8) No change.

(9) "~~Direct employee~~" means ~~an employee for whom one of the following entities pays withholding taxes: a home health agency; a management company that has a contract to manage the home health agency on a day-to-day basis; or an employee leasing company that has a contract with the home health agency to handle the payroll and payroll taxes for the home health agency.~~

(10) through (29) renumbered (9) through (28) No change.

(30) "~~Providing one service directly~~" means ~~the agency must provide one service, in part, by direct employees, as defined in Section 400.462, F.S.~~

(31) through (37) renumbered (29) through (35) No change.

(36) "Temporary basis", as used in the definition of "staffing" in Section 400.462, F.S., means short-term, such as for employee absences, short-term skill shortages, or seasonal workloads.

(37)(38) "Treatment orders" means written orders signed by a physician, physician assistant, or advanced registered nurse practitioner, acting within his or her respective scope of practice, which authorizes the provision of care or treatment to a patient in his place of residence by licensed Nurses, Physical Therapists, Occupational Therapists, Speech Therapists, or Dietitians/ Nutritionists.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.462, 400.487 FS. History—New 4-19-76, Formerly 10D-68.02, Amended 4-30-86, 8-10-88, 5-30-90, 5-27-92, Formerly 10D-68.002, Amended 4-27-93, 10-27-94, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

59A-8.003 Licensure Requirements.

(1) The issuance of an initial license shall be based upon compliance with Chapter 400, Part III, F.S., and this rule as evidenced by a signed and notarized, complete and accurate home health agency application, as referenced in subsection 59A-8.004(1), F.A.C., and the results of a survey conducted by an accrediting organization pursuant to Section 400.471, F.S., and Rule 59A-8.002, F.A.C ~~the AHCA.~~

(2) An application for renewal of the current license must be submitted to AHCA at least 60 days prior to the date of expiration of the license, pursuant to Section 408.806(2), F.S. It is the responsibility of the home health agency to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the license. Home health agencies that apply for renewal of their licenses will be surveyed by AHCA or an accrediting organization as defined in Rule 59A-8.002, F.A.C., pursuant to Sections 408.811 and 400.471, F.S., based on the extent of compliance on previous surveys and complaint investigations with these rules and state laws. Home health agencies will be surveyed on an unannounced basis at least every 36 months. Area offices may do follow up surveys to check on correction of deficiencies at any time on an unannounced basis. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the survey.

(3) Surveys of Accredited Home Health Agencies:

(a) It is the responsibility of the home health agency to request exemption from state licensure surveys pursuant to Section 400.471(9), F.S., by submitting documentation of accreditation by an approved accrediting organization and the most recent survey from the accrediting organization to the AHCA Home Care Licensed Home Health Programs Unit.

(b) Home health agencies that complete (a) will not be subject to licensure surveys by AHCA except under the following circumstances:

1. The HHA has been denied accreditation or has received a provisional or conditional accreditation report from the accrediting organization on its most recent survey, or

2. The HHA has received full accreditation but has not authorized the release of the report to the AHCA, or has not ensured that AHCA has received the accrediting organization's report.

(4) AHCA will conduct investigations of complaints regarding licensure violations. Complaint investigations will be unannounced. An entrance conference will be conducted to inform the administrator of the nature of the complaint. An exit

conference will be conducted to report the findings and to receive additional information or clarification concerning the investigation.

(5) In addition to any other penalties imposed pursuant to this rule, ~~AHCA the agency~~ may assess costs related to an investigation that results in a successful prosecution, pursuant to Section 400.484(3), F.S. The prosecution can be resolved by stipulation settlement or final hearing. The following costs may apply: travel costs related to the investigation; investigative time by AHCA's surveyor or surveyors including travel time; processing time by AHCA's professional staff and administrative support staff of Field Operations, and processing time for administrative support staff and professional staff of the AHCA Home Care Unit in Tallahassee. The costs related to AHCA's professional staff and support staff will be determined according to the hourly rate of pay for those positions.

(6) An application package for a change of ownership shall be made on a form prescribed by AHCA, as referenced in subsection 59A-8.004(1), F.A.C.

(a) The buyer or lessee must make application to AHCA for a new license at least 60 days before the date of the transfer of ownership as required by Section 408.807(1) and (2), F.S.

(b) At the time of the transfer of ownership all patient or client records held by the current licensee shall be transferred to the applicant.

(c) An application for a change of ownership license will not be approved if a home health agency has not demonstrated compliance with the requirements in Chapter 408, Part II, and Chapter 400, Part III, F.S., through a recent unannounced inspection, pursuant to Section 400.497, F.S.

1. The inspection may be done by an accrediting organization. However, if the home health agency being sold is accredited or was licensed July 1, 2008 or later, the inspection must be done by an accrediting organization as required in Section 400.471, F.S.

2. The inspection may be conducted in conjunction with an unannounced Medicare or Medicaid certification survey.

3. The unannounced inspection must have been completed within 18 months prior to submission of the change of ownership application to AHCA.

~~(d)~~(e) Failure to apply for a change of ownership of a licensed home health agency as required by Sections 408.806(2)(b) and 400.471, F.S., shall result in a fine set and levied by AHCA pursuant to Section 400.474(1), (2)(a) 400.471(8), F.S. This is also applicable to owners who incorporate and do not report this change of ownership to the home health agency.

(7) A licensed home health agency may operate a satellite office. A satellite office must be located in the same county as the agency's main office. Supplies and records can be stored at a satellite office and phone business can be conducted the same as in the main office. The satellite office shares administration

with the main office and is not separately licensed. It must meet the requirements in state law and rules for home health agencies. Signs and advertisements can notify the public of the satellite office location. If the agency wants to open an office outside the county where the main office is located, the second office must be separately licensed.

(8) A licensed home health agency may operate a drop-off site in any county within the geographic service area specified on the license. A drop-off site may be used for pick-up or drop-off of supplies or records, for agency staff to use to complete paperwork or to communicate with the main office, existing or prospective agency staff, or the agency's existing patients or clients. Prospective patients or clients cannot be contacted and billing cannot be done from this location. The drop-off site is not a home health agency office, but merely a work station for direct care staff in large areas where the distance is too great for staff to drive back frequently to the home health agency office. Training of home health agency staff can be done at a drop-off site. A drop-off site shall not require a license. No other business shall be conducted at these locations, including housing of records. The agency name cannot appear at the location, unless required by law or by the rental contract, nor can the location appear on agency letterhead or in advertising.

(9) If a change of address is to occur, or if a home health agency intends to open a satellite office, the home health agency must provide ~~14 days advance~~ notice in writing to the AHCA ~~Home Care Licensed Home Health Programs~~ Unit in Tallahassee and the AHCA area office as required in Rule 59A-35.040, F.A.C. The home health agency must submit to the AHCA ~~Home Care Licensed Home Health Programs~~ Unit a certificate of occupancy, certificate of use, or evidence that the location is zoned for a home health agency business for the new address and evidence of legal right to the property in accordance with Section 408.810(6), F.S. ~~Failure to notify AHCA within the time frame will result in a \$500 fine, pursuant to Sections 408.813 and 400.474(1), F.S. Emergency relocations must be reported within seven days, with the reason for the relocation documented, to avoid a penalty assessment. An emergency relocation can be due to any of the following situations: 1) an eviction notice; 2) environmental conditions on or near the site which are not conducive to the health and well being of staff and clients, including a fire or flooding; 3) an element near the site which would make the premises harmful or dangerous; 4) circumstances arising from or caused by weather conditions and/or a natural disaster; or 5) a change in property zoning that requires the home health agency to move.~~

(10) through (13) No change.

(14) The home health agency shall submit the quarterly report required in Section 400.474, F.S. This rule applies to each home health agency required to be licensed by AHCA pursuant to Chapter 400, Part III, F.S.

(a) During each quarterly submission period each home health agency shall submit the data required by the form AHCA 3110-1027, based on the data as it existed on the last day of the prior calendar quarter.

(b) A separate form AHCA 3110-1027, shall be submitted electronically for each home health agency required to be licensed by AHCA.

(c) For purposes of form AHCA 3110-1027, data includes “0” or “None,” if there were no instances of the specified data item.

(d) The quarterly submission periods are from 12:01 a.m. of the first (1st) day of the period through 12:00 a.m., midnight of the fifteenth (15th) day of the period, Eastern Standard Time or Eastern Daylight Time, as applicable:

1. January 1 through January 15.
2. April 1 through April 15.
3. July 1 through July 15.
4. October 1 through October 15.

(e) For example, if the home health agency was required to be licensed at any time during the period from January 1 through March 31, then pursuant to this rule the home health agency shall submit data for the January 1 through March 31 calendar quarter to AHCA during the April 1 through April 15 submission period.

(f) All filings shall be submitted electronically to <https://weblics.fdhc.state.fl.us/datamart/mainMenu.do>, the portal to AHCA’s data collection system, as adopted by this rule, by using the interactive electronic form AHCA 3110-1027.

(g) In order to submit the data through form AHCA 3110-1027 electronically, the home health agency must input a User ID and password. A User ID and password must be obtained from AHCA by e-mail from [HQAHomeHealth@ahca.myflorida.com](mailto:HQAHomeHealth@ahca.myflorida.com) or by writing to the Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308. A request for a User ID and password must not be submitted to AHCA later than the tenth (10th) day of a quarterly submission period. A new User ID and password does not need to be obtained for each calendar quarterly submission period.

(h) Form AHCA 3110-1027 is adopted and incorporated by this reference.

(i) A copy of form AHCA 3110-1027 may be obtained from AHCA’s website at <https://weblics.fdhc.state.fl.us/datamart/mainMenu.do>, or from AHCA’s Home Care Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308.

(j) The home health agency must click the “Submit” button on the screen titled “Quarterly Report – Application Summary” in order to submit the data required by form AHCA 3110-1027 to AHCA.

(k) Following the submission of the data required by form AHCA 3110-1027, by clicking the “Submit” button, form AHCA 3110-1027 will display a submittal acknowledgement

screen titled “Application Summary” which the home health agency may wish to print. In any proceeding with AHCA, the form AHCA 3110-1027, “Application Summary” screen will be conclusive evidence of submittal of data during the quarterly submission period.

(l) Failure to submit the data required by form AHCA 3110-1027 during each quarterly submission period will subject the home health agency to the penalties specified at Section 400.474(6), F.S.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.464, 400.471, 400.474, 400.484, 400.497 FS. History–New 4-19-76, Formerly 10D-68.03, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, Formerly 10D-68.003, Amended 4-27-93, 10-27-94, 1-30-97, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on a form prescribed by the AHCA in Rule 59A-35.060, F.A.C.: ~~Home Health Agency Application for Initial Licensure, form number, AHCA 3110-1001, Revised July 2005; Application for Renewal of Licensure, form number, AHCA 3110-1011, January 2006; and Application for Change of Ownership, form number AHCA 3110-1012, July 2005, is all incorporated by reference. This~~ These forms may be obtained at the AHCA web site, [http://ahca.myflorida.com/licensing\\_cert.shtml](http://ahca.myflorida.com/licensing_cert.shtml), ~~http://ahca.myflorida.com~~ under “~~Licensing & Certification~~” and then under “Home Health Agency”. ~~If the requestor is unable to obtain the documents from the web site, the forms may be obtained from the AHCA Licensed Home Health Programs Unit by contacting (850)414-6010, and sending a check or money order to cover the Agency’s costs for the copying and mailing.~~

(2) The applicant shall identify its legal name, its business name, and the names and addresses of corporate officers and directors, the name and address of each person having at least a 5% equity interest in the entity and other information as required in Section 408.806(4), F.S. For initial and change of ownership applications and corporate name changes, a current certificate of status or authorization pursuant to Chapter 607, F.S., is required.

(3) If the applicant is a partnership, the name and address of each partner, its legal name, and the business name and address must be identified. For initial and change of ownership applications and partnership name changes, a current certificate of status or authorization for limited partnerships, pursuant to Chapter 620, F.S., is required. For initial and change of ownership applications and for name changes for general partnerships, a current certificate of status or authorization or an affidavit of fictitious name must be submitted.

(4) If the applicant is a limited liability company, the name and address of each member, its legal name, and the business name and address must be identified. For initial and change of

ownership applicants and name changes, a current authorization for the limited liability company from the Department of State, the operating agreement and the articles of organization pursuant to Chapter 608, F.S., must be submitted.

~~(5)(4)~~ For initial and change of ownership applications and name changes, an affidavit of fictitious name is required when the home health agency chooses to operate under a name other than the name of the partnership, ~~or corporation, or limited liability company~~ pursuant to Section 865.09, F.S.

~~(6)(5)~~ For initial applications, including changes of ownership, the applicant must submit proof of financial ability to operate, pursuant to Sections 400.471(3), ~~408.810 and 408.8065~~, F.S. The compliance is demonstrated by completion of AHCA Form ~~3100-0009 pursuant to Rule 59A-35.062, F.A.C. 3110-1013, December 2004~~. Applications for changes of ownership and applications for initial licensure from agencies that failed to renew their licenses before expiration are not required to submit Schedule 1 of AHCA Form ~~3100-0009 3110-1013, December 2004~~.

~~(7)~~ An applicant for initial license shall sign the form AHCA 3110-1026, Attestation of Compliance with Distance Requirements, pursuant to Section 400.471, F.S. The authorized representative signing this form attests no officer or controlling interest of the applicant agency are officers or controlling interests of another home health agency located within 10 miles of the applicant agency and is in the same county.

~~(8)(6)~~ An applicant for renewal of licenses shall not be required to provide proof of financial ability to operate, unless the applicant has demonstrated financial inability to operate, as defined in subsection 59A-8.002(16), F.A.C. If a licensee has shown signs of financial instability at any time, pursuant to Section 408.810(8), F.S., AHCA shall require proof of financial ability to operate, by submitting schedules 2 through 7 of AHCA Form ~~3100-0009 3110-1013, December 2004~~, described in subsection ~~(6)(5)~~ above, and documentation of correction of the financial instability, to include evidence of the payment of any bad checks, delinquent bills or liens. If complete payment cannot be made, evidence must be submitted of partial payment along with a plan for payment of any liens or delinquent bills. If the lien is with a government agency or repayment is ordered by a federal, state, or district court, an accepted plan of repayment must be provided.

~~(7)~~ The applicant shall submit a signed affidavit with the application and annually thereafter as required in Sections 400.512 and 435.04(5), F.S., from the administrator affirming that the administrator, the financial officer, and all direct and contract personnel who enter the home in the capacity of their employment have been screened. This Affidavit of Compliance with Screening Requirements, form number AHCA 3110-1014, Revised December 2006, incorporated by reference, also

confirms that all remaining personnel, who enter the home in the capacity of their employment, have worked continuously for the home health agency since before October 1, 2000.

~~(8)~~ New administrators and financial officers may work on probationary status, once they have submitted the documents described in subsection (9) below, including a signed and notarized copy of the Affidavit of Compliance with Background Screening Requirements, AHCA 3100-0008, December 2006, incorporated by reference, pending a determination of compliance with minimum standards set forth in Chapter 435, F.S. New direct or contract personnel who enter the home in the capacity of their employment may work on probationary status, once they have submitted the documents described in subsection (10) below, including a signed and notarized copy of the Affidavit of Good Moral Character, AHCA 3110-0001, Revised December 2006, incorporated by reference, pending a determination of compliance with minimum standards set forth in Chapter 435, F.S.

(9) Background screening for the administrator and the financial officer shall be in accordance with level 2 standards for screening set forth in Section 408.809, F.S. The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from the Agency for Health Care Administration, Home Care Licensed Home Health Programs Unit, by calling (850)412-4403 414-6010 or sending a request by fax to (850)922-5374. The completed fingerprint card should be submitted with a check or money order to cover the cost of the screening to the Agency for Health Care Administration, Home Care Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308.

(10) Level 2+ background ~~s~~Screening for good moral character for employees and all personnel, including contractors, who enter the home shall be done as required in Rule 59A-35.090, F.A.C. and Section 408.809, F.S. consist of: Submission of the Request for Level 1 Criminal History Check, AHCA form 3110-0002, July 2005, incorporated by reference. The FDLE form can be submitted either through AHCA's Background Screening Unit, directly to FDLE, or through a third party vendor that obtains the statewide criminal history through the FDLE. The address for submission to AHCA's Background Screening Unit is AHCA Background Screening Unit, Mail Stop 40, 2727 Mahan Drive, Tallahassee, Florida 32308. The address for submission through FDLE is FDLE, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302. The form may be obtained at the Agency for Health Care Administration web site, <http://ahea.myflorida.com>, at the Background Screening page. The cost of processing the screening request must be paid by the home health agency or the employee being screened. The check must accompany the screening request and be made payable to

~~AHCA if the request is submitted to AHCA, to the FDLE if the request is submitted to the FDLE, or to the home health agency's agent, if one is used for FDLE screening.~~

(11) Employees who have direct patient or client contact and are found to have a disqualifying offense cannot continue patient or client contact unless they obtain an exemption. Administrators and financial officers who have a disqualifying offense cannot continue in those positions unless they obtain an exemption. Exemptions can be requested as defined in Section 400.512(1), F.S.

~~(12) If the home health agency provides staffing to nursing homes, any staff who have not lived in Florida for the past five years must have level 2 screening as required by Section 400.215, F.S.~~

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.471, 400.512, 408.810 FS. History—New 4-19-76, Formerly 10D-68.04, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, 10-6-91, Formerly 10D-68.004, Amended 4-27-93, 10-27-94, 1-30-97, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

#### 59A-8.008 Scope of Services.

(1) In cases of patients requiring only nursing, or in cases requiring nursing and physical, respiratory, occupational or speech therapy services, or nursing and dietetic and nutrition services, the agency shall provide case management by a licensed registered nurse directly employed by the agency.

(2) In cases of patients receiving only physical, speech, respiratory or occupational therapy services, or in cases of patients receiving only one or more of these therapy services and home health aide services, case management shall be provided by the licensed therapist, who is a direct employee of the agency or a contractor.

(3) In cases of patients receiving only dietetic and nutrition services, case management shall be provided by the licensed dietitian/nutritionist who is a direct employee of the agency or an independent contractor.

(4) The agency's application for licensure shall state explicitly what services will be provided directly by agency employees or by contracted personnel, if services are provided by contract. The home health agency shall provide at least one service directly to patients or clients.

(5) A home health agency that provides home health services to which directly contracts with a resident of an assisted living facility or adult family care home to provide home health services shall coordinate with the facility or home regarding the resident's condition and the services being provided in accordance with the policy of the facility or home and if agreed to by the resident or the resident's representative. The home health agency shall retain responsibility for the care and services it provides and it shall avoid duplication of services by not providing care the assisted living facility is obligated, by resident contract, to provide ~~to the patient~~.

(6) If a home health agency occupies space within a licensed assisted living facility, and this space is not licensed as a home health agency, the home health agency must notify AHCA, in writing, whether the space is a satellite office or a drop-off site, as defined in Rule 59A-8.002, F.A.C.

(7) When a home health agency provides staffing services to a health care facility, school or other business entity, pursuant to Section 400.476, F.S., and defined in Section 400.462, F.S., the facility, school or business entity shall be responsible for the assignment and supervision of the staff.

Rulemaking Specific Authority 400.487, 400.497, ~~400.509~~ FS. Law Implemented ~~400.462~~, 400.497, ~~400.487~~ FS. History—New 4-19-76, Formerly 10D-68.08, Amended 4-30-86, 8-10-88, 5-30-90, Formerly 10D-68.008, Amended 10-27-94, 1-17-00, 7-18-01, 9-22-05, \_\_\_\_\_.

59A-8.0086 Denial, Suspension, Revocation of License and Imposition of Fines.

Rulemaking Specific Authority 400.497 FS. Law Implemented 120.59, 400.474, 400.484 FS. History—New 10-27-94, Amended 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, Repealed \_\_\_\_\_.

#### 59A-8.0095 Personnel.

(1) Administrator.

(a) The administrator of the agency shall:

1. Meet the criteria as defined in Section 400.462(1), F.S.

2. The administrator shall be responsible for the overall operation of the home health agency to include all provisions of Chapter 400, Part III, F.S. and Chapter 59A-8, F.A.C.

~~3.2.~~ Designate, in writing a direct employee or an individual covered under a management company contract to manage the home health agency or an employee leasing contract, pursuant to Section 468.520, F.S., that provides the agency with full control over all operational duties and responsibilities to serve as an on-site alternate administrator during absences of the administrator. This person will be available during designated business hours, when the administrator is not available. Available during designated business hours means being readily available on the premises or by telecommunications. During the absence of the administrator, the on-site alternate administrator will have the responsibility and authority for the daily operation of the agency. The alternate administrator must meet qualifications as stated in Section 400.462(1), F.S.

(b) If an agency changes administrator or alternate administrator the agency shall notify AHCA Home Care Unit office in Tallahassee prior to or on the date of the change. Notification shall consist of submission of the person's name, professional resume, professional license, if applicable, and a copy of the Affidavit of Good Moral Character. The administrator also must submit level 2 screening, pursuant to subsection 59A-8.004(9), F.A.C., or inform the Home Care Unit that level 2 screening was previously submitted.

(2) Director of Nursing.

(a) The director of nursing of the agency shall:

1. Meet the criteria as defined in Section 400.462(10), F.S.;
2. Supervise or manage, directly or through qualified subordinates, all personnel who provide direct patient care;
3. Ensure that the professional standards of community nursing practice are maintained by all nurses providing care;
4. Maintain and adhere to agency procedure and patient care policy manuals;
5. Ensure that home health aides and certified nursing assistants are trained or evaluated to determine competency to provide personal care and other tasks as required in subsection 59A-8.0095(5), F.A.C.; and

(b) If the administrator is not a physician or registered nurse, the director of nursing shall:

1. Establish service policies and procedures in compliance with Chapter 64E-16, F.A.C., and state health statutes and administrative rules pursuant to Section 381.0011(4), F.S., which generally conform to recommended Centers for Disease Control (CDC) and Occupational Safety and Health Agency (OSHA) guidelines for safety, universal precautions and infection control procedures;
2. Employ and evaluate nursing personnel;
3. Coordinate patient care services; and
4. Set or adopt policies for, and keep records of criteria for admission to service, case assignments and case management.

5. Establish a process to verify that services were provided. The home health agency must be able to validate that patient or client care was provided as ordered and specified in the plan of care or service provision plan. The surveyor may request a certified report that verifies the services were provided by a specified direct service staff person or contracted staff person for a specified time period as permitted in Section 400.497(5)(b), F.S.

(c) The director of nursing shall establish, ~~and~~ conduct, and document an ongoing quality assurance program. The program shall include at least quarterly, the review of the care and services of a sample of both active and closed clinical records by the director of nursing. In large agencies, the director of nursing may delegate some of the record review to registered nurses. The quality assurance program is to assure that which assures:

1. The home health agency accepts patients whose home health service needs can be met by the home health agency;
2. ~~Case assignment and management is appropriate, adequate, and consistent with the plan of care, medical regimen and patient needs. Plans of care are individualized based on the patient's needs, strengths, limitations and goals.;~~
3. ~~Nursing and other services provided to the patient are coordinated, appropriate, adequate, and consistent with plans of care. Services provided are consistent with professional~~

practice standards in Chapter 464, F.S., and Chapter 64B-9, F.A.C. Notes of case conferences for information sharing, and coordination are included in the patient record;

~~4.3. Patients are helped to attain and maintain their highest practicable functional capacity. Goals in the plan of care for anticipated patient outcomes are appropriate to the diagnosis, plan of care, services provided and patient potential. All services and outcomes are completely and legibly documented, dated and signed in the clinical service record;~~

5. Home health agency policies and procedures are followed;

6.4. Confidentiality of patient data is maintained; and

7.5. Findings of the quality assurance program are used to improve services. The findings are documented and an action plan is prepared to follow up on the findings. A record is kept to show that the action plan is carried out.

~~(d) In an agency with less than a total of 10 full time equivalent employees and contracted personnel, the director of nursing may also be the administrator.~~

(3) Registered Nurse.

(a) A registered nurse shall be currently licensed in the state, pursuant to Chapter 464, F.S., and:

1. Be the case manager in all cases involving nursing or both nursing and therapy care.
2. Be responsible for the clinical record for each patient receiving nursing care; and
3. Assure that progress reports are made to the physician, physicians assistant or advanced registered nurse practitioner that established the treatment orders for patients receiving nursing services when the patient's condition changes or there are deviations from the plan of care.

4. Provide nursing services in compliance with standards of nursing practice in Chapter 464, F.S., and Chapter 64B-9, Florida Administrative Code.

(b) A registered nurse may assign selected portions of patient care to licensed practical nurses and home health aides but always retains the full responsibility for the care given and for making supervisory visits to the patient's home.

(4) Licensed Practical Nurse.

(a) A licensed practical nurse shall be currently licensed in the state, pursuant to Chapter 464, F.S., and provide nursing care assigned by and under the direction of a registered nurse who provides on-site supervision as needed, based upon the severity of patients medical condition and the nurse's training and experience. Supervisory visits will be documented in patient files. Provision shall be made in agency policies and procedures for annual evaluation of the LPN's performance of duties by the registered nurse.

(b) A licensed practical nurse shall:

1. Prepare and record clinical notes for the clinical record;



2. Report any changes in the patient's condition to the registered nurse with the reports documented in the clinical record;

3. Provide care to the patient including the administration of treatments and medications in compliance with standards of nursing practice for licensed practical nurses in Chapter 464, F.S., and Chapter 64B-9, Florida Administrative Code; and

4. Other duties assigned by the registered nurse, pursuant to Chapter 464, F.S.

(5) Home Health Aide and Certified Nursing Assistant.

(a) A home health aide or a certified nursing assistant (CNA) shall provide personal care services assigned by and under the supervision of a registered nurse. When only physical, speech, or occupational therapy is furnished, in addition to home health aide ~~or CNA~~ services, supervision of the home health aide can be supplied by a licensed therapist directly employed by the home health agency or by an independently contracted employee.

(b) through (k) No change.

(l) Home health aides and CNA's must receive in-service training each calendar year, pursuant to Section 400.497(1), F.S. HIV educational requirements are listed in paragraph 59A-8.0185(2)(b), F.A.C. Training must be provided to obtain and maintain a certificate in cardiopulmonary resuscitation; including an in-person demonstration to a qualified instructor to show that cardiopulmonary resuscitation can be performed. Medicare and Medicaid agencies should check federal regulations for additional in-service training requirements.

(m) Responsibilities of the home health aide and CNA shall include:

1. The performance of all personal care activities contained in a written assignment by a licensed health professional employee or contractor of the home health agency and which include assisting the patient or client with personal hygiene, ambulation, eating, dressing, shaving, physical transfer, and other duties as assigned;

2. Maintenance of a clean, safe and healthy environment, which may include light cleaning and straightening of the bathroom, straightening the sleeping and living areas, washing the patient's or client's dishes or laundry, and such tasks to maintain cleanliness and safety for the patient or client;

3. Other activities as taught by a licensed health professional employee or contractor of the home health agency for a specific patient or client and are restricted to the following:

a. Assisting with ~~the change of a colostomy bag,~~ reinforcement of dressing,

b. Assisting with tasks associated with elimination:

i. Toileting.

ii. Assisting with the use of the bedpan and urinal.

iii. Providing catheter care including changing the urinary catheter bag.

iv. Collecting specimens.

v. Emptying ostomy bags, or changing bags that do not adhere to the skin.

~~c.b.~~ Assisting with the use of devices for aid to daily living, such as a wheelchair or walker,

~~d.e.~~ Assisting with prescribed range of motion exercises,

~~e.d.~~ Assisting with prescribed ice cap or collar,

~~f.e.~~ Doing simple urine tests for sugar, acetone or albumin, g.f. Measuring and preparing special diets,

~~h.g.~~ Measuring intake and output of fluids, and

~~i.h.~~ Measuring temperature, pulse, respiration or blood pressure;

4. Keeping records by date and time for filing in the client's record of personal health care activities; ~~and other tasks performed for each client. Each home health agency will demonstrate a process to verify that services were provided.~~

5. Observing appearance and gross behavioral changes in the patient or client, ~~and~~ reporting to the registered nurse; and making a note of the changes.

6. Supervision of self-administered medication in the home is limited to the following:

a. Obtaining the medication container from the storage area for the patient or client,

b. Ensuring that the medication is prescribed for the patient or client,

c. Reminding the patient or client that it is time to take the medication as prescribed, and

d. Observing the patient or client self-administering the medication.

(n) through (s) No change.

(6) Physical Therapist and Physical Therapist Assistant.

(a) The physical therapist shall be currently licensed in the state, pursuant to Chapter 485, F.S., ~~with at least 1 year of experience in physical therapy.~~ The physical therapist assistant shall be currently licensed in the state, pursuant to Chapter 485, F.S., ~~with at least 1 year of experience under the supervision of licensed physical therapist.~~

1. Services provided by the physical therapist and physical therapy assistant shall be in compliance with the standards of physical therapy practice in Chapter 485, F.S., and Chapter 64B17-6, Florida Administrative Code.

2. Services provided by the physical therapist assistant will be provided under the general supervision of a licensed physical therapist and shall not exceed any of the duties in the state rules for physical therapy assistants in Chapter 64B17-6, Florida Administrative Code outlined in this section.

a. General supervision means the supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist. The physical therapists shall be accessible at all times by electronic telecommunication and shall be within

the same geographic location as the assistant two-way communication, which enables the physical therapist to be readily available for consultation during the delivery of care.

b. The physical therapist should be readily available to the physical therapist assistant with emphasis placed on directing the assistant through reporting, both verbal and written, and observations of the care rendered to the patient.

i. The specific frequency of supervision between the therapist and assistant may vary by the complexity of patient needs and skills of the assistant. More frequent supervision is needed when the needs of the patient are changing and complex. It is the responsibility of the therapist and assistant to recognize when supervision is needed to ensure safe and effective therapy service delivery.

ii. Methods of supervision may include direct, face to face contact and indirect contact including phone conversations, written correspondence, and electronic exchanges.

(b) The responsibilities of the physical therapist are:

1. To provide physical therapy services as prescribed by a physician, physician assistant, or advanced registered nurse practitioner, acting within their scope of practice, which can be safely provided in the home and assisting the physician, physician assistant, or advanced registered nurse practitioner in evaluating patients by applying diagnostic and prognostic muscle, nerve, joint and functional abilities test;

2. To observe and record activities and findings in the clinical record and report to the physician, physician assistant, or advanced registered nurse practitioner the patient's reaction to treatment and any changes in patient's condition, or when there are deviations from the plan of care;

3. To instruct the patient and caregiver in care and use of physical therapy devices;

4. To instruct other health team personnel including, when appropriate, home health aides and caregivers in certain phases of physical therapy with which they may work with the patient; and

5. To instruct the caregiver on the patient's total physical therapy program.

(7) Speech Pathologist. No change.

(8) Occupational Therapist and Occupational Therapist Assistant.

(a) The occupational therapist shall be currently licensed in the state, pursuant to Chapter 468, F.S., with one year of experience in occupational therapy and the occupational therapist assistant shall be currently licensed in the state, pursuant to Chapter 468, F.S., with one year of experience under the supervision of a licensed occupational therapist. Duties of the occupational therapist assistant shall be directed by the licensed occupational therapist and shall not exceed those in the state rules for occupational therapy assistants in Chapter 64B11, Florida Administrative Code outlined in this section.

(b) The duties of the occupational therapist are:

1. To provide occupational therapy services as prescribed by a physician, physician assistant, or advanced registered nurse practitioner, acting within their scope of practice, which can be safely provided in the home and to assist the physician, physician assistant, or advanced registered nurse practitioner in evaluating the patient's level of function by applying diagnostic and therapeutic procedures;

2. To guide the patient in the use of therapeutic, creative and self-care activities for the purpose of improving function;

3. To observe and record activities and findings in the clinical record and to report to the physician, physician assistant, or advanced registered nurse practitioner the patient's reaction to treatment and any changes in the patient's condition, or when there are deviations from the plan of care; and

4. To instruct the patient, caregivers and other health team personnel, when appropriate, in therapeutic procedures of occupational therapy.

(c) Services provided by the occupational therapist and occupational therapy assistant shall be in compliance with the standards of occupational therapy practice in Chapter 64B11, Florida Administrative Code.

(d) Supervision of the occupational therapy assistant by the occupational therapist shall be provided as required in Section 468.203, F.S.

i. The specific frequency of supervision between the therapist and assistant may vary by the complexity of patient needs and skills of the assistant. More frequent supervision is needed when the needs of the patient are changing and complex. It is the responsibility of the therapist and assistant to recognize how and when supervision is needed to ensure safe and effective therapy service delivery.

ii. Methods of supervision may include direct, face to face contact and indirect contact including phone conversations, written correspondence, and electronic exchanges.

(9) Respiratory Therapist. No change.

(10) Social Worker. No change.

(11) Dietitian/Nutritionist. No change.

(12) Homemakers and Companions.

(a) The homemaker shall:

1. Maintain the home in an optimum state of cleanliness and safety depending upon the client's patient's and the caregiver's resources;

2. Perform the functions generally undertaken by the customary homemaker, including such duties as preparation of meals, laundry, shopping, household chores, and care of children;

3. Perform casual, cosmetic assistance, such as brushing the client's hair and assisting with make-up, filing and polishing nails but not clipping nails;

4. Stabilize the client when walking, as needed, by holding the client's arm or hand;

5. Report to the appropriate supervisor any incidents or problems related to his work or to the caregiver and make a note in the work record;

6. Report any unusual incidents or changes in the client's ~~patient's~~ behavior to the case manager; and

7. Maintain chronological appropriate work records by time and date to be filed in the client's record. Each home health agency will demonstrate a process to verify that services were provided.

8. If requested by the client or his responsible party, the homemaker may verbally remind the client that it is time to for the client to take his or her medicine.

(b) The companion shall:

1. Provide companionship for the client patient;

2. Accompany ~~Provide escort service such as accompanying the client patient~~ to doctor appointments, recreational outings, or shopping;

3. Provide light housekeeping tasks such as preparation of a meal or laundering the client's patient's personal garments;

4. Perform casual, cosmetic assistance, such as brushing the client's hair and assisting with make-up, filing and polishing nails but not clipping nails;

5. Stabilize the client when walking, as needed, by holding the client's arm or hand;

6. Maintain a chronological written record of services; by time and date to be filed in the client's record. Each home health agency will demonstrate a process to verify that services were provided; and

7. Report any unusual incidents or changes in the client's ~~patient's~~ behavior to the case manager.

8. If requested by the client or his responsible party, the companion may verbally remind the client that it is time for the client to take his or her medicine.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.462, 400.471, ~~400.476~~, 400.487, 400.488, 400.497 FS. History—New 1-20-97, Amended 1-17-00, 7-18-01, 9-22-05, 8-15-06, \_\_\_\_\_.

59A-8.0185 Personnel Policies.

(1) The agency shall have written policies and procedures to ensure the provision of acceptable, adequate and appropriate services.

(2) Personnel policies for all full and part-time employees, independent contractors, and contracted staff shall include the following:

(a) Requirement that, prior to contact with patients or clients the new employee, independent contractor, or contracted staff must submit a statement from a health care professional licensed under Chapter 458 or 459, F.S., a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under

Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician.;

1. The health statement shall be based on an exam by the health care professional within the last six months.;

2. The statement shall say that the employee is in reasonably good health and appears to be free from apparent signs or symptoms of a communicable disease that could be casually transmitted, including tuberculosis, ~~pursuant to Section 381.0011(4), F.S.~~

3. It is the responsibility of the agency to ensure that employees continue to appear to be in good health. If any employee is later found to have, or is suspected of having, a communicable disease, he shall be removed from duties until the administrator determines that such condition no longer exists.

4. A new employee, who has been an employee of another licensed home health agency, may provide a copy of his health care statement from the files of the former employer provided that the statement was not issued more than 2 years prior and that the employee has not had a break in service of more than 90 days.

5. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release medical information must be kept on file.

(b) Requirement that records are maintained of training for non-licensed direct care personnel which demonstrates that they have received a one-time continuing educational course ~~biennially~~ on HIV and AIDS pursuant to Section 381.0035, F.S.

(c) Plan for orientation of all health personnel to the policies and objectives of the agency;

(d) Job descriptions for all employees; and

(e) Compliance with requirements of Title VI of the Civil Rights Act of 1964.

(f) Requirement for an identification tag to be worn by each employee, independent contractor, and contracted staff who has direct contact with patients or clients on behalf of the home health agency. The tag will include the person's full name; the person's health profession and license or certification number, if any; a photograph of the person; and the name of the home health agency. The size of the lettering on the tag for the person's name and name of the home health agency must be at least 16 point font size or larger. When the employee, independent contractor, or contracted staff works as a home health aide, homemaker or companion, the tag will state this instead of the profession and license number. When a home health agency contracts with another home health agency or other entity to provide some of the services to a patient or client, the employee or independent contractor who works for the contracted agency or entity may wear the identification tag of the contracted agency.

(3) The agency shall maintain a file for all employees and independent contractors which shall include:

(a) ~~N~~ame and address of employee, name and address of next of kin or guardian, evidence of qualifications, licensure or registration if applicable a signed and notarized Affidavit of Good Moral Character, AHCA Form 3110-0001, December 2004, for any newly hired employee working in a probationary status pending the results of the background screening;

(b) ~~R~~esults of background screening, and dates of employment and separation from the agency; and

(c) Evidence of ~~continuing~~ education, in-service training, and the training required in subsection (2);

(4) ~~The information required in this section~~ shall be available for inspection by AHCA within three hours of request.

(5) Each employee and independent contractor's file shall be retained by the agency for at least one year after the employee has separated from the agency.

~~(6)~~(4) The agency shall maintain a record of the employment or contractual history of all agency personnel, both employed or under contract, and shall make submission of such history a condition of employment or contract.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.471, 400.497 FS. History--New 10-27-94, Amended 1-17-00, 7-18-01, 9-22-05, 8-15-06,\_\_\_\_\_.

59A-8.020 Acceptance of Patients or Clients.

(1) When a home health agency accepts a patient or client for service, there shall be a reasonable expectation that the services can be provided safely to the patient or client in his place of residence. This includes being able to communicate with the patient or client, or with another person designated by the patient or client, either through a staff person or interpreter that speaks the same language, or through technology that translates so that the services can be provided. The responsibility of the agency is also to assure that the patient or client receives services as defined in a specific plan of care, for those patients receiving care under a physician, physician assistant, or advanced registered nurse practitioner's treatment orders, or in the service provision plan ~~a written agreement~~, as described in Rule 59A-8.0215, F.A.C. ~~subsection (3) below~~, for clients receiving care without a physician, physician assistant, or advanced registered nurse practitioner's orders. This responsibility includes assuring the patient or client receives all assigned visits.

(2) At the start of services a home health agency must establish a written agreement between the agency and the patient or client or the patient's or client's legal representative, including the information described in Section 400.487(1), F.S. This written agreement must be signed and dated by a representative of the home health agency and the patient or

client or the patient's or client's legal representative. A copy of the agreement must be given to the patient or client and the original must be placed in the patient's or client's file.

~~(3) The written agreement, as specified in subsection (2) above, shall serve as the home health agency's service provision plan, pursuant to Section 400.491(2), F.S., for clients who receive homemaker and companion services or home health aide services which do not require a physician, physician assistant, or advanced registered nurse practitioner's treatment order. The written agreement for these clients shall be maintained for one year after termination of services.~~

~~(3)~~(4) When the agency terminates services for a patient or client needing continuing home health care, as determined by the patient's physician, physician assistant, or advanced registered nurse practitioner, for patients receiving care under a physician, physician assistant, or advanced registered nurse practitioner's treatment order, or as determined by the client or caregiver, for clients receiving care without a physician, physician assistant, or advanced registered nurse practitioner's treatment order, a plan must be developed and a referral made by home health agency staff to another home health agency or service provider prior to termination. The patient or client must be notified in writing of the date of termination, the reason for termination, pursuant to Section 400.491, F.S., and the plan for continued services by the agency or service provider to which the patient or client has been referred, ~~pursuant to Section 400.497(6), F.S.~~ This requirement does not apply to patients paying through personal funds or private insurance who default on their contract through non-payment. The home health agency should provide social work assistance to patients to help them determine their eligibility for assistance from government funded programs if their private funds have been depleted or will be depleted.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.487 FS. History--New 4-19-76, Formerly 10D-68.20, Amended 4-30-86, 8-10-88, Formerly 10D-68.020, Amended 10-27-94, 1-17-00, 7-18-01, 9-22-05, 8-15-06,\_\_\_\_\_.

59A-8.0215 Plan of Care and Service Provision Plan.

(1) A plan of care shall be established for patients receiving skilled services in consultation with the physician, physician assistant, or advanced registered nurse practitioner, pursuant to Section 400.487, F.S., and the home health agency staff who are involved in providing the care and services required to carry out the physician, physician assistant, or advanced registered nurse practitioner's treatment orders. The plan must be included in the clinical record and available for review by all staff involved in providing care to the patient. The plan of care shall contain a list of individualized specific goals for each skilled discipline that provides patient care, with implementation plans addressing the level of staff who will provide care, the frequency of home visits to provide direct care and case management.

(2) Home health agency staff must follow the physician, physician assistant, or advanced registered nurse practitioner's treatment orders that are contained in the plan of care. If the orders cannot be followed and must be altered in some way, the patient's physician, physician assistant, or advanced registered nurse practitioner must be notified and must approve of the change. Any verbal changes are put in writing and signed and dated with the date of receipt by the nurse or therapist who talked with the physician, physician assistant, or advanced registered nurse practitioner's office.

(3) A service provision plan shall be prepared for clients that receive only services from a home health aide, certified nursing assistant, homemaker or companion and do not receive skilled services as required in Section 400.491, F.S. When the client or patient also receives skilled services, a plan of care is done that includes all services and a service provision plan is not done.

(4) The service provision plan shall include, but is not limited to, the following:

(a) The frequency of visits as agreed to by the client or his or her responsible party. The plan may include a statement that additional or fewer visits will be arranged at the direction of the client. When clients have personal care needs that are dependent on home health aide or certified nursing assistant visits at specific times of the day, the plan will include the specified times for the visits with the frequency.

(b) A description or list of the tasks to be performed for the services provided during the visit.

(c) Whether a home health aide, certified nursing assistant, homemaker or companion will provide the services.

(5)(3) The patient or client, caregiver or guardian must be informed by the home health agency personnel that:

(a) He has the right to be informed of the plan of care or service provision plan;

(b) He has the right to participate in the development of the plan of care or service provision plan; and

(c) He may have a copy of the plan of care or service provision plan if requested.

(6) All plans of care and service provision plans are individualized based on each patient or client's needs, strengths, limitations and goals.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.487, 400.491 FS. History--New 10-27-94, Amended 1-17-00, 7-18-01, 8-15-06,\_\_\_\_\_.

#### 59A-8.022 Clinical Records and Service Records.

(1) A clinical record must be maintained for each patient receiving nursing or therapy services that includes all the services provided directly by the employees of the home health agency and those provided by contracted individuals or agencies. A service record must be maintained for each client

receiving home health aide, certified nursing assistant, homemaker or companion services that does not also receive nursing or therapy services.

(2) No information may be disclosed from the patient's or client's file without the written consent of the patient or client or the patient's or client's guardian. All information received by any employee, contractor, or AHCA employee regarding a patient or client of the home health agency is confidential and exempt from Chapter 119, F.S.

(3) If the patient or client transfers to another home health agency, a copy of his record must be transferred at his request.

(4) All clinical records and service records must be retained by the home health agency as required in Section 400.491, F.S. Retained records can be stored as hard paper copy, microfilm, computer disks or tapes and must be retrievable for use during unannounced surveys as required in Section 408.811, F.S.

(5) Clinical records for patients receiving nursing and therapy services must contain the following:

(a) Source of referral;

(b) Physician, physician assistant, or advanced registered nurse practitioner's verbal orders initiated by the physician, physician assistant, or advanced registered nurse practitioner prior to start of care and signed by the physician, physician assistant, or advanced registered nurse practitioner as required in Section 400.487(2), F.S.

(c) Assessment of the patient's needs;

(d) Statement of patient or caregiver problems;

(e) Statement of patient's and caregiver's ability to provide interim services;

(f) Identification sheet for the patient with name, address, telephone number, date of birth, sex, agency case number, caregiver, next of kin or guardian;

(g) Plan of care ~~or service provision plan~~ and all subsequent updates and changes and the written agreement required in Section 400.487, F.S.;

(h) Clinical and service notes, signed and dated by the staff member providing the service which shall include:

1. Initial assessments and progress notes with changes in the person's condition;

2. Services rendered;

3. Observations;

4. Instructions to the patient and caregiver or guardian, including administration of and adverse reactions to medications;

(i) Home visits to patients for supervision of staff providing services;

(j) Reports of case conferences;

(k) Reports to physicians, physician assistants, or advanced registered nurse practitioners;

(l) Termination summary including the date of first and last visit, the reason for termination of service, an evaluation of established goals at time of termination, the condition of the patient on discharge and the disposition of the patient.

(6) Service records for clients receiving only home health aide, certified nursing assistant, homemaker and companion services must contain, at a minimum, the following:

(a) Identification sheet for the client with name, address, telephone number, date of birth, sex, caregiver, next of kin or guardian;

(b) Service provision plan and all subsequent updates and changes and written agreement required in Section 400.487, F.S.;

(c) Service notes, signed and dated by the staff member providing the service which shall include the information in subsection 59A-8.0095(5) or (12), F.A.C., depending on the services provided;

(d) Home visits to clients for supervision of staff providing services, if such visits are made;

(e) Termination summary including the date of last visit and the reason for termination of service.

(7) Home health agencies that provide services under contract to patients or clients admitted by another home health agency are expected to have a copy of the records of visits made by their staff and a copy of the plan of care or service provision plan created by the admitting agency for each patient or client.

~~(8)(6)~~ The following applies to signatures in the clinical record:

(a) Facsimile Signatures. The plan of care or written order may be transmitted by facsimile machine. The home health agency is not required to have the original signature on file. However, the home health agency is responsible for obtaining original signatures if an issue surfaces that would require certification of an original signature.

(b) Alternative Signatures.

1. Home health agencies that maintain patient or client records by computer rather than hard copy may use electronic signatures. However, all such entries must be appropriately authenticated and dated. Authentication must include signatures, written initials, or computer secure entry by a unique identifier of a primary author who has reviewed and approved the entry. The home health agency must have safeguards to prevent unauthorized access to the records and a process for reconstruction of the records in the event of a system breakdown.

2. Home health agencies may accept a physician's rubber stamp signature. The individual whose signature the stamp represents must place in the administrative offices of the home health agency a signed statement attesting that he/she is the only one who has the stamp and uses it.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.491, 400.494, 400.497 FS. History—New 4-19-76, Amended 2-2-77, Formerly 10D-68.22, Amended 4-30-86, 8-10-88, Formerly 10D-68.022, Amended 10-27-94, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07,\_\_\_\_\_.

59A-8.0245 Advance Directives.

(1) No change.

(2) The home health agency's policy shall include:

(a) Providing each adult patient, in advance of receiving services, with a copy of "Health Care Advance Directives – The Patients' Right to Decide", as prepared by the Agency for Health Care Administration, revised April 2006 February, 2004, and available at <http://www.floridahealthfinder.gov/reports-guides/advance-directives.shtml> ~~http://www.fdhc.state.fl.us/MCHQ/Health\_Facility\_Regulation/HC\_Advance\_Directives~~, which is hereby incorporated by reference, or with a copy of a document drafted by a person or organization other than AHCA which is a written description of Florida's state law regarding advance directives;

(b) through (c) No change.

(d) A home health agency shall be subject to revocation of their license and a fine of not more than \$500 per incident, or both, pursuant to Section 400.474(4), F.S., if the home health agency, as a condition of treatment or admission, requires an individual to execute or waive an advance directive, pursuant to Section 765.110, F.S.

(3) Pursuant to Section 400.487(7), F.S., a home health agency may honor a DNRO as follows:

(a) Cardiopulmonary resuscitation may be withheld or withdrawn from a patient only if a valid Do Not Resuscitate Order (DNRO) is present, executed pursuant to Section 401.45, F.S.

(b) Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order (DNRO) and rules adopted by the agency, pursuant to Section 400.487(7), F.S. Any licensed professional home health agency personnel, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his/her performance regarding patient care.

Rulemaking Specific Authority 400.487, 765.110 FS. Law Implemented 400.487, 400.497, 765.110 FS. History—New 10-27-94, Amended 1-17-00, 9-22-05,\_\_\_\_\_.

59A-8.027 Emergency Management Plans.

(1) Pursuant to Section 400.492, F.S., each home health agency shall prepare and maintain a written comprehensive emergency management plan, in accordance with criteria shown in the "Comprehensive Emergency Management Plan (CEMP)," AHCA Form 3110-1022, Revised May 2010

~~December 2006~~, incorporated by reference. This document is available from the Agency for Health Care Administration at [http://ahca.myflorida.com/licensing\\_cert.shtml](http://ahca.myflorida.com/licensing_cert.shtml). ~~http://ahca.myflorida.com~~ and shall be used as the format for the home health agency's emergency management plan. The plan shall describe how the home health agency establishes and maintains an effective response to emergencies and disasters.

(2) through (17) No change.

Rulemaking Specific Authority 400.492, 400.497 FS. Law Implemented 400.492, 400.497 FS. History--New 7-18-01, Amended 8-15-06, 3-29-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anne Menard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009, December 11, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-15.016  
RULE TITLE: Time for Payment of Civil Penalties  
PURPOSE AND EFFECT: The Board proposes the substantial rewrite of the rule to add new language to clarify the time for payment of civil penalties.

SUMMARY: The substantial rewrite of the rule will add new language to clarify the time for payment of civil penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 476.064(4), 455.227(2), 476.204 FS.

LAW IMPLEMENTED: 455.227(2), 476.204 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61B3-15.016 follows. See Florida Administrative Code for present text.)

61G3-15.016 Time for Payment of Civil Penalties.

(1) In cases where the Board imposes a civil penalty for violation of Section 455.227 or 476.194, F.S., or of the rules promulgated thereunder, the penalty shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's Order. Moreover, unless otherwise addressed by the Board at hearings held pursuant to Section 120.57(2), F.S., whenever a civil penalty is levied at said hearing the respondent who is disciplined shall have all licensure to practice contracting suspended with the imposition of the suspension being stayed for thirty (30) days. If the ordered civil penalty is paid within said thirty (30) day period, the suspension imposed shall not take effect. Upon payment of the civil penalty after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the civil penalty, within said period, then immediately upon expiration of the stay, the licensee shall surrender his/her licensure to an investigator of the Department of Business and Professional Regulation or shall mail said license to the Board offices.

(2) Failure to pay the civil penalty within the time specified in this rule or in the Board's Order shall constitute grounds for further disciplinary action against the licensee.

(3) For purposes of this rule, the term civil penalty shall include the assessment of any fines and costs associated with investigation and prosecution of the complaint.

Rulemaking Specific Authority 476.064(4), 455.227(2), 476.204 FS. Law Implemented 455.227(2), 476.204 FS. History--New 7-16-80, Formerly 21C-15.16, Amended 5-31-93, Formerly 21C-15.016, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-2.016  
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of this amendment is to adopt forms necessary to implement the 2009 amendments to Section 464.019, F.S., by adopting a form that prescribes the format for approval of nursing programs and an annual report.

SUMMARY: The purpose of this amendment is to adopt forms necessary to implement the 2009 amendments to Section 464.019, F.S. by adopting a form that prescribes the format for approval of nursing programs and an annual report.

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

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

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

64B9-2.016 Forms.

The following forms are incorporated by reference, and may be obtained from the Board office or on the Board's website: [www.doh.state.fl.us/mqa/nursing](http://www.doh.state.fl.us/mqa/nursing):

- (1) through (8) No change.
- (9) Application for New Nursing Program DH-MQA 1211.03/10 (rev.)
- (10) Annual Report for Programs in Nursing DH-MQA 1096.05/10.

Rulemaking Authority 464.006 FS. Law Implemented 456.013, 464.008, 464.009 FS. History--New 6-22-09, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

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

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

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

**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.: 62-304.600  
 RULE TITLE: Tampa Bay Basin TMDLs  
 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. 17, April 30, 2010 issue of the Florida Administrative Weekly.

62-304.600 Tampa Bay Basin TMDLs.

(1) Allen Creek (tidal). The fecal coliform TMDL for Allen Creek (tidal) is 43 ~~400~~ counts/100mL and is 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 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 2000 to 2007 ~~2008~~, will require a 71 ~~77~~ percent reduction of 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 fecal coliform criteria which, based on the measured concentrations from 2000 to 2007 ~~2008~~, will require a 71 ~~77~~ 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 II ~~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) through (8) No change.

(9) Cross Canal (North). The fecal coliform TMDL for Cross Canal (North) is ~~43 400~~ counts/100mL, 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 2007 period, will require a ~~81 64~~ 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 2007 period, will require a ~~81 64~~ 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 has been expressed as the percent reductions needed to attain the applicable Class ~~II 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.

(10) Double Branch. The fecal coliform TMDL for Double Branch is ~~43 400~~ counts/100mL, and is allocated as follows:

(a) The WLA for the Hillsborough County Northwest Regional Wastewater Reclamation Facility (FL0041670) is that it must meet the its NPDES permit conditions,

(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 2000 to 2007 period, will require a ~~84 41~~ 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 2000 to 2007 period, will require a ~~84 41~~ 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 ~~II 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.

(11) No change.

(12) Lower Rocky Creek. The fecal coliform TMDL for Lower Rocky Creek is ~~43 400~~ counts/100mL, 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 2000 to 2007 period, will require a ~~83 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 2000 to 2007 period, will require a ~~83 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 ~~II 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.

(13) through (17) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-550.800  
 RULE TITLE: Control of Lead and Copper  
 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. 19, May 14, 2010 issue of the Florida Administrative Weekly.

62-550.800 Control of Lead and Copper.

The requirements contained in the July 1, 2008, edition of 40 CFR 141, subpart I (sections 80 through 91), are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications to the requirements in 40 CFR 141, subpart I (sections 80 through 91).

(2) The Department shall not allow the ~~option provision~~ in 40 CFR 141.85(b)(3)(iv) that ~~allows an extension of~~ extends the activities ~~beyond the 60 day requirement~~ stated in 40 CFR 141.85(b)(2) ~~beyond the 60 day requirement stated in 40 CFR 141.85(b)(2).~~

(3) The Department shall not allow the ~~option provision~~ in 40 CFR 141.85(b)(5) ~~that allows an extension of which extends the activities beyond the 60 day requirement~~ stated in 40 CFR 141.85(b)(4) ~~beyond the 60 day requirement~~ stated in 40 CFR 141.85(b)(4).

(4) To fulfill the noticing requirements in 40 CFR 141.90(f)(2)-(3), the Department hereby adopts and incorporates Form 62-555.900(16), PWS Certification of Notification of Lead and Copper Tap Sample Results, (effective date), and Form 62-555.900(17), Lead Public Education Program Report for PWSs, (effective date). These forms are available as described in Rule 62-555.900, F.A.C.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                    RULE TITLE:  
62-640.700                   Requirements for Land Application  
   of Class AA, A, and B 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 below language also reflects the changes of a previous Notice of Change published for this rule in Vol 36, No. 23, June 11, 2010 issue of the FAW.

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 ~~shall 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.
        - 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 ~~shall may~~ be reduced to 100 feet if the biosolids are injected or incorporated into the soil.

- 2. through 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 ~~shall 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) The following additional setback distances shall apply to land application sites that accept Class B biosolids.

- 1. Class B biosolids shall not be applied within 300 feet of a building occupied by the general public. This distance ~~shall may~~ be reduced to 100 feet if biosolids are injected into the soil or if written permission is obtained from the building owner.
- 2. No change.
- (9) through (12) No change.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                    RULE TITLE:  
64B9-2.016                   Forms  
   NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.:                    RULE TITLE:  
69A-62.023                   Criteria for Identifying Firefighter  
   Employers with a High Frequency  
   or Severity of Injuries  
   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. 20, May 21, 2010 issue of the Florida Administrative Weekly.

- 69A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.
  - (1) through (3) No change.
  - (4) A firefighter employer identified as having a high frequency or severity of injuries must submit a firefighter employee safety and health program in accordance with Rule 69A-62.021, F.A.C., for approval by the State Fire Marshal in accordance with Section 633.809, F.S. The Department will use the safety and health program to inspect the identified firefighter employer. If a firefighter employer so identified has not developed its own approved Safety and Health Program,

the Safety and Health Program components set forth in Rule 69A-62.021, F.A.C. developed by the division, posted on the Department's website at <http://www.myfloridaefo.com/sfm/bfst/SafetyHealth/SafetyResres.htm>, will be used to conduct the inspection.

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 69O-137.002  
 RULE TITLE: Annual Audited Financial Reports

#### 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. 25, June 26, 2009 issue of the Florida Administrative Weekly.

1) 69O-137.002(3)(o) was added which reads:

“Section 16 Report’ means a Management’s Report of Internal Control over Financial Reporting provided in Section (16) of this rule.”

2) 69O-137.002(4)(b) was rewritten as follows:

“Every insurer required to file an annual Audited Financial Report pursuant to this regulation shall designate a group of individuals as constituting its Audit committee, as defined in Section (3). The Audit committee of an entity that controls an insurer may be deemed to be the insurer’s Audit committee for purposes of this regulation at the election of the controlling person.”

3) 69O-137.002(4)(c) and (d) were stricken.

4) 69O-137.002(5)(b)6. was rewritten as follows:

“Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions (incorporated by reference in subsection 69O-137.001(4), F.A.C.) and the NAIC Accounting Practices and Procedures Manual (incorporated by reference in subsection 69O-137.001(4), F.A.C.) and any other notes required by generally accepted accounting principles and shall also include: a. A reconciliation of differences, if any, between the audited statutory financial statements and the Annual Statement filed pursuant to Section 624.424(1), Florida Statutes, with a written description of the nature of these differences.”

5) In 69O-137.002(7)(c)1. the last sentence was rewritten as follows: “The Office shall consider ~~considering~~ the following factors in determining if the relief should be granted.”

6) At the end of 69O-137.002(7)(g)1.g. “or” was added as the final word.

7) At the end of 69O-137.002(7)(g)1.h. “or” was stricken.

8) 69O-137.002(7)(g)1.i. was stricken.

9) 69O-137.002(7)(h) was rewritten as follows:

“Insurers having direct written and assumed premiums of less than \$100,000,000 in any calendar year may request an exemption from subparagraph (g)1. The insurer shall file with the Office a written statement discussing the reasons why the insurer should be exempt from these provisions. If the Office finds, upon review of this statement, that compliance with this regulation would constitute an undue financial or organizational hardship upon the insurer, an exemption shall be granted.”

10) 69O-137.002(7)(l)1. was rewritten as follows:

“The Office shall not recognize an independent certified public accountant as qualified for a particular insurer if a member of the board, president, chief executive officer, controller, chief financial officer, chief accounting officer, or any person serving in an equivalent position for that insurer, was employed by the independent certified public accountant and participated in the audit of that insurer during the one-year period preceding the date that the most current statutory opinion is due. This subsection shall only apply to partners and senior managers involved in the audit.”

11) 69O-137.002(9) was rewritten as follows:

“Scope of ~~Audit Examination~~ and Report of Independent Certified Public Accountant. Financial statements furnished pursuant to subsection (5), above, shall be examined by ~~the an independent certified public accountant Certified Public Accountant~~. The ~~audit examination~~ of the insurer’s financial statements shall be conducted in accordance with generally accepted auditing standards. In accordance with AU Section 319 of the Professional Standards of the AICPA, Consideration of Internal Control in a Financial Statement Audit, the independent certified public accountant should obtain an understanding of internal control sufficient to plan the audit. To the extent required by AU 319, for those insurers required to file a Management’s Report of Internal Control over Financial Reporting pursuant to subsection (16), the independent certified public accountant should consider (as that term is defined in AU Section 120 of the Professional Standards of the AICPA, Defining Professional Requirements in Statements on Auditing Standards) the most recently available report in planning and performing the audit of the statutory financial statements. Consideration should also be given to the other procedures illustrated in the Financial Condition Examiner’s Handbook promulgated by the National Association of Insurance Commissioners (incorporated by reference in Rule 69O-138.001, F.A.C.) as the independent Certified Public Accountant deems necessary.”

12) 69O-137.002(11)(a) was rewritten as follows:

“In addition to the annual Audited Financial ~~Report Statement~~, each insurer shall furnish the Office with a written communication as to any unremediated material weaknesses in its Internal control over financial reporting noted during the audit. Such communication shall be prepared by the accountant within sixty (60) days after the filing of the annual Audited

Financial Report, and shall contain a description of any unremediated material weakness (as the term material weakness is defined by AU Section 325 of the Professional Standards of the AICPA, *Communicating Internal Control Related Matters Identified in an Audit*) as of December 31 immediately preceding (so as to coincide with the Audited Financial Report discussed in Section (4)) in the insurer's Internal control over financial reporting noted by the accountant during the course of their audit of the financial statements. If no unremediated material weaknesses were noted, the communication should so state. report prepared by the accountant describing significant deficiencies in the insurer's internal control structure noted by the accountant during the audit. The Report on Internal Controls Systems of the insurer shall be filed with the annual Audited Financial Report as required in subsection (4), above."

13) 69O-137.002(14)(c) was rewritten as follows:

"In order to be considered independent for purposes of this section, a member of the Audit committee may not, other than in his or her capacity as a member of the Audit committee, the board of directors, or any other board committee, accept any consulting, advisory or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary thereof."

14) 69O-137.002(14)(f)1. was rewritten as follows:

"The Audit committee shall require the accountant that performs for an insurer any audit required by this regulation to timely report to the Audit committee in accordance with the requirements of AU Section 380 of the Professional Standards of the AICPA, *Communication with Audit Committees*, including:"

15) In 69O-137.002(14)(g) "RBC" was replaced with "Risk Based Capital."

16) 69O-137.002(15)(c)1. was rewritten as follows:

"To issue or reissue a report on an insurer's financial statements that is not warranted in the circumstances (due to material violations of statutory accounting principles prescribed by the Office or generally accepted auditing standards):"

17) 69O-137.002(15)(c)2. was rewritten as follows:

"Not to perform audit, review or other procedures required by generally accepted auditing standards:"

18) 69O-137.002(16)(b) was rewritten as follows:

"Notwithstanding the premium threshold in paragraph (a), the Office shall require an insurer to file Management's Report of Internal Control over Financial Reporting if the insurer is in any Risk Based Capital level event, or meets any one or more of the standards of an insurer deemed to be in hazardous financial condition. "Hazardous financial condition" shall mean any of the conditions that subject an insurer to suspension or revocation of its certificate of authority as provided in Section 624.418, F.S."

19) 69O-137.002(16)(d)5. was rewritten as follows:

"Disclosure of any unremediated material weaknesses in the Internal control over financial reporting identified by management as of December 31 immediately preceding, after the effective date of this rule. Management is not permitted to conclude that the Internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles if there is one or more unremediated material weaknesses in its Internal controls over financial reporting:"

20) 69O-137.002(17)(a) was rewritten as follows:

"Upon written application of any insurer, the Office shall grant an exemption from compliance with any and all provisions of this rule the filing of an annual audited financial report received by the Office by March 1 of the year following the calendar year to which the application applies if the Office finds, upon review of the application, that compliance with this regulation would constitute an undue financial or organizational hardship upon the insurer. An exemption may be granted at any time and from time to time for a specified period or periods the insurer is under an order of receivership, conservatorship, rehabilitation, or is in another delinquency proceeding by the public insurance supervising official of any state, and the insurer has been granted an exemption from filing an annual audited financial report by its state of domicile. An exemption shall be granted for one year only. Exemptions for future years require additional applications."

21) In 69O-137.002(17)(b), the phrase "unless the Office permits otherwise" was stricken.

22) In 69O-137.002(17)(c), the phrase "unless the Office permits otherwise" was stricken.

23) 69O-137.002(17)(d) was rewritten as follows:

"The requirements of paragraph (7)(c) shall be in effect for audits of the year ending December 31, 2010 and thereafter."

24) 69O-137.002(17)(e) was rewritten as follows:

"The requirements of subsection (14) are to be in effect for audits of the year ending December 31, 2010. An insurer or Group of insurers that is not required to have independent Audit committee members or only a majority of independent Audit committee members (as opposed to a supermajority) because the total written and assumed premium is below the threshold and subsequently becomes subject to one of the independence requirements discussed in this paragraph due to changes in premium shall have one (1) year following the year the threshold is exceeded (but not earlier than January 1, 2010) to comply with the independence requirements discussed in this paragraph. Likewise, an insurer that becomes subject to one of the independence requirements discussed in this paragraph as a result of a business combination shall have one (1) calendar year following the date of acquisition or combination to comply with the independence requirements."

25) 690-137.002(20) was added which reads:

“Standards Incorporated by Reference.

(a) The following standards are hereby incorporated by reference:

1. AU Section 319 of the Professional Standards of the AICPA, Consideration of Internal Control in a Financial Statement Audit.

2. AU Section 120 of the Professional Standards of the AICPA, Defining Professional Requirements in Statements on Auditing Standards.

3. Volume 1, Section AU 561 of the Professional Standards of the AICPA.

4. AU Section 325 of the Professional Standards of the AICPA, Communicating Internal Control Related Matters Identified in an Audit.

5. AU Section 380 of the Professional Standards of the AICPA, Communication with Audit Committees.

(b) The standards incorporated in this section are available at the American Institute of CPAs (AICPA) website at: <http://www.aicpa.org/Publications>”.

The remainder of the rule reads as previously published.

## Section IV Emergency Rules

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

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

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

### **DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on June 29, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-20.0014(3)(d), F.A.C., by Brevard Community College on behalf of breath test instructor, Robert Wagner. The rule requires specialized topics instructors to meet certain criteria prior to teaching courses in their specialized topic area, in this

case, alcohol breath tests. Petitioner asserts that its instructor completed all aspects of certification as a specialized topics instructor and submitted paperwork to the College’s Program Specialist for Breath Test Operator certification. That specialist left the College without submitting the paperwork to the CJSTC for processing. Petitioner believed that his certification as a breath test instructor had been granted and taught five separate breath test operator courses for the College from June 8, 2009 to February 1, 2010. The Petitioner and the College argue that the failure to comply with all administrative requirements of the rule did not jeopardize the delivery of instruction by Petitioner. Petitioner requests a permanent waiver of paragraphs 11B-20.001(3)(d) and 11B-20.0016(1)(a)-(c), F.A.C., and that his certification as a breath test instructor be recognized as dating from June 1, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489 or by telephoning (850)410-7687.

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

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

### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on July 1, 2010, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County Parks and Recreation Department for a Modification of Permit No. 7333, Right of Way Application No.: 10-0106-1M, for utilization of Works or Lands of the District known as the C-1 and C-1W Canals for a new shared-use trail, improvements (widening and resurfacing) to an existing trail, landscaping, shelters, signage, parking area improvements, fencing, bollards, vehicular gates and guardrail within the C-1 and C-1W Canal rights of way located as follows: Phase I “S. W. 97th Avenue to east of Water Control Structure S-21 at S. W. 244th Street, Phase II” “S. W. 137th Avenue to S. W. 127th Avenue, Phase III” “S. W. 127th Avenue to S. W. 97th Avenue, Sections (multiple), Township 56 South, Range 39 and 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6) and paragraph 40E-6.221(2)(j), Florida Administrative Code, which prohibits the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and/or within designated

equipment staging areas within Works or Lands of the District and also prohibits parking and vehicular use within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1414, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

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

NOTICE IS HEREBY GIVEN THAT on June 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 4-301.12(A), 2001 FDA Food Code, subsection 61C-4.010(5), F.A.C., from Fitness San Jose Country Club Snack Bar, Jacksonville, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for washing, rinsing and sanitizing are provided within each public food service establishment. They are requesting to utilize dishwashing facilities located within another licensed facility under the same ownership.

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.

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NOTICE IS HEREBY GIVEN THAT on June 28, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for an Emergency Variance on June 23, 2010 for subsection 61C-1.004(1), Florida Administrative Code, and Section 5-203.13, 2001 FDA Food Code from Vivo Yogurt Bar, Tampa, FL. The above referenced F.A.C. addresses the requirements the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to utilize a mop sink located within an adjacent food service establishment.

The initial Petition will publish in Vol. 36, No. 27 on 7/9/10 and approval was contingent upon the Petitioner must ensure the mop sink located within Urban Cantina is maintained in a clean and sanitary manner and is provided with hot and cold running water under pressure and available during all hours of operation. If the hours of operation or ownership of Urban Cantina change, an updated signed agreement for use of the mop sink is required immediately.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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NOTICE IS HEREBY GIVEN THAT on June 29, 2010, the Florida Department of Environmental Protection has issued an order.

On April 20, 2010, Miami-Dade County applied for a variance from the provisions of paragraph 62-701.630(6)(d), F.A.C., which requires submittal of certain financial information related to landfill closure within 180 days after the close of each fiscal year. Petitioner alleged that requiring compliance would create a substantial hardship. Notice was published in the F.A.W. on May 7, 2010. The Order Granting Variance allows the petitioner to submit updated financial information in support of its financial test with 364 days of the close of each fiscal year.

A copy of the Order may be obtained by contacting: Richard Tender, Department of Environmental Protection, Solid Waste Section, MS #4565, 2400 Blair Stone Road, Tallahassee, FL 32399, (850)245-8735, email: richard.tedder@dep.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on June 28, 2010, the Bureau of Beaches and Coastal Systems has issued an order.

This Order (ST-1727 GT V) grants a variance pursuant to Section 120.542, F.S., to Walter and Marilyn Kreiseder, Brian and Pamela Sullivan, Fritz and Ping Faulhaber, and William Crouse, regarding ST-1727 GT, an application to use geotextile containers as the core of a reconstructed dune. A petition for variance was received on 3/5/10. Notice of receipt of petition requesting variance was published in the F.A.W. Vol. 36, No. 12, 3/26/10. No public comment was received. This Order grants a variance from subsections 62B-56.900(13) and (14), F.A.C., Letter of Credit and Standby Trust Agreement respectively. The referenced forms are required by the Department to be used for providing proof of financial assurance pursuant to Rule 62B-56.090, F.A.C. The petition was approved because the petitioner was able to demonstrate that strict adherence would create a substantial economic hardship and that the rule and underlying statute will be or has been achieved by other means. The properties are located on Casey Key in Nokomis, Sarasota Co., at 2209, 2207, 2305, 2309 and 2315 Casey Key Rd.

A copy of the Order may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on June 29, 2010, the Bureau of Beaches and Coastal Systems, received a petition for a waiver, pursuant to Section 120.542, Florida Statutes, and Rule 28-104, F.A.C., from Rule 62B-33.024, F.A.C., which provides the Thirty-Year Erosion Projection Procedures. The petition was received from Coastal Planning and Engineering, Inc., on behalf of MB Redevelopment Inc. (Loews Hotel), regarding DA-590. The property is located at 1601 Collins Ave., Miami Beach, Dade County, FL.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us). Any comments should be filed in writing with: The Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on July 2, 2010, the Board of Clinical Laboratory Personnel, received a petition for Michelle H. Forman. Petitioner is seeking a variance or waiver of paragraph 64B3-5.002(1)(b), Option 4, Florida Administrative Code, which requires for a specialty in Cytology that the applicant have an Associate's degree.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Teresa Hoye Doolittle, on May 20, 2010, has been withdrawn, upon request of the Petitioner. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, issue of the F.A.W.

The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on July 7, 2010, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.010(8), F.A.C., from Spring Lake Cove, L.L.L.P. The petition is seeking a waiver of that portion of subsection 67-48.010(8), F.A.C., which allows accrued and unpaid interest payments due annually on the State Apartment

Incentive Loan ("SAIL") Programs loans to be deferred to the extent "Development Cash flow" as defined under subsection 67-48.002(30), F.A.C., is insufficient and as such, require that the annual interest payment of the SAIL loan to be "hard pay" without such payment of interest being contingent on available Development Cash Flow.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT on April 2, 2010, the Department of Financial Services, Division of State Fire Marshal, has issued an order.

An Order Denying Petition for Permanent Waiver is in response to a petition filed by Milestone Group, Inc., received by the Department of Financial Services on December 16, 2009, and deemed complete at Milestone's request on January 21, 2010. The basis for denying the petition is that it does not meet the statutory conditions for waiver in Section 120.542, Florida Statutes, which requires that the status quo meet the level of fire protection intended by the underlying statute, and that the application of the Department's rule would either create a substantial hardship on the Petitioner, or would affect Petitioner in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

A copy of the Order may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com).

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Division of Historical Resources**, Special Category Grants-in-Aid Program announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 22, 2010, 10:00 a.m. – 11:30 a.m. (ET)

PLACE: Webinar

GENERAL SUBJECT MATTER TO BE CONSIDERED: How to apply for 2012 Special Category Grants: eligibility, grant request and match, forming your project's scope of work and budget, support materials, submission instructions, and what to do after submission.

Visit [www.flheritage.com/grants](http://www.flheritage.com/grants) for registration and more information.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff at 1(800)847-7278 or [bhpgrants@flheritage.com](mailto:bhpgrants@flheritage.com).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday July 29, 2010, 10:30 a.m.

PLACE: Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred, Florida 33850

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss council issues, research, and funding for 2010 and 2011.

A copy of the agenda may be obtained by contacting: Marshall Wiseheart at (850)488-4366.

Pursuant to the provisions of 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: Marshall Wiseheart at (850)488-4366. If you are 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: Marshall Wiseheart at (850)488-4366.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: July 22, 2010, 10:00 a.m. – 12:00 Noon  
PLACE: Florida Department of Agriculture and Consumer Services, Doyle Conner Building, Division of Plant Industry Auditorium, 1911 Southwest 34th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Small Farm Subcommittee of the Florida Food Safety and Food Defense Advisory Council will hold a public meeting to receive comments and input relative to charges issued by the 2010 Legislature. The charge states as follows: In accordance with Section 500.033, Florida Statutes, the Florida Food Safety and Food Defense Advisory Council shall assess the food safety requirements for food permits that govern small farm facilities permitted as food establishments. The council will complete the assessment and report its findings to the Commissioner of Agriculture by December 1, 2010. The department shall submit recommendations to the President of the Senate and Speaker of the House of Representatives by December 31, 2010, focusing on the most efficient and effective ways to ensure food safety while minimizing the cost to small farmers. The report is due to the President of the Senate and the Speaker of the House of Representatives by December 31, 2010.

A copy of the agenda may be obtained by contacting: Carol Windham at (850)245-5582.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Carol Windham at (850)245-5582. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Carol Windham at (850)245-5582.

### DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council for the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2010, 4:00 p.m. – 5:00 p.m.

PLACE: Ocala Hilton, 3600 Southwest 36th Ave., Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint meeting between Florida Rehabilitation Council for the Blind, Division of Blind Services and Florida Association of Agencies Serving the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, AAII at (850)595-5282 or email: [phyllis.dill@dbs.fldoe.org](mailto:phyllis.dill@dbs.fldoe.org).

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



agency at least 5 days before the workshop/meeting by contacting: The local Division of Blind Services Office at (850)352-955-2075 or Toll Free 1(800)443-0908. If you are 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 Rehabilitation Council for the Blind** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Thursday, July 29, 2010, 8:30 a.m. – 1:30 p.m.; Friday, July 30, 2010, 8:30 a.m. – 1:00 p.m.

**PLACE:** Ocala Hilton, 3600 Southwest 36th Ave., Ocala, FL 34474

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly Business Meeting.

A copy of the agenda may be obtained by contacting: Phyllis Dill, AAIL, DBS, 14 W. Jordan St., Ste. 1M, Pensacola, FL 32501, (850)595-5282 or phyllis.dill@dbs.fl DOE.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The local DBS Office at (352)955-2075 or Toll Free 1(800)443-0908. If you are 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 Rehabilitation Council for the Blind** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, July 29, 2010, 3:30 p.m. – 5:00 p.m.

**PLACE:** Ocala Hilton, 3600 Southwest 36th Ave., Ocala, FL 34474

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

For more information, you may contact: Phyllis Dill, AAIL, 14 W. Jordan St., Suite 1M, Pensacola, FL 32501, (850)595-5282, phyllis.dill@dbs.fl DOE.org.

The Florida **Department of Education** announces a telephone conference call of the State Board of Education to which all persons are invited.

**DATE AND TIME:** July 27, 2010, 10:00 a.m.

**PLACE:** Conference Call: 1(888)808-6959, Conference Code: 4617163#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this conference call is to consider the Approval of Amendment to Rule 6A-1.09401, Student Performance

Standards, to adopt the Common Core State Standards for English/Language Arts and Mathematics as the content standards for K-12 public instruction in Florida.

A copy of the agenda may be obtained by contacting: Department of Education website: <http://www.fl DOE.org/board/meetings/>.

Pursuant to the provisions of 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: Lynn Abbott at (850)245-9661 or email: [lynn.abbott@fl DOE.org](mailto:lynn.abbott@fl DOE.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Abbott, Agency Clerk, Department of Education at (850)245-9661 or e-mail: [lynn.abbott@fl DOE.org](mailto:lynn.abbott@fl DOE.org).

#### **DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs, Division of Housing and Community Development**, The Florida Building Commission, "The Commission" announces a public meeting to which all persons are invited.

**DATE AND TIME:** July 27, 2010, 9:00 a.m. – until completion  
**PLACE:** PUBLIC POINT OF ACCESS: Department of Community Affairs, Kelly Training Room, 3rd Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Special Occupancy Technical Advisory Committee will meet to hold a rule development workshop to consider and accept input on the proposed code changes to the 2009 International Codes as the foundation to the 2010 Florida Building Code and the Florida specific requirements currently existing within the 2007 Florida Building Code [FBC] and other business.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

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

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

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: August 3, 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, Florida 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.

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: August 3, 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: 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: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

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The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: August 5, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Undocketed – In Re: Review of Ten-Year Site Plans of Electric Utilities. The purpose of this workshop is to afford an opportunity for discussion and public comment on the ten-year site plans submitted by Florida's electric utilities and on related issues. In addition, the Florida Reliability Coordinating Council will present the Peninsular Florida Regional Load and Resource Plan, and associated studies.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770 (or) Phillip Ellis at (850)413-6626.

Any person requiring some accommodation at this workshop because of a physical impairment should call: Office of Commission Clerk, (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TTY).

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation 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.

For additional information, please contact: Charlie Murphy, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6191.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service (Volunteer Florida)** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, July 26, 2010, 4:00 p.m. – until business is complete

PLACE: Conference Call: 1(888)808-6959, Passcode: 1918015#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Finance and Audit Committee.

Pursuant to the provisions of 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: Kristin Mullikin at (850)921-5172 or [kristin@volunteerflorida.org](mailto:kristin@volunteerflorida.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kristin Mullikin at (850)921-5172 or [kristin@volunteerflorida.org](mailto:kristin@volunteerflorida.org).

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#### REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** and the Bay Area Resource Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: Pensacola City Hall, 222 West Main Street, Whibbs Conference Room, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Speakers will provide an update on how local, state and federal governments and others are responding to Deepwater Horizon Oil Clean and Clean-Up efforts, including short-term and long-term goals.

Guest Speakers including Florida Department of Environmental Protection, Florida Fish and Wildlife Commission; U.S. Coast Guard, BP and U.S. Environmental Protection Agency, Region IV. A representative from the Florida Emerald Coast Clean Cities Coalition will discuss the Clean Cities Program and lessening our dependence on foreign and domestic oil.

A copy of the agenda may be obtained by contacting: There is no fee to attend, but you must RSVP before 4:00 p.m. Friday, July 23, 2010.

For more information, please contact: Mary Gutierrez, Bay Area Resource Council at (850)332-7976, ext. 226 or e-mail: [mary.gutierrez@wfrpc.org](mailto:mary.gutierrez@wfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Mary Gutierrez at (850)332-7976 or email: [mary.gutierrez@wfrpc.org](mailto:mary.gutierrez@wfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Bay County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 4, 2010, 1:00 p.m.

PLACE: Bay County Government Center, 840 West 11th Street, Room #1030, Panama City, FL 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

Agendas are available one week prior to the meeting: [www.wfrpc.org/baytd](http://www.wfrpc.org/baytd).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Amy Brown at e-mail: amy.brown@wfrpc.org or 1(800)226-8914, ext. 281. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Julia Pearsall at julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

**The East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2010, 10:00 a.m.

PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@ecfrpc.org.

#### **METROPOTIAN PLANNING ORGANIZATIONS**

**The Collier Metropolitan Planning Organization (MPO)** announces a workshop to which all persons are invited.

DATE AND TIME: July 28, 2010, 5:00 p.m. – 7:00 p.m.

PLACE: St. Elizabeth Seton Parish Center, 5260 28th Ave., S. W., Naples, FL 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Long Range Transportation Plan Workshop will be held to receive public input on the transportation needs for Collier County through the year 2035.

A copy of the agenda may be obtained by contacting: MPO Director, Phil Tindall at (239)252-8192.

Pursuant to the provisions of 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: MPO Director, Phil Tindall at (239)252-8192. If you are 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: MPO Director, Phil Tindall at (239)252-8192.

#### **WATER MANAGEMENT DISTRICTS**

**The Suwannee River Water Management District (District)** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 26, 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 at (386)362-1001 or 1(800)226-1066 (Florida Only) or on the District's website: 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 Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2010, 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District's Governing Board and Basin Boards may also attend the meeting.

A copy of the agenda may be obtained by contacting: maryellen.fugate@watermatters.org, 1(800)423-1476 (FL Only), or (352)796-7211, ext. 4394.

Pursuant to the provisions of 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: SWFWMD Human Resources at 1(800)423-1476 (FL Only), or (352)796-7211, ext. 4702. If you are 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: maryellen.fugate@watermatters.org.

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The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 27, 2010, 9:00 a.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing: Consider SWFWMD business including adoption of proposed District and Watershed Basin millage rates for fiscal year 2011. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings and Event Calendar; 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Luanne.Stout@watermatters.org 1(800)423-1476 (FL Only), (352)796-7211, ext. 4605 (Ad Order EXE0057).

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The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2010, 5:00 p.m.

PLACE: University of South Florida, Marshall Student Center, 4202 East Fowler Avenue, Tampa, FL 33614

GENERAL SUBJECT MATTER TO BE CONSIDERED: INROADS Awards Banquet: Benefits SWFWMD diversity outreach for recruitment of minority interns. Governing Board members may attend.

A copy of the agenda may be obtained by contacting: Janice.Cox@watermatters.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4703 (Ad Order EXE0056).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janice Cox as indicated above.

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The **South Florida Water Management District, St. Johns River Water Management District and Southwest Florida Water Management District** jointly announce a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2010, 9:30 a.m. – 4:00 p.m.

PLACE: Osceola County Commission Chambers, 1 Courthouse Square, 4th Floor, Kissimmee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District, Southwest Florida Water Management District and St. Johns River Water Management District have scheduled the first of a series of public meetings to introduce groundwater modeling and statistical tools developed to evaluate groundwater availability in the Central Florida region. The first workshop will focus on the overall approach to defining groundwater availability, model construction and data input, statistical studies, hydrologic evaluation criteria and proposed initial modeling scenarios.

A copy of the agenda may be obtained online at [www.cfcawater.com](http://www.cfcawater.com) or by contacting:

South Florida Water Management District:

Dean Powell, Acting Department Director, Water Supply Management, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6787 or (561)682-6787.

Southwest Florida Water Management District:

Roy Mazur, Planning Director, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476, ext. 4400 or (352)796-7211, ext. 4400.

St. Johns River Water Management District:

Dwight Jenkins, Consumptive Use Policy Development Coordinator, 4049 Reid Street/State Road 100 West, Palatka, Florida 32177, 1(800)451-7106, ext. 4491 or (386)329-4491.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact:

South Florida Water Management District: Dean Powell, Acting Department Director, Water Supply Management, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6787 or (561)682-6787

Southwest Florida Water Management District: Roy Mazur, Planning Director, 2379 Broad Street, Brooksville, FL 34604-6899, (800)423-1476 or (352)796-7211, ext. 4400

St Johns River Water Management District: Dwight Jenkins, Consumptive Use Policy Development Coordinator, 4049 Reid Street/State Road 100 West, Palatka, FL 32177, (800)451-7106 or (386)329-4491

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## SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2010, 10:00 a.m. (EDT)

PLACE: By Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: An Emergency Board Meeting was held on June 24, 2010, to cover one topic on a business development transaction and contract approval.

A copy of the agenda may be obtained by contacting: Juanell Kirkendoll at email: [jkirkendoll@spaceflorida.gov](mailto:jkirkendoll@spaceflorida.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Juanell Kirkendoll at email: [jkirkendoll@spaceflorida.gov](mailto:jkirkendoll@spaceflorida.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Juanell Kirkendoll at email: [jkirkendoll@spaceflorida.gov](mailto:jkirkendoll@spaceflorida.gov).

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## DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation**, Early Learning Information System, Project Steering Committee announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, July 27, 2010, 2:00 p.m. – 4:00 p.m.; Thursday, July 29, 2010, 3:00 p.m. – 4:00 p.m.

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399 or Conference Call: 1(888)808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/earlylearning/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: July 27, 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 Engineers Management Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, July 23, 2010, 2:00 p.m. (EST)

PLACE: Florida Board of Professional Engineers, 2507 Callaway Rd., Ste. 200, Tallahassee, FL 32303, Conference Call: 1(866)895-8146, Passcode: 30295716#

GENERAL SUBJECT MATTER TO BE CONSIDERED: to discuss general business of the board including a review of staff climate survey.

A copy of the agenda may be obtained by contacting: Rebecca Sammons at (850)521-0500.

Pursuant to the provisions of 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: Rebecca Sammons at (850)521-0500. If you are 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: Rebecca Sammons at email: [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Florida **Department of Environmental Protection** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, July 29, 2010, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to discuss proposed changes to Rule 62-304.600, F.A.C., Tampa Bay Basin TMDLs, originally published in the Vol. 36, No. 17, April 30, 2010 issue of the

Florida Administrative Weekly. The Department is amending certain TMDLs in recognition of the applicable Class II criteria for fecal coliform.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS #3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of 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. 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).

For more information, you may contact: 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, (850)245-8448.

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The **Division of Air Resource Management** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, August 18, 2010, 10:00 a.m.

PLACE: Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection (DEP) announces that a public hearing pursuant to the requirements of 40 C.F.R. 51.102 will be held, if requested, at the date, time and place given above.

Any person wishing to request the public hearing must do so by notifying: Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or email: [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us), no later than August 6, 2010.

The purpose of the public hearing is to receive comments on DEP's proposal to amend its March 19, 2010, submission to the U.S. Environmental Protection Agency (EPA), of a revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, for its regional haze plan as required pursuant to sections 169A and 169B of the Act and EPA regulations at 40 C.F.R. 51.308. It is not necessary that the hearing be held or attended in order for persons to comment on DEP's proposed SIP revision.

Persons may submit comments by letter or e-mail to: Ms. Searce prior to the scheduled hearing August 18, 2010. The proposed amendments to the March 19, 2010, submission are in response to U.S. EPA comments with regard to the reasonable progress components of the regional haze plan. The primary amendment removes the Reasonable Progress Control

Technology rule from the plan and addresses the adequacy of existing and proposed federal regulations for appropriately responding to the reasonable progress requirements. The hearing agenda and materials comprising the proposed amendments to the SIP revision are posted at [http://www.dep.state.fl.us/air/rules/public\\_meeting\\_notice.htm](http://www.dep.state.fl.us/air/rules/public_meeting_notice.htm).

These materials may also be inspected during normal business hours at Division of Air Resource Management offices, 111 S. Magnolia Dr., Suite 23, Tallahassee, Florida or accessed through any DEP District Air Section or DEP-approved local air pollution control office.

For more information on how to inspect or access these materials, please contact: Ms. Scarce at the mailing or e-mail address given above, or by calling (850)921-9551. If no request for a public hearing is received, the hearing will be cancelled, and notice of the cancellation will be posted by 5:00 p.m., August 11, 2010, at [http://www.dep.state.fl.us/air/rules/public\\_meeting\\_notice.htm](http://www.dep.state.fl.us/air/rules/public_meeting_notice.htm). Persons also may contact Ms. Scarce to find out if the hearing has been cancelled.

A copy of the agenda may be obtained by contacting: Ms. Lynn Scarce at (850)921-9551 or [lynn.scarce@dep.state.fl.us](mailto:lynn.scarce@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Room 611, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Department's recommendations and receive public comment on the intended use of available funds in the Clean Water State Revolving Fund (CWSRF) Program during Fiscal Year (FY) 2011. These funds include the Federal Clean Water Act appropriations, State matching funds, proceeds from the sale of bonds, interest income, loan repayments, and fees. Funds may be used to finance wastewater, stormwater or non-point source preconstruction and/or construction projects through direct loans, and to cover the administrative costs of the program, under State Revolving Fund Rule, Chapter 62-503, Florida Administrative Code. Service fees may also be used for other water quality activities. Projects currently listed on the contingency portion of the FY 2010 Water Pollution Control SRF Priority List will be elevated to fundable status on the FY 2011 priority list, subject to the \$10 million segment cap. New projects which have met program requirements will

be added to the bottom of the fundable list after the projects being elevated from contingency. Some projects will receive special funding priority as a result of certain provisions of the FY 2010 Clean Water Act Appropriations.

A copy of the agenda may be obtained by contacting: Gary Powell at (850)245-8383 or [gary.powell@dep.state.fl.us](mailto:gary.powell@dep.state.fl.us).

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

For more information, you may contact: Timothy Banks at (850)245-8360 or [timothy.banks@dep.state.fl.us](mailto:timothy.banks@dep.state.fl.us).

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The **Department of Environmental Protection** announces a hearing to which all persons are invited.

DATE AND TIME: September 15, 2010, 2:00 p.m.

PLACE: Room 611, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and take final action on adoption of the Fiscal Year (FY) 2011 State Revolving Fund priority list for water pollution control loan projects under Chapter 62-503, Florida Administrative Code (F.A.C.). Projects currently listed on the contingency portion of the FY 2010 priority list will be elevated to the fundable portion of the FY 2011 priority list, subject to the \$10 million segment cap limit. New projects which have met program requirements will be ranked and added to the bottom of the FY 2011 fundable portion of the priority list. Some projects will qualify for additional subsidization in the form of principal forgiveness and/or special funding priority under provisions of the FY 2010 Federal Capitalization Grant Appropriation.

Pursuant to subsection 62-503.600(4), F.A.C., the Department's funding commitment to projects currently assigned to the water pollution control loan priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled.

Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

After the hearing, the Department will file the written Record of Final Agency Action. A copy of the Record of Final Agency Action will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with: Department's Bureau of Water Facilities



Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

A copy of the agenda may be obtained by contacting: Gary Powell at the same address as shown above or phone (850)245-8358 or email: gary.powell@dep.state.fl.us.

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

For more information, you may contact: Timothy Banks at the same address as shown above, or phone at (850)245-8360 or email: timothy.banks@dep.state.fl.us.

The **Department of Environmental Protection**, Office of Greenways and Trails announces a Conference Call to which all persons are invited.

DATE AND TIME: July 23, 2010, 9:00 a.m.

PLACE: Please call (850)245-2065 for instructions on participation

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a public meeting by telephone conference call of the Recreational Trails Program Advisory Committee. The committee will discuss the priority list of the 2010 submission cycle.

A copy of the agenda may be obtained by contacting: Alexandra Weiss, Office of Greenways and Trails, State of Florida, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #795, Tallahassee, Florida 32399-3000, (850)245-2065.

Pursuant to the provisions of 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: Alexandra Weiss at (850)245-2065. If you are 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: Alexandra Weiss at (850)245-2065.

## DEPARTMENT OF HEALTH

The Florida **Department of Health, Division of Medical Quality Assurance** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 8:30 a.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Public Service Commission Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this meeting is to review with the board/council chairs and /or vice chairs, as required by Section 456.005, F.S., the long-range policy planning and monitoring process to include recommendations specific to each profession.

A copy of the agenda may be obtained by contacting: Lisa Nickerson, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

Pursuant to the provisions of 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: Lisa Nickerson, Medical Quality Assurance at (850)245-4224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Medicine**, Expert Witness Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 5, 2010, immediately following the Dietetics-Nutrition and Electrolysis Committee meeting (Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at: [www.flahsource.com](http://www.flahsource.com) for cancellations or changes to the meeting dates or call the Board of Medicine at (850)245-4131 for more information.)

PLACE: Renaissance Orlando Hotel-Airport, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the general business of the Expert Witness Committee. A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, [www.Gwyn\\_Willis@doh.state.fl.us](mailto:www.Gwyn_Willis@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or [www.Gwyn\\_Willis@doh.state.fl.us](mailto:www.Gwyn_Willis@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, Surgical Care Quality Assurance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 5, 2010, immediately following the Rules and Legislation Committee meeting (Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at: [www.flahhealthsource.com](http://www.flahhealthsource.com) for cancellations or changes to the meeting dates or call the Board of Medicine at (850)245-4131 for more information.)

PLACE: Renaissance Orlando Hotel-Airport, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board of Medicine Surgical Care and Quality Assurance Committee.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, [www.Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or [www.Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, Dietetics-Nutrition and Electrolysis Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 5, 2010, immediately following the Surgical Care and Quality Assurance Committee meeting (Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at [Floridashealth.com](http://Floridashealth.com) for cancellations or changes to the meeting dates.)

PLACE: Renaissance Orlando Hotel-Airport, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Dietetics-Nutrition and Electrolysis Committee.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 6, 2010, 9:00 a.m.

PLACE: Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing: [www.doh.state.fl.us/mqa/podiatry/index.html](http://www.doh.state.fl.us/mqa/podiatry/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 hours before the workshop/meeting by contacting: Sherra Causey at (850)245-4444, ext. 3617. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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NOTICE OF CANCELLATION – The **Department of Health, Board of Psychology** hereby provides notice of the cancellation of conference calls to which the public may have been invited. Meetings or portions of Probable Cause Panel meetings are public if a case or cases are public by reason of reconsideration.

DATES AND TIME: Tuesday, July 20, 2010; Tuesday, September 21, 2010; Tuesday, November 23, 2010 – advertised in F.A.W., Vol. 35, No. 33, August 21, 2009

PLACE: Conference Calls

GENERAL SUBJECT MATTER TO HAVE BEEN CONSIDERED: Probable Cause Panel Meeting.

These meetings are not public and agendas are only available if there are reconsideration cases. When there are reconsideration cases, agenda information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373, ext. 3467.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2010, 9:00 a.m.

PLACE: Crowne Plaza Orlando Airport Hotel, Orlando, FL

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 4 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).

The **Department of Children and Families**, Circuit 2, Community Action Team announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2010, 11:00 a.m. – 1:00 p.m.

PLACE: Wesson Media Center, 2813 South Meridian Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community leaders and stakeholders will discuss current issues of importance to families and children throughout the six-county area (Leon, Gadsden, Franklin, Liberty, Wakulla and Jefferson) that comprise Circuit 2.

A copy of the agenda may be obtained by contacting: Nicole Stookey, Community Relations Manager, Department of Children and Families, 2383 Phillips Road, Tallahassee, FL 32308, (850)488-0568 Office, (850)509-2675 Cell, Nicole\_Stookey@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 2 days before the workshop/meeting by contacting: Nicole Stookey at (850)488-0568.

If you are 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: Nicole Stookey, Community Relations Manager, Department of Children and Families, 2383 Phillips Road, Tallahassee, FL 32308, (850)488-0568 Office, (850)509-2675 Cell, Nicole\_Stookey@dcf.state.fl.us.

The **Adult Protective Services Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 4, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4882881#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting: Adult Protective Services Program at (850)488-2881.

Pursuant to the provisions of 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: Adult Protective Services Program at (850)488-2881. If you are 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: Robert Anderson, State Director, Adult Protective Services at (850)488-2881.

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Parrish Medical Center, Conference Center, 951 North Washington Avenue, Titusville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding an exception to the Baker Act law in regards to transporting minors.

The Florida Mental Health Act permits a community to request an exception to certain requirements for transportation of persons for involuntary examination contained in Section 394.462(3), Florida Statutes.

The exception plan for minors requested for Circuit 18/Brevard County proposes to require the transportation of minors to the nearest receiving facility that has licensed psychiatric beds specifically designated for minors, instead of to the nearest receiving facility serving persons of all ages. This is a permitted exception to the statutory requirements in that it improves service coordination and better meets the special needs of youth in Circuit 18/Brevard County.

A copy of the agenda may be obtained by contacting: Anna Fedeles, 375 Commerce Parkway, Suite 101, Rockledge, Florida 32955, (321)634-3632.

Pursuant to the provisions of 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: Anna Fedeles, 375 Commerce Parkway, Suite 101, Rockledge, Florida 32955, telephone (321)634-3632. If you are 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: Anna Fedeles, 375 Commerce Parkway, Suite 101, Rockledge, Florida 32955, (321)634-3632.

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**The Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2010, 2:00 p.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, Florida 32399-0700, Conference Call: 1(888)808-6959, Conference Code: 4883791#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Solicitation Conference, as provided for in Section 2.6 of RFP # 06K10BS1, published on the Vendor Bid System (VBS) on July 6, 2010.

A copy of the agenda may be obtained by contacting: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700 or email: Anna\_Bethea@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 5 days before the workshop/meeting by contacting: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700 or email: Anna\_Bethea@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**The Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 26, 2010, 6:00 p.m. – 7:30 p.m.

PLACE: Catholic Charities, 2210 Santa Barbara Boulevard, Naples, Florida 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suncoast Region, Refugee Advisory Panel.

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

agency at least 5 days before the workshop/meeting by contacting: Janet Blair at email: Janet\_Blair@dcf.state.fl.us or Fax: (813)558-5598. If you are 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: Janet Blair at (813)558-5841, email: Janet\_Blair@dcf.state.fl.us or Fax: (813)558-5598; Taddese Fessehaye at email: Taddese\_Fessehaye@dcf.state.fl.us.

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**The Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 27, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: PTEC Clearwater Campus, 6100 154th Avenue North, Building 1, Center for Excellence Room, Clearwater, Florida 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suncoast Region, Refugee Task Force.

Pursuant to the provisions of 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: Janet Blair at email: Janet\_Blair@dcf.state.fl.us or Fax: (813)558-5598. If you are 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: Janet Blair at (813)558-5841, email: Janet\_Blair@dcf.state.fl.us or Fax: (813)558-5598; Taddese Fessehaye at email: Taddese\_Fessehaye@dcf.state.fl.us.

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**The Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Catholic Charities, 2210 Santa Barbara Boulevard, Naples, Florida 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suncoast Region, Refugee Task Force.

Pursuant to the provisions of 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: Janet Blair at email: Janet\_Blair@dcf.state.fl.us or Fax: (813)558-5598. If you are 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: Janet Blair at (813)558-5841, email: Janet\_Blair@dcf.state.fl.us, or Fax: (813)558-5598; Taddese Fessehaye at email: Taddese\_Fessehaye@dcf.state.fl.us.

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**The Department of Children and Families – Statewide Task Force on Human Trafficking** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2010, 9:30 a.m. – 12:00 Noon

PLACE: This meeting will held via regional Video Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Human Trafficking Issues in Florida.

A copy of the agenda may be obtained by contacting: For more information please visit the Human Trafficking Task Force website at: <http://www.dcf.state.fl.us/initiatives/HumanTrafficking/> or contact Regina Bernadin at (305)376-1948 or [regina\\_bernadin@dcf.state.fl.us](mailto:regina_bernadin@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 5 days before the workshop/meeting by contacting: Regina Bernadin at (305)376-1948 or [regina\\_bernadin@dcf.state.fl.us](mailto:regina_bernadin@dcf.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: Regina Bernadin at (305) 376-1948 or [regina\\_bernadin@dcf.state.fl.us](mailto:regina_bernadin@dcf.state.fl.us)

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#### DEPARTMENT OF FINANCIAL SERVICES

The Florida **Department of Financial Services** announces a meeting of the Chief Financial Officer's Treasury Investment Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 23, 2010, 1:00 p.m.

PLACE: 1801 Hermitage Boulevard, Room 440-C, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a quarterly meeting of the Treasury Investment Committee pursuant to Section 17.575, Florida Statutes. Matters to be heard and discussed include an overview of the State of Florida Treasury investment program, the purpose of the Treasury Investment Committee, the Investment Committee Charter, and External Manager Update.

A copy of the agenda may be obtained by contacting: Shari Bruno, Administrative Assistant II, Florida Department of Financial Services, Division of Treasury, 1801 Hermitage Boulevard, Tallahassee, Florida 32399, (850)413-2762.

Pursuant to the provisions of 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: Shari Bruno at (850)413-2762. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: September 14, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 690-149.303, Florida Administrative Code, published on April 9, 2010 in Vol. 36, No. 14, of the Florida Administrative Weekly, has been changed from June 8, 2010 to September 14, 2010.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.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 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, email: [Gerry.Smith@flor.com](mailto:Gerry.Smith@flor.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: [Gerry.Smith@flor.com](mailto:Gerry.Smith@flor.com).

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The **Financial Services Commission** announces a hearing to which all persons are invited.

DATE AND TIME: July 29, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69U-100.045, F.A.C., published on June 18, 2010, in Vol. 36, No. 24 of the Florida Administrative Weekly. The rule is being amended to reflect the manuals that the Division of Banking uses to examine state-chartered financial institutions.

A copy of the agenda may be obtained by contacting: Governor and Cabinet website at: <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet 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: Andrea Moreland, Office of Financial Regulation, at (850)410-9601, [andrea.moreland@flofr.com](mailto:andrea.moreland@flofr.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: Andrea Moreland, Office of Financial Regulation at (850)410-9601, [andrea.moreland@flofr.com](mailto:andrea.moreland@flofr.com).

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The **Financial Services Commission** announces a hearing to which all persons are invited.

DATE AND TIME: July 29, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed Rule 69W-600.0011, F.A.C., published on June 4, 2010, in Vol. 36, No. 22 of the Florida Administrative Weekly. No changes have been made to the rule. As background, Section 517.1611(2), F.S., requires the Financial Services Commission to adopt registration disqualifying periods for applicants and their relevant persons based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld. The statute imposes a disqualifying period of 15 years for certain felonies and 5 years for certain misdemeanors. The statute provides that the rule may also address mitigating factors, an additional waiting period based upon dates of imprisonment or community supervision, an additional waiting period based upon commitment of multiples crimes, and other factors reasonably related to the consideration of an applicant's criminal history. The proposed rule implements these requirements for dealers, issuer/dealers, and investment advisers, including their relevant persons.

Relevant persons include: any member, principal, or director of the applicant or any person having similar status or performing similar functions; any person directly or indirectly controlling the applicant; direct owners, principals, or indirect owners that are required to be reported on behalf of the applicant on Form BD (Uniform Application for Broker-Dealer Registration) or Form ADV (Uniform Application for Investment Registration) pursuant to Section 517.12(15), F.S. The rule makes a general classification of crimes into two classes: Class A and Class B. Class A crimes address felonies involving fraud, dishonesty or any other act of moral turpitude; and Class B crimes address misdemeanors involving those same issues. Under the proposed rule, the disqualification period for a Class A crime is 15 years. For Class B crimes, the disqualification period is 5 years. The rule provides that the disqualification period will be extended if the applicant or relevant person has multiple Class A or B crimes, and it provides that mitigating factors may be considered to reduce disqualifying periods. The disqualifying periods established in the rule do not give an applicant a right to registration after any set period of time. Regardless of the expiration of any disqualifying period imposed by the rule, the burden to prove entitlement to registration remains on the applicant. Other factors related to the consideration of the applicant's or relevant person's criminal history are also addressed.

A copy of the agenda may be obtained by contacting: Governor and Cabinet website at: <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet 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: Andrea Moreland, Office of Financial Regulation, at (850)410-9601, [andrea.moreland@flofr.com](mailto:andrea.moreland@flofr.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: Andrea Moreland, Office of Financial Regulation at (850)410-9601, [andrea.moreland@flofr.com](mailto:andrea.moreland@flofr.com).

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## AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology (AEIT)** announces a public meeting to which all persons are invited.

DATE AND TIME: August 5, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: R. A. Gray Building Auditorium, 500 S. Bronough St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide centralized, coordinated communication and feedback across state entities regarding enterprise Information Technology initiatives.

A copy of the meeting agenda will be available on AEIT's website at least 7 days prior to meeting. Contact: Dawn Creamer by email: dawn.creamer@aeit.myflorida.com or by phone at (850)922-7502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Dawn Creamer at (850)922-7502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **POLK STATE COLLEGE**

The **Polk State College**, Kenneth C. Thompson Institute of Public Safety announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 29, 2010, 2:00 p.m.

PLACE: Polk State College (PSC), Kenneth C Thompson Institute of Public Safety, Room WCJ146, 999 Avenue H, N.E., Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Approve minutes from January 14, 2010 meeting
2. Old Business
3. New Business
  - a. Presentation by Scott Wilder
  - b. Council Member Vacancy
4. Training Issues
5. Other Issues
6. Adjournment

A copy of the agenda may be obtained by contacting: Polk State College, KCTIPS, 999 Avenue H, N. E., Station #9, Winter Haven, FL 33881.

For more information, you may contact: Captain Craig C. Smith, Director at (863)297-1038 or Debbie Bull, Secretary at (863)669-2908.

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### **WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.**

The **West Central Florida Area Agency on Aging, Inc.** announces a hearing to which all persons are invited.

DATE AND TIME: July 30, 2010, 10:00 a.m.

PLACE: West Central Florida Area Agency on Aging, 5905 Breckenridge Parkway, Suite F, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The West Central Florida Area Agency on Aging announces a public hearing to which all persons are invited. The purpose is to inform participants of the Older American Act Title III-D services West Central Florida Area Agency on Aging is proposing to provide directly and give participants the opportunity to make public comments.

A copy of the agenda may be obtained by contacting: Paula Nelson at (813)676-5583 or via email at: nelsonp@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 48 hours before the workshop/meeting by contacting: Paula Nelson at (813)676-5583. If you are 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: Paula Nelson at (813)676-5583 or via email: nelsonp@elderaffairs.org.

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### **FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

The **Florida Atlantic Research and Development Authority (FARDA)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 12, 2010, 5:00 p.m.

PLACE: Technology Business Incubator, Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of President's Position.

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres at ccannon@edc-tech.org, (561)620-8494, ext. 10.

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### **TALLAHASSEE-LEON COUNTY LOCAL COORDINATING BOARD**

The **Tallahassee-Leon County Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2010, 4:00 p.m.

PLACE: Call for location (850)891-6812

GENERAL SUBJECT MATTER TO BE CONSIDERED: regular quarterly meeting.

A copy of the agenda may be obtained by contacting: colleen.roland@talgov.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 24 hours before the workshop/meeting by contacting: (850)891-6812 or (850)891-6800. If you are 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: Colleen Roland, Capital Region Transportation Planning Agency at (850)891-6812.

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**CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.**

The **Center for Independent Living of South Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, July 31, 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 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: Mary@soflacil.org or call: (305)751-8025, (TDD), (305)751-8891.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or call (305)751-8025, ext. 110.

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**SOUTHWOOD SHARED RESOURCE CENTER**

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 23, 2010, 9:00 a.m.

PLACE: Department of Transportation, Burns Building, Room 129, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Technology Committee. The committee is scheduled to meet every 2nd and 4th Friday depending on need.

Please contact: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us for meeting information and cancellations.

A copy of the agenda may be obtained by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The Claims Committee of **Citizens Property Insurance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 30, 2010, 10:00 a.m.

PLACE: Conference Call: 1(888)302-3367

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Claims Committee.

A copy of the agenda may be obtained by contacting: Heather Ousley at (904)208-7238 or by visiting our website: <https://www.citizensfla.com/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Heather Ousley at (904)208-7238. If you are 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: Heather Ousley at (904)208-7238.

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**PRIDE ENTERPRISES**

The **PRIDE Enterprises**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2010 Finance Committee; July 28, 2010 Board; Additional meeting notices for 2010 will be posted on [http://www.pride-enterprises.org/board\\_meetings.aspx](http://www.pride-enterprises.org/board_meetings.aspx). Exact date and location may vary and committee meetings may be scheduled as determined by the chairman.

PLACE: PRIDE Corporate Office, St. Petersburg, FL; unless otherwise noticed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Finance Committee; Board of Directors.

A copy of the agenda may be obtained by contacting: [dkiminki@pride-enterprises.org](mailto:dkiminki@pride-enterprises.org).

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**FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION**

The **Florida Birth-Related Neurological Injury Compensation Association** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2010, 4:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations regarding large cap manager search.

For more information, you may contact: (850)488-8191.

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## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Paul E. Radauskas, General Manager, Sarasota County Planning and Development Services. It was assigned the number DCA10-DEC-085. The petition seeks the agency's opinion as to the applicability of section 3109, Florida Building Code, Special Construction Volume (2007, with 2009 supplement) as it applies to the petitioner, a building official. as it applies to the petitioner.

The petitioner asks if two proposed modifications to single family dwellings located seaward of the FDEP/FBC coastal construction control line (the CCCL zone) require elevation of the structure on a pile foundation, under section 3109, F.B.C. The first proposed modification involves the construction of new walls and a second story floor and roof, but stays within the footprint/perimeter of the existing foundation, which has been determined adequate to support the proposed modifications. The cost of the modification will exceed 50% of the market value of the existing building. The second proposed modification is similar, but involves horizontal additions outside the perimeter of the existing foundation.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from George Merlin, President, George Merlin Associates, Inc. It has been assigned the number DCA10-DEC-091. The petition seeks the agency's opinion as to the applicability of section 3109, Florida Building Code, Special Construction Volume (2007, with 2009 supplement) as it applies to the petitioner, involves the same proposed modifications to single family dwellings as DCA10-DEC-085, and is a request for clarification of a previously issued declaratory statement, DCA09-DEC-347, as it applies to the petitioner.

The petitioner asks if two proposed modifications to single family dwellings located seaward of the FDEP/FBC coastal construction control line (the CCCL zone) is exempt, without limit on cost, from the requirements of section 3109, F.B.C., as to design standards for new construction. The first proposed modification involves the construction of new walls and a second story floor and roof, but stays within the footprint/perimeter of the existing foundation, which has been determined adequate to support the proposed modifications. The cost of the modification will exceed 50% of the market

value of the existing building. The second proposed modification is similar, but involves horizontal additions outside the perimeter of the existing foundation.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Paul T. Myers, Building Official, Putnam County, Florida, on May 7, 2010. The petition seeks the agency's opinion as to the applicability of Section 553.791, F.S., as it applies to the petitioner, a building official. as it applies to the petitioner.

Petitioner asks if it is both ethical and lawful for a county or municipality to contract for, and accept, the services of a private provider (an individual, firm, or corporation) to serve as a building code administrator or building official for the purpose of enforcing the Florida Building Code, in lieu of direct employment as a county or municipal employee.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation has received the petition for declaratory statement from Quality Dairy Farms, Inc., owner/operator of Mercer's Dairy Docket Number DS 2010-045. The petition seeks the agency's opinion as to the applicability of Section 561.01(4)(a), Florida Statutes, as it applies to the petitioner.

The Petitioners request a declaratory statement inquiring whether Mercer's Wine Ice Cream, a product marketed as a solid, frozen dessert, yet flavored with real wine and containing more than one half of 1 percent alcohol by volume, can be classified as a nonbeverage product in accordance with Section 561.01(4)(a), Florida Statutes; and, based on the use of wine primarily as a flavoring and the marketing of the product only for consumption as a solid dessert, whether the Division can relinquish its jurisdiction over said product.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on June 25, 2010, the Board of Physical Therapy Practice has received the petition for declaratory statement from Ian Ross. The petition seeks the agency's opinion as to the applicability of paragraph 64B17-9.001(6)(a), F.A.C. as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding the Board's interpretation of paragraph 64B17-9.001(6)(a), F.A.C., and whether petitioner, as a faculty member in a relevant program, can offer continuing education hours to the licensees. Petitioner also seeks clarification as to whether a licensee whom offers continuing education hours under these circumstances, would find them acceptable to the Board.

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.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from filed on or before June 28, 2010, from the City of Deerfield Beach Fire and Rescue. The petition seeks the agency's opinion as to the applicability of NFPA 101, Life Safety Code Section, Florida 2007 Edition, 9.6.2.3. as it applies to the petitioner.

Petitioner requests a declaratory statement regarding the intent of the code as to the relocation of the installed fire alarm manual pull boxes at Century Village, Deerfield Beach, Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850) 488-0697 (please advise if you would

like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com).

**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**

**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 MILITARY AFFAIRS**

**INVITATION TO BID**

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General Building Contractors (GC) for the following project located at Camp Blanding Joint Training Center (CBJTC), Starke, FL.

FOR COMPLETE INFORMATION AND SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER JULY 16, 2010 AT: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

PROJECT: 208037 United States Property and Fiscal Office (USPFO) Parking and Storage.

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted).

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System.

STATEMENT OF WORK: Demo all existing concrete slabs to include disposal outside the CBJTC properties. Strip site of all grass/topsoil and prepare area for grading and placement of lime rock and/ or asphalt. There are two separate areas: One area to include entire area inside fence, approximately 20,800 square yards. Second area is outside fence around offloading ramp, approximately 700 square yards. Contractor will put to grade as directed to insure proper storm run-off and drainage. Contractor will be responsible for all required testing of soil/limerock/asphalt, moisture content and control for compaction. Notes: if asphalt is to be placed, contractor will compact sub grade, then place a minimum of eight inches of lime rock to grade, compacted prior to placing a minimum of two inches of S-1 or sp-12.5. This project will require a retention pond.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contracting Branch at (904)823-0255 or (904)823-0256, e-mail: [cfmocontracting@fl.ngb.army.mil](mailto:cfmocontracting@fl.ngb.army.mil).

Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

Tentative Schedule 208037 USPFO Parking & Storage

Pre-Bid Meeting	7/28/10, 10:00 a.m.
Final Questions submitted	8/4/10
Final Addenda Published	8/9/10
Bid Opening RFE	8/13/10, 2:00 p.m.

**H. LEE MOFFITT CANCER RESEARCH INSTITUTE, INC.**

The H. Lee Moffitt Cancer Research Institute, Inc. and its subsidiaries operate pursuant to Section 1004.43, F.S. Moffitt and its' subsidiaries have facilities on the campus of the University of South Florida, Tampa, Florida. Architectural, engineering and design firms interested in working on projects for Moffitt may provide letters of interest to: H. Lee Moffitt Cancer Research Institute, Inc., Attention: Facilities Department, 12902 Magnolia Drive, SRB-FAC, Tampa, Florida 33612-9497.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

Request for Proposal – #2010-CD-8400

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2010-CD-8400) is released in order for a pilot project to demonstrate how to support students with intellectual disabilities on Florida's State college campus in a career and technical program.

Florida State Colleges and Local Educational Agencies (LEA's) may submit proposals in response to this RFP. The amount of this contract will be between \$75,000 and \$96,000 and the exact amount of this contract will be finalized during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is August 2, 2010, by 4:00 p.m. (EDT). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of August 12, 2010. The deadline for submitting proposals for this RFP to FDDC is September 2, 2010 by 2:00 p.m. (EDT).

Please forward all requests for copies of this RFP to: Shanette Peters.

Questions are to be submitted in written format only. This is a legal process and we cannot answer questions verbal.

**POLK COUNTY WORKFORCE DEVELOPMENT BOARD, INC.**

**THE RETENTION OF LEGAL COUNSEL  
(RFP #PWDB-10-LS-01)**

The Polk County Workforce Development Board, Inc. (Polk Works) is issuing a Request for Proposals for legal services on an annual retainer basis. Polk Works is a 501(c)3 not-for-profit organization that is chartered with the provisioning of various services associated with workforce development in Polk County. As one of 24 Regional Workforce Boards (RWBs), Polk Works receives federal funding for the operation of several programs including, (but not necessarily limited to), those associated with the Workforce Investment Act (WIA), the Welfare Transition Program (WTP) and the Wagner-Peyser Act. Polk Works is also responsible for the operation of the One-Stop Career Centers in Polk County.

Parties may apply by responding to the Request for Proposal which may be obtained from the Board's website: [www.polkworks.org](http://www.polkworks.org), by clicking on <Contact us> and then <Business Opportunities> then clicking on <Request for proposals> or by contacting: Mark V. Thomas at (863)508-1600, ext. 1109 or [mark\\_thomas@polkworks.org](mailto:mark_thomas@polkworks.org). The deadline for submission is July 26, 2010, 12:00 Noon.

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

The Hillsborough County Aviation Authority, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, is interested in acquiring professional design services for the following projects:

**LANDSIDE TERMINAL BUILDING RENOVATION  
AND RELATED WORK  
TAMPA INTERNATIONAL AIRPORT  
HCAA PROJECT NOS. 5530 11, 5760 11, 5765 11, 5770 11  
FDOT FM # 424097-1  
FAA AIP #3-12-0078-XX-2011**

This project provides for the refurbishment of select interior finishes on the transfer level, refurbishment of restrooms in the landside terminal, replacement of the landside terminal elevator penthouse roofs and replacement of the ticket level carpet.

A more detailed scope of services will be included in the formal request for professional services.

Significant Dates:

RFQ posted on web site: After 5:00 p.m., July 28, 2010

Mandatory pre-qualification conference: At 2:00 p.m., August 5, 2010

Qualifications Package Due: By 5:00 p.m., August 25, 2010

For additional information on location of meeting and other project details, go to the Authority website: [www.tampaairport.com](http://www.tampaairport.com); Quick Links, Airport Business, Notice of Solicitations.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

**Guidelines and Applications Available  
for State Aid to Libraries Grants**

Grant applications and guidelines are available for the State Aid to Libraries Grants Program, administered by the Florida Department of State, State Library and Archives of Florida. Grant guidelines and application packets for the State Aid to Libraries Grants Program are available on the State Library and Archives' website at: <http://dlist.dos.state.fl.us/bld/grants/forms/Stateaidforms.html>. The guidelines and application packet may also be requested by mail from the: Grants Office, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; by e-mail: [grantsoffice@dos.state.fl.us](mailto:grantsoffice@dos.state.fl.us); by phone: (850)245-6620 or by Fax: (850)245-6643.

The completed application must be mailed to the address indicated above and postmarked on or before the October 1, 2010, application date.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
INTERLOCAL AGREEMENT CONSISTENT WITH  
SECTION 163.31777(2), FLORIDA STATUTES  
DCA DOCKET NO.: 01-08**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Alachua County School Board and each of the Town of Micanopy, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Micanopy, 706 N. E. Chokolka Blvd., Micanopy, Florida 32667-0137.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to: Alachua County School Board and the Town of Micanopy, FL. 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 HIGHWAY SAFETY AND MOTOR VEHICLES**

**Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that The Auto Moto.com Corporation, intends to allow the relocation of C4J Group, LLC, d/b/a Cart Smarts of St. Augustine as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co., Ltd. (ZXYV) from its present location at 71 South Dixie Highway # 1, St. Augustine (St. Johns County), Florida 32084, to a proposed location at 135-1 Cumberland Park Drive, St. Augustine (St. Johns County), Florida 32095, on or after August 16, 2010.

The name and address of the dealer operator(s) and principal investor(s) of C4J Group, LLC, d/b/a Cart Smarts of St. Augustine are dealer operator(s): James Worley, 135-1 Cumberland Park Drive, St. Augustine, Florida 32095, principal investor(s): James Worley, 135-1 Cumberland Park Drive, St. Augustine, Florida 32095.

The notice indicates intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, 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: Guy Cohen, The Auto Moto.com Corporation, 269 South Beverly Drive, #960, Beverly Hills, California 90212.

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.

The notice for the establishment of Carl Black of Orlando, LLC., for the Chevrolet line-make at 11500 East Colonial Drive, Orlando, Florida 32817 was published on July 2, 2010, Vol. 36, No. 26. The start date of the Chevrolet line-make for this dealership is hereby corrected to read "on or after August 2, 2010".

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Toyota Motor Sales USA, Inc., intends to allow the relocation of Germain of Sarasota, LLC, d/b/a Germain Scion of Sarasota as a dealership for the sale of automobiles manufactured by Toyota (SCIO) from its present location at 7435 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, to a proposed location at 4900 Clark Road, Sarasota (Sarasota County), Florida 34233, on or after December 31, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Germain of Sarasota, LLC, d/b/a Germain Scion of Sarasota are dealer operator(s): Robert L. Germain Jr., 13315 North Tamiami Trail, Naples, Florida 34110, principal investor(s): Germain Holding Company, 4250 Morse Crossing, Columbus, Ohio 43219, Robert L. Germain Sr., 13315 North Tamiami Trail, Naples, Florida 34110, Stephen L. Germain, 4250 Morse Crossing, Columbus, Ohio 43219.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, 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: Lisbeth Kahn, Southeast Toyota Distributors, LLC, 100 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

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 the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC, intends to allow the relocation of Germain of Sarasota, LLC, d/b/a Germain Toyota of Sarasota as a dealership for the sale of automobiles manufactured by Toyota (TOYT) from its present location at 7435 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, to a proposed location at 4900 Clark Road, Sarasota (Sarasota County), Florida 34233, on or after December 31, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Germain of Sarasota, LLC, d/b/a Germain Toyota of Sarasota are dealer operator(s): Robert L. Germain Jr., 13315 North Tamiami Trail, Naples, Florida 34110, principal investor(s): Germain Holding Company, 4250 Morse Crossing, Columbus, Ohio 43219, Robert L. Germain Sr., 13315 North Tamiami Trail, Naples, Florida 34110, Stephen L. Germain, 4250 Morse Crossing, Columbus, Ohio 43219.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, 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: Lisbeth Kahn, Southeast Toyota Distributors, LLC, 100 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA Co., Ltd., intends to allow the establishment of H. Long Investments Corp., d/b/a Tropical Scooters of Vero as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd., (SHEN) at 110 Southwest Monterey Road, Unit 2, Stuart (Martin County), Florida 34994, on or after August 16, 2010.

The name and address of the dealer operator(s) and principal investor(s) of H. Long Investments Corp., d/b/a Tropical Scooters of Vero are dealer operator(s): Heidi S. Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994, principal investor(s): Heidi S. Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA Co., Ltd., intends to allow the establishment of H. Long Investments Corp., d/b/a Tropical Scooters of Vero as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd. (SHEN) at 1081 US Highway 1, Vero Beach (Indian River County), Florida 32960, on or after August 16, 2010.

The name and address of the dealer operator(s) and principal investor(s) of H. Long Investments Corp., d/b/a Tropical Scooters of Vero are dealer operator(s): Heidi S. Long, 1081 US Highway 1, Vero Beach, Florida 32960, principal investor(s): Heidi S. Long, 1081 US Highway 1, Vero Beach, Florida 32960.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Group International, LLC, intends to allow the establishment of Ocean Reef Club, Inc., as a dealership for the sale of low-speed vehicles manufactured by Tomberlin Automotive Group (TOMB) at 1 Service Village Lane, Key Largo (Monroe County), Florida 33037, on or after August 16, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Ocean Reef Club, Inc., are dealer operator(s): Paul Astbury, 1 Service Village Lane, Key Largo, Florida 33037, principal investor(s): Paul Astbury, 1 Service Village Lane, Key Largo, Florida 33037.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC, intends to allow the establishment of Snack Attack Corp, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co., Ltd. (ZHEJ) at 2423 South State Road 7, West Park (Broward County), Florida 33023, on or after August 16, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Snack Attack Corp are dealer operator(s): Daniel Haspel, 2423 South State Road 7, West Park, Florida 33023; principal investor(s): Daniel Haspel, 2423 South State Road 7, West Park, Florida 33023.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Paul Shen, Galaxy Powersports, LLC, 2667 Northaven Road, Dallas, Texas 75229.



If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**NOTICE OF AVAILABILITY  
ATLANTIC BEACH, FLORIDA**

The Department of Environmental Protection has determined that Atlantic Beach's proposed project to upgrade existing wastewater treatment facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$8,200,000. 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: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8358.

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**NOTICE OF AVAILABILITY  
FLORIDA REAFFIRMATION NOTICE  
CRYSTAL RIVER, FLORIDA**

The Florida Department of Environmental Protection is reaffirming its earlier determination that the proposed Crystal River sanitary sewer collection system project will not have a

significant adverse affect on the environment. The project consists of construction of a wastewater collection system for sewer service areas 112, 113, 114 and for Harbor Isle Court in the City of Crystal River and surrounding areas in Citrus County, FL. Construction cost is estimated at \$7,867,500. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds and for Small Community Wastewater Grants.

A full copy of the Florida Reaffirmation Notice can be obtained by writing to: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

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**NOTICE OF AVAILABILITY  
WEWAHITCHKA, FLORIDA**

The Department of Environmental Protection has determined that Wewahitchka's proposed project to construct new wastewater treatment facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$5,000,000. 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: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8358.

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**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/). For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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**DEPARTMENT OF HEALTH**

On June 30, 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 Xavier M. Escobar, D.C.

License #CH 8206. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 30, 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 Antonio Dorsett Jones, R.N. License #RN 9281064. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at

<http://www.flofr.com/banking/cufm.asp>. Comments may be submitted to: The Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: The Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 6, 2010):

Name and Address of Applicant: Achieva Credit Union, Post Office Box 2650, Largo, Florida 33779-2650

Expansion Includes: Geographic Area

Received: July 6, 2010

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA

Florida Bankers Association, Tallahassee, FL

Florida Credit Union League, Tallahassee, FL

National Credit Union Administration, Region III-Atlanta, GA

Gary Regoli

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN June 28, 2010  
 and July 2, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**  
**Division of Elections**

1S-2.0091	6/28/10	7/18/10	36/17	36/22
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**DEPARTMENT OF EDUCATION**  
**State Board of Education**

6A-1.09422	6/29/10	7/19/10	36/20	
6A-1.0995	6/29/10	7/19/10	36/20	
6A-6.0211	6/29/10	7/19/10	36/20	

**PUBLIC SERVICE COMMISSION**

25-6.0424	6/29/10	7/19/10	36/21	
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**DEPARTMENT OF CORRECTIONS**

33-204.003	6/28/10	7/18/10	36/21	
33-302.105	7/2/10	7/22/10	36/20	

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

40B-9.021	7/1/10	7/21/10	36/19	
40B-9.042	7/1/10	7/21/10	36/19	
40B-9.081	7/1/10	7/21/10	36/19	
40B-9.131	7/1/10	7/21/10	36/19	
40B-9.1381	7/1/10	7/21/10	36/19	
40B-9.139	7/1/10	7/21/10	36/19	

**Southwest Florida Water Management District**

40D-1.002	7/2/10	7/22/10	36/19	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.025	6/30/10	7/20/10	36/5	36/14
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-6.009	6/30/10	7/20/10	36/14	
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**Board of Architecture and Interior Design**

61G1-12.004	7/2/10	7/22/10	36/8	36/21
61G1-12.005	7/2/10	7/22/10	36/8	36/21

**Board of Veterinary Medicine**

61G18-15.0025	7/2/10	7/22/10	36/21	
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**Florida Real Estate Commission**

61J2-24.001	7/1/10	7/21/10	35/52	36/21
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-304.415	7/1/10	7/21/10	36/18	
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**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Commitment**

63E-7.002	6/30/10	7/20/10	36/17	
63E-7.006	6/30/10	7/20/10	36/17	
63E-7.010	6/30/10	7/20/10	36/17	
63E-7.011	6/30/10	7/20/10	36/17	36/22
63E-7.013	6/30/10	7/20/10	36/17	
63E-7.016	6/30/10	7/20/10	36/17	

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

64B3-4.001	6/30/10	7/20/10	36/20	
64B3-5.008	6/30/10	7/20/10	36/20	

**Board of Massage Therapy**

64B7-25.004	7/1/10	7/21/10	36/14	
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**Board of Osteopathic Medicine**

64B15-14.0076	6/29/10	7/19/10	36/21	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Council of Medical Physicists**

64B23-6.001	6/30/10	7/20/10	36/18	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

65C-13.030	7/1/10	7/21/10	36/9	36/16
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**DEPARTMENT OF FINANCIAL SERVICES  
OIR Insurance Regulation**

69O-157.302	6/29/10	7/19/10	36/7
69O-157.303	6/29/10	7/19/10	36/7
69O-157.304	6/29/10	7/19/10	36/7

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**CORRECTION**

The following rule was inadvertently published in Vol. 36, No. 26, July 2, 2010 FAW.

**ADMINISTRATION COMMISSION**

28-10.010	6/16/2010	7/6/2010		
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