

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6E-2.001	Approved Applicant Status
6E-2.002	Institutional Licensure
6E-2.0061	Actions Against A Licensee; Penalties

6E-2.008	Approval of Modifications
6E-2.0081	Change of Ownership or Control

PURPOSE AND EFFECT: The purpose and effect of this rule development is to consider changes for clarity and ease of use, as well as the incorporation of forms.

SUBJECT AREA TO BE ADDRESSED: Change of ownership and control of a post secondary institution, notice and approval of modifications made by a licensed postsecondary institution, penalties against institutions for infractions, institutional licensure and the processes related to the above.

SPECIFIC AUTHORITY: 1005.22, 1005.31, 1005.32, 1005.33, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.31, 1005.32, 1005.33, 1005.34, 1005.38, 1005.385 FS.

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

DATE AND TIME: March 17, 2009, 9:00 a.m. and concluding no later than 12:00 noon

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

Pursuant to the provisions of 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: Commission for Independent Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. If you are 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.:	RULE TITLE:
9J-5.026	Rural Land Stewardship Area (RSLA)

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to implement current statutory requirements regarding the Rural Land Stewardship Program.

SUBJECT AREA TO BE ADDRESSED: Chapter 9J-5, F.A.C., is to be amended to establish minimum criteria for the review of requests to authorize the designation of Rural Land Stewardship Areas and for the review of amendments to local comprehensive plans that would establish or amend Rural Land Stewardship Areas.

SPECIFIC AUTHORITY: 163.3177(9), 163.3177(11)(h) FS.

LAW IMPLEMENTED: 163.3177(11)(d) FS.

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

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

PLACE: Department of Community Affairs, Randall Kelley Training Center, Third Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheri Coven, Intergovernmental Affairs Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.:	RULE TITLE:
9J-11.023	Procedure for the Designation of a Rural Land Stewardship Area

PURPOSE AND EFFECT: The purpose and effect are to implement current statutory requirements for requests to authorize the designation of a Rural Land Stewardship Area and for amendments to local comprehensive plans that establish or amend a Rural Land Stewardship Area.

SUBJECT AREA TO BE ADDRESSED: The revision of Chapter 9J-11, F.A.C., is to establish submission and review requirements for requests to authorize the designation of a Rural Land Stewardship Area and for amendments to local comprehensive plans that establish or amend a Rural Land Stewardship Area.

SPECIFIC AUTHORITY: 163.3177(9), 163.3177(11)(h) FS.

LAW IMPLEMENTED: 163.3177(11)(d) FS.

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

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

PLACE: Department of Community Affairs, Randall Kelley Training Center, Third Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheri Coven, Intergovernmental Affairs Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NOS.:	RULE TITLES:
27N-1.100	General
27N-1.200	Definitions
27N-1.300	Renewable Energy and Energy-Efficient Technologies Grants Program
27N-1.400	Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy

27N-1.500	Solar Energy Systems Incentives Program
27N-1.600	Renewable Energy Technologies Investments Tax Credit
27N-1.900	Forms

PURPOSE AND EFFECT: The Commission is initiating rulemaking to adopt rule Chapter 27N-1, Florida Administrative Code, implementing the Florida Energy and Climate Protection Act (ss. 377.801-.806, F.S.). Specifically, the Commission intends to adopt rules governing the Renewable Energy and Energy Efficient Technologies Grants Program, the Solar Energy Systems Incentives Program, and the Renewable Energy Technologies Investment Tax Credit. The effect of the rule would be to: (1) reflect the transfer of program administration from the Department of Environmental Protection to the Florida Energy and Climate Commission; (2) revise certain application and review requirements relating to the Renewable Energy and Energy Efficient Technologies Grants Program; (3) establish procedures for the submission, review, award, and administration of bioenergy projects under the Renewable Energy and Energy Efficient Technologies Grants Program; (4) revise application submission requirements and allow for the implementation of an online application for the Solar Energy Systems Incentives Program; (5) revise application requirements for the Renewable Energy Technologies Investment Tax Credit; and (6) update program forms. The proposed rule provisions are a result of the enactment of HB 7135 during the 2008 Regular Session (Chapter No. 2008-227, Laws of Florida).

SUBJECT AREA TO BE ADDRESSED: The subjects expected to be addressed in this rule include development of an online application system for the Solar Energy Systems Incentives Program, as well as the application and review requirements governing the Renewable Energy and Energy Efficient Technologies Grants Program, and the Renewable Energy Technologies Tax Credit.

SPECIFIC AUTHORITY: 377.6015, 377.801, 377.803, 377.804, 377.806, 220.192 FS.

LAW IMPLEMENTED: 377.6015, 377.801-.806, 220.192 FS.

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

DATE AND TIME: March 20, 2009, 10:00 a.m.

PLACE: Bryant Building, Room 272, 620 S. Meridian Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27N-1.100 General.

This chapter implements the Florida Energy and Climate Protection Act, ~~Florida Renewable Energy Technologies Act~~ providing for grants for renewable energy and energy-efficient technologies and rebates for solar energy systems. This chapter also implements applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) FS. Law Implemented 377.6015, 377.803, 377.804, 377.806, 377.808, 220.192 FS. History—New 10-22-07, Formerly 62-16.100, Amended _____.

27N-1.200 Definitions.

The words, terms and phrases used in this chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192(1), F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

- (1) “Bioenergy” means energy derived from biomass.
- (2) “Biomass” means “biomass” as defined in Section 366.91(2)(a), F.S.
- (3) “Commission” means the Florida Energy and Climate Commission. ~~“Department” means the Florida Department of Environmental Protection.~~

(4) “Matching Funds or Other In-Kind Contributions” means:

- (a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, un-recovered indirect costs, and purchases of material and supplies, as a direct benefit to the project, or;
- (b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

- 1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.
- 2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property such as land must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

(5) “Purchase date” means, for the purchase of solar energy equipment, the date of execution of a loan agreement or the date of final cash payment.

(6) “Solar thermal pool heater” means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the temperature of the swimming pool water.

Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) F.S. Law Implemented 377.6015, 377.802, 377.804, 377.806, 220.192 FS. History—New 10-22-07, Formerly 62-16.200, Amended _____.

27N-1.300 Renewable Energy and Energy-Efficient Technologies Grants Program.

(1) REQUEST FOR GRANT PRE-PROPOSALS.

(a) The Florida Energy and Climate Commission (“Commission”) ~~department~~ shall issue a request for grant pre-proposals (“RFGP”). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the commission ~~department~~.

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission’s ~~department’s~~ website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy and Energy-Efficient Technologies Grants Program shall be submitted to the Florida Energy and Climate Commission, ATTN: Renewable Energy and Energy-Efficient Technologies Grants Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Renewable Energy Technologies Grants Program, Renewable Energy Projects, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400~~ as follows:

(a) Six copies of the pre-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(1) ~~62-16.900(1)~~ which is adopted and incorporated by reference at subsection 27N-1.900(1), F.A.C. One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in

electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(1) ~~62-16.900(1)~~ from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) If an applicant is selected for the full proposal ranking phase, they will be asked to submit six copies of the full-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(5) which is adopted and incorporated by reference at subsection Form 27N-1.900(5), F.A.C. One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(5) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(c) Applications must be accompanied by an affidavit from the applicant attesting to the accuracy of the statements contained in the application.

(d)(b) Applications must be received by the ~~commission department~~ no later than 5:00 p.m. on the date specified by the ~~commission department~~ in the RFGP.

(e)(e) The application filing deadline shall be extended by the ~~commission department~~ when the ~~commission department~~ determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The ~~commission~~ shall publish notice of the deadline extension on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the ~~commission's~~ website.

(f)(d) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

(g)(e) COMPLETENESS. Any application which does not include all required information ~~may~~ shall be determined incomplete and ineligible for the award of the grant sought. The ~~department~~ shall notify the applicant of the determination of ineligibility.

(h)(f) An applicant is not eligible for award of a grant if the ~~commission~~ determines that the applicant: An applicant is

~~not eligible for award of a grant if at the time the department determines the recipients for the grant.~~

~~1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated there under; or The department has a pending civil or administrative action against the applicant that alleges that the applicant has committed violations of Chapters 373, 376, or 403, F.S., or the department rules implementing these statutes; or~~

~~2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated there under. The department has a final judgment or final order finding that the applicant has committed violations of Chapter 373, 376, or 403, F.S., unless the applicant has satisfied all requirements for corrective actions and has paid all costs, civil penalties, damages, and other financial assessments required by the judgment or order; or:~~

~~3. The applicant has entered into a consent order with the department, unless the applicant has satisfied all requirements for corrective actions and has paid all costs, civil penalties, damages, and other financial assessments required by the consent order.~~

(4) CRITERIA.

(a) The criteria listed in Section 377.804(4), F.S., shall apply to grants evaluated pursuant to Sections 377.804(1) through 377.804(5), F.S.

(b) In addition to the criteria in Section 377.804(4), F.S., grant applications shall be evaluated for the degree to which a project reduces greenhouse gas emissions, minimizes impacts to water resources and results in direct jobs created ~~incorporates multiple renewable energy technologies.~~

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

(b) All matching funds and other in-kind contributions, including third party in-kind, shall be verifiable from the applicant's and/or its partners' records, and not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The ~~commission~~ department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Max Points Possible
Cost Share Percentage ¹	20
Economic Development ²	16
Technical Feasibility ³	16
Innovative Technology ⁴	16
Production Potential ⁵	16
Energy Efficiency ⁶	16
Fostering Awareness ⁷	16
Project Management ⁸	16
Duration & Timeline ⁹	6
Location Served ¹⁰	4
Public Integration ¹¹	3 4
Multiple Technologies¹²	4
Total Numerical Rating	<u>145</u> 150

¹Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

²Economic Development: The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for economic development in Florida, including estimate of direct jobs created and the potential duration of said jobs, whether time limited specific to the grant period or potentially on-going beyond the life of the grant.

³Technical Feasibility: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project demonstrated to be technically feasible and claims are fully supported.

⁴Innovative Technology: The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No degree of innovation or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates technologies or processes that are not in common use in Florida, that represent a novel application of an existing technology or process, or that overcome obstacles to meeting Florida's energy needs in new or innovative ways.

⁵Production Potential: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for energy production in Florida.

⁶Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or pollution prevention or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, ~~and~~ on-site recycling, greenhouse gas emission reduction and demonstrates a commitment for implementation of best management practices for water use and/or reclamation.

⁷Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies, including but not limited to education/public outreach and level of effort (i.e. within a given community or statewide).

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for outreach activities that provide knowledge on the availability and benefits of renewable energy and energy efficient technologies and the promotion of its development for fostering awareness of renewable energy technologies throughout Florida, as well as integrated with statewide energy campaign efforts.

⁸Project Management: The ability to administer a complete project.

Minimum (0 points): Project team mismatched for tasks identified. No prior management experience on project team. Budget is unrealistic.

Maximum (16 points): Project team has extensive management experience and expertise in the proposed field of study. Budget suited to tasks involved.

⁹Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (6 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

¹⁰Location Served: The geographic area in which the project is to be conducted in relation to other projects.

Minimum (0 points): Project duplicates existing efforts in the county or counties in which the project is proposed, minimizing its potential value to the community and state.

Maximum (4 points): Location of project benefits related efforts in the county or counties in which the project is proposed and surrounding areas, creating value for the community and state.

¹¹Public Integration: The degree of public visibility and interaction.

Minimum (0 points): No visibility and interaction with the general public or this element of the evaluation criteria was not addressed.

Maximum (3 4 points): Significant potential for public visibility and interaction.

¹²Multiple Technologies: The degree to which a project incorporates multiple renewable energy technologies in the project.

0 points = One renewable energy technology is used.

2 points = Two renewable energy technologies are used.

4 points = Three or more renewable energy technologies are used.

(b) The commission's executive director department shall establish a Renewable Energy and Energy Efficient Technologies Grant Selection Advisory Group (RET-SAG) review group of no less than 3 people, who shall each

individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(e) Score points from all reviewers within the RET-SAG shall be ranked and averaged as follows:

(7) PRE-PROPOSALS.

(a) Each reviewer shall rank each eligible pre-proposal application by assigning a ranking number to each eligible pre-proposal application based on the score of the individual pre-proposal application compared to all other pre-proposal application reviewed by that reviewer. For example, the top scored pre-proposal application shall be assigned a ranking number of 1, the second highest scored pre-proposal application shall be assigned a ranking number of 2, the third highest scored pre-proposal application shall be assigned a ranking number of 3, and so on, until all eligible pre-proposal application are ranked.

(b) After all eligible pre-proposal application are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual pre-proposal application shall be averaged.

(c) The commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more pre-proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more pre-proposals, and those pre-proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the pre-proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the pre-proposal submitted earlier in date shall be ranked higher.

(8) FULL PROPOSALS.

(a) The commission's executive director shall extend invitations to applicants to prepare full proposals as follows. Invitations will be extended based upon highest average ranking pre-proposal in the following order: first to the highest ranking pre-proposal, second to the second highest ranked pre-proposal, and so on until the total amount of the fiscal appropriation in each state fiscal year for each grant category is met. The commission's executive director may also extend an invitation to any of the next highest averaged ranking pre-proposals beyond the fiscal appropriation.

(b) Applicants selected to prepare a full proposal shall submit the full proposal pursuant to the guidelines in the RFGP. The RET-SAG shall host a one-day meeting to hear presentations from the applicants submitting full proposals and develop a recommendation for funding. Following the presentations, the same process of evaluation and ranking shall take place as occurred for pre-proposals in paragraph (7).

(9)(7) AWARD.

~~(a) The commission's executive director will request the top 10 ranked full proposal candidates to present before the commission. The commission's final decision to award grant funding will be based on the proposals' ability to achieve goals consistent with the State of Florida's energy policies. The department shall award grants based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.~~

~~(b)(a)~~ The maximum amount for an individual award shall be limited to \$2.5 million.

~~(c)(b)~~ The minimum amount for an individual award shall be limited to \$50 thousand.

~~(c)(d)~~ The commission ~~department~~ shall award up to the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under paragraph ~~(3)(e)(7)(a)~~. ~~If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the department~~ The commission may award partial grants to applicants. The total amount of grant awards shall not exceed the up to the amount of the fiscal appropriation remaining in each state fiscal year.

~~(d) In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the reviewers shall be added, and the application with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the application submitted earlier in date shall be ranked higher.~~

~~(10)(8)~~ ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the commission ~~department~~ and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the commission ~~department~~ and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon commission ~~department~~ grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.

~~(f) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida. Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement shall be considered as match if the proposed match would meet all requirements of this rule chapter and Chapter 377, F.S., which would be otherwise applicable to an awarded grant, and if the proposed match would not violate any other provisions of the law. The department shall determine, on a case by case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.~~

(g) Satisfaction of obligations by the grantee shall be determined by the Commission.

(h) Prior to termination, the Commission shall provide 30 calendar days written notice of its intent to terminate and shall provide the Grantee with the opportunity to consult with the Commission for reason(s) for termination. Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.

Specific Authority 377.6015, 377.804(3) FS. Law Implemented 377.6015, 377.802, 377.804 FS. History--New 10-22-07, Formerly 62-16.300, Amended _____.

27N-1.400 Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The Florida Energy and Climate Commission ("Commission") shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the commission.

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission's website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy shall be submitted to the Florida Energy and Climate Commission, ATTN: Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 as follows:

(a) Six copies of the pre-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(4) which is adopted and incorporated by reference at subsection 27N-1.900(4), F.A.C. One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(4) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) If an applicant is selected for the full proposal ranking phase, they will be asked to submit six copies of the full-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(6) which is adopted and incorporated by reference at subsection Form 27N-1.900(6). One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(6) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(c) Applications must be accompanied by an affidavit from the applicant attesting to the accuracy of the statements contained in the application.

(d) Applications must be received by the commission no later than 5:00 p.m. on the date specified by the commission in the RFGP.

(e) The application filing deadline shall be extended by the commission when the commission determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The commission shall publish

notice of the deadline extension on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission's website.

(f) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

(g) COMPLETENESS. Any application which does not include all required information may be determined incomplete and ineligible for the award of the grant sought.

(h) An applicant is not eligible for award of a grant if the commission determines that the applicant:

1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated thereunder; or

2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated thereunder.

(4) CRITERIA.

(a) The criteria listed in Section 377.804(6), F.S., shall apply to grants evaluated pursuant that Section.

(b) In addition to the criteria in Section 377.804(6), F.S., grant applications shall be evaluated for the degree to which a project reduces greenhouse gas emissions, minimizes impacts to water resources, results in direct jobs created and has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

(b) All matching funds and other in-kind contributions, including third party in-kind, shall be verifiable from the applicant's and/or its partners' records, and not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The commission shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

<u>Criteria</u>	<u>Max Points Possible</u>
<u>Economic Development¹</u>	<u>30</u>
<u>Florida-grown biomass²</u>	<u>30</u>
<u>Energy Efficiency³</u>	<u>20</u>
<u>Fostering Awareness⁴</u>	<u>10</u>
<u>Cost Share Percentage⁵</u>	<u>20</u>
<u>Duration & Timeline⁶</u>	<u>10</u>
<u>Expand Agribusiness⁷</u>	<u>20</u>
<u>Market Potential⁸</u>	<u>10</u>
<u>Scientific Merit⁹</u>	<u>20</u>
<u>Total Numerical Rating</u>	<u>170</u>

¹Economic Development: The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (30 points for Commercialization projects and 20 points for Research and Development or Demonstration projects): Significant potential for economic development in Florida, including estimate of direct jobs created and the potential duration of said jobs, whether time limited specific to the grant period or potentially on-going beyond the life of the grant.

²Florida Grown Biomass: The project produces bioenergy from Florida grown crops or biomass.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (30 points): Project results in significant bioenergy production from Florida grown biomass resources.

³Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or pollution prevention or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, on-site recycling, greenhouse gas emission reduction and demonstrates a commitment for implementation of best management practices for water use and/or reclamation.

⁴Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies, including but not limited to education/public outreach and level of effort (i.e. within a given community or statewide).

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (10 points): Significant potential for outreach activities that provide knowledge on the availability and benefits of renewable energy and energy efficient technologies and the promotion of its development throughout Florida, as well as integrated with statewide energy campaign efforts.

⁵Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

⁶Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (10 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

⁷Expand Agribusiness: The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for enhancing the value of agricultural products and expanding agribusiness in Florida.

⁸Market Potential: Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Minimum (0 points): No research conducted or this element of the evaluation criteria was not addressed.

Maximum (10 points): Several recent market and feasibility research papers published in reputable trade journals clearly indicating significant market potential for Florida.

²Scientific Merit: The extent to which the proposed project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of scientific merit or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project demonstrated to be technically feasible and claims are fully supported by scientific community.

(b) The commission's executive director shall establish a Bioenergy Technologies Grant Selection Advisory Group (BIO-SAG) of no less than 3 people. One member of the review group shall be appointed by the Department of Agriculture and Consumer Services. The remaining members of the review group shall be appointed by the commission's executive director. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(7) PRE-PROPOSALS. Score points from all reviewers within the BIO-SAG shall be ranked and averaged as follows:

(a) Each reviewer shall rank each eligible pre-proposal by assigning a ranking number to each eligible pre-proposal based on the score of the individual pre-proposal compared to all other pre-proposals reviewed by that reviewer. For example, the top scored pre-proposal shall be assigned a ranking number of 1, the second highest scored pre-proposal shall be assigned a ranking number of 2, the third highest scored pre-proposal shall be assigned a ranking number of 3, and so on, until all eligible pre-proposals are ranked.

(b) After all eligible pre-proposals are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual pre-proposal shall be averaged.

(c) The commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more pre-proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more pre-proposals, and those pre-proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the pre-proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the pre-proposal submitted earlier in date shall be ranked higher.

(8) FULL PROPOSALS.

(a) The commission's executive director shall extend invitations to applicants to prepare full proposals as follows. Invitations will be extended based upon highest average

ranking pre-proposal in the following order: first to the highest ranking pre-proposal, second to the second highest ranked pre-proposal, and so on until the total amount of the fiscal appropriation in each state fiscal year for each grant category is met. The commission's executive director may also extend an invitation to any of the next highest averaged ranking pre-proposals beyond the fiscal appropriation.

(b) Applicants selected to prepare a full proposal shall submit the full proposal pursuant to the guidelines in the RFGP. The BIO-SAG shall host a one-day meeting to hear presentations from the applicants submitting full proposals and develop a recommendation for funding. Following the presentations, the same process of evaluation and ranking shall take place as occurred for pre-proposals in subsection (7).

(9) AWARD.

(a) The commission's executive director will request the top 10 ranked full proposal candidates to present before the commission. The commission's final decision to award grant funding will be based on the proposals' ability to achieve goals consistent with the State of Florida's energy policies.

(b) The maximum amount for an individual award shall be limited to \$2.5 million.

(c) The minimum amount for an individual award shall be limited to \$50 thousand.

(d) The commission shall award up to the total amount requested in individual grant applications up to the maximum amount allowed under paragraph (3)(e). The commission may award partial grants to applicants. The total amount of grant awards shall not exceed the fiscal appropriation remaining in each state fiscal year.

(10) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the commission and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the commission and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon commission grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.

(f) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida.

(g) Satisfaction of obligations by the grantee shall be determined by the Commission.

(h) Prior to termination, the Commission shall provide 30 calendar days written notice of its intent to terminate and shall provide the Grantee with the opportunity to consult with the Commission for reason(s) for termination. Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.

Specific Authority 377.6015, 377.806(7) FS. Law Implemented 377.6015, 377.801, 377.802, 377.803, 377.806 FS. History—New

27N-1.500 Solar Energy Systems Incentives Program.

(1) APPLICATION. Applications for rebates pursuant to the Solar Energy Systems Incentives Program, Section 377.806, F.S., shall be submitted to the Florida Energy and Climate Commission, ATTN: Solar Energy System Incentives Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS-21, Tallahassee, FL 32399-2400~~ as follows:

(a) Applications ~~may shall~~ be submitted in hard copy format, using application Form 27N-1.900(2) ~~62-16.900(2)~~, which is adopted and incorporated by reference. Applications submitted in hardcopy format All applications must be submitted by certified mail or hand delivered to the ~~commission department~~, and must be received by the ~~commission department~~ no later than 5:00 p.m. on the 90th day after the purchase date of the solar energy equipment. If the ~~120~~90th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which ~~commission department~~ offices have been closed, then the deadline shall be the next business day or,

(b) Applications may be submitted online at the Commission's website, using the online version of application Form 27N-1.900(2). Online applications must be completed no later than 5:00 p.m. on the 120th day after the purchase date of the solar energy equipment. If the 120th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission offices have been closed, then the deadline shall be the next business day. Online

applications shall not be deemed completed until the commission receives all of the information requested on the online form.

~~(c)(b)~~ Rebates are limited to one solar photovoltaic system, one solar thermal system, and one solar pool heater per resident. A separate application must be submitted for each rebate.

~~(d)(e)~~ All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if different from the original purchase agreement, and a photograph of the installed system. All information provided to the ~~commission department~~ must be legible.

~~(e)(d)~~ The ~~commission department~~ shall review each timely filed application to determine if the application includes all required information.

~~1. An application that is determined to be complete upon initial filing shall be considered for eligibility and placement in the first-come, first-serve order for allocation of rebates based upon the date and time the application is filed.~~

~~1.2.~~ If the ~~commission department~~ determines that the application does not contain all of the required information the ~~commission department~~ shall notify the applicant of the incompleteness of the application. Timely filed applications which do not include all required information shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-serve order for allocation of rebates.

~~1.3.~~ Applicants who are notified of the incompleteness of a timely filed application may file subsequent information in order to make the application complete. Timely filed applications that are initially determined incomplete, but are subsequently determined complete, shall be considered for eligibility for the rebate and placement in the first-come, first-served order for allocation of rebates based upon the date and time the application is determined complete.

(2) ISSUANCE. The ~~commission department~~ shall issue each rebate after the ~~commission department~~ determines that all required information has been provided for each application to make the application complete, provided funds are available to do so.

Specific Authority 377.6015, 377.806(7) FS. Law Implemented 377.6015, 377.801, 377.802, 377.803, 377.806 FS. History—New 10-22-07, Formerly 62-16.500. Amended _____.

27N-1.600 Renewable Energy Technologies Investment Tax Credit.

(1) GENERAL – This rule applies to any taxpayer seeking a tax credit toward corporate income tax pursuant to Section 220.192, F.S., in the amount of the eligible costs as defined in Section 220.192(1)(b), F.S.

(a) This rule does not apply to the tax return filing process regulated by the Florida Department of Revenue (DOR). An applicant seeking a tax credit pursuant to Section 220.192, F.S., shall apply to the Florida Energy and Climate Commission (commission) department using the application process and Form 27N-1.900(3) 62-16.900(2) which is adopted and incorporated by reference. If deemed eligible for a tax credit, the commission department will issue a tax credit certificate to the applicant.

(b) The applicant may use these tax credits by attaching the certificate to its annual tax return filed with the DOR pursuant to rules promulgated by that agency.

(c) The commission department will not disburse any funds in connection with this tax credit program. Credits will not result in the payment of refunds by DOR if total credits exceed the amount of tax owed.

(d) Pursuant to Section 220.192, F.S., tax credits are limited to \$3 million per state fiscal year for all taxpayers in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state; \$1.5 million per state fiscal year for all taxpayers in connection with an investment in commercial stationary hydrogen fuel cells in the state; and \$6.5 million per state fiscal year for all taxpayers in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state.

~~(e) The department shall be responsible for allocating the tax credits and tracking granted tax credits in a fiscal year to ensure that tax credits granted do not exceed the limits provided in Section 220.192, F.S. If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the annual tax credit appropriation, its application shall remain in the first come, first served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.~~

~~(e)(f) Tax credits pursuant to Section 220.192, F.S., are available only for eligible costs incurred during the state fiscal year for which the tax credit application is submitted.~~

(2) APPLICATION. Applications shall be submitted to the Florida Energy and Climate Commission, ATTN: Renewable Energy Technologies Investment Tax Credit Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Renewable Energy Technologies Investment Tax Credit Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400~~ as follows:

(a) Applications shall be submitted in hard copy format, using application Form 27N-1.900(3) 62-16.900(3), which is adopted and incorporated by reference.

(b) All applications must be submitted by certified mail or hand delivered to the commission department, and must be received by the commission department no later than 5:00 p.m.

on the 15th day following the end of the applicant's tax year. If the 15th day after the end of the applicant's tax year falls on a weekend or federal holiday, then the deadline shall be the next business day.

(c) All applications must include the information required on the application form, and must include all supporting documentation necessary. Supporting documentation shall include all invoices and proof of payment for expenses for which the applicant seeks the tax credit.

(d) Applications must include a completed and signed affidavit (included as part of the application form) from each applicant certifying that all information contained in the application, including all records of costs incurred and paid and claimed in the tax credit application, are true and correct.

(3) ELIGIBILITY. The commission department shall review each timely filed application for completeness and determine eligibility as follows:

(a) The commission department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. An application package will be deemed "complete" if Form 27N-1.900(3) 62-16.900(3) contains all required information and appropriate signatures and the package includes all necessary supporting documentation.

(b) If the commission department determines that the application does not contain all of the required information to make the application complete, the commission department shall notify the applicant in writing within 15 days of the receipt of the application of the deficiencies indicated by certified mail, unless the applicant requests, and is willing to pay for, alternative express mailing. Applications will not be returned to applicants.

(c) An applicant who is notified of a failure shall not be issued a credit until all required information is provided to the commission department.

(d) Credits shall be allocated on a first-come, first-served basis based upon the date and time complete applications are received by the commission department.

(e) Applications which do not include all required information shall not receive a position in the first-come, first-serve order for allocation of credits.

(f) The commission department will review the tax credit application package submitted by each applicant to verify that the applicant has met the qualifying statutory and rule criteria and has submitted all required documentation. Upon verification that the applicant has met all requirements, the commission department shall issue a determination of eligibility for applied for tax credits within 45 days of the receipt of complete information, subject to the fiscal limitations in Section 220.192, F.S., for the tax year in which the tax credit application is submitted.

Specific Authority 377.6015, 220.192(3) FS. Law Implemented 377.6015, 220.192 FS. History—New 10-22-07, Formerly 62-16.600, Amended.

27N-1.900 Forms.

The following forms are adopted and incorporated by reference in this rule chapter. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Florida Energy and Climate Commission, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS 19, Tallahassee, FL 32399-2400.~~

(1) Renewable Energy and Energy-Efficient Technologies Grants Program Pre-proposal Application, Form 27N-1.900(1) ~~62-16.900(1)~~ (effective ~~10/07~~).

(2) Solar Energy System Incentives Program Application, Form 27N-1.900(2) ~~62-16.900(2)~~.

(3) Renewable Energy Technologies Investment Tax Credit Program Application, Form 27N-1.900(3) ~~62-16.900(3)~~.

(4) Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy Pre-proposal Projects Application, Form 27N-1-900(4).

(5) Renewable Energy and Energy-Efficient Technologies Grants Program Full Proposal Application, Form 27N-1.-900(5).

(6) Renewable Energy and Energy-Efficient Technologies Grants Program for Full Proposal Bioenergy Pre-proposal Projects Application, Form 27N-1.900(6).

(7) Green Governments Grant Application, Form 27N-1.900(7).

Specific Authority 220.192(3), 377.6015, 377.804(3), 377.806(7) FS. Law Implemented 377.6015, 377.804, 377.806, 220.192 FS. History—New 10-22-07, Formerly 62-16.900, Amended.

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NO.: 27N-2.100
 RULE TITLE: Green Government Grants Program
 PURPOSE AND EFFECT: The Commission is initiating rulemaking to adopt Rule 27N-2.100, Florida Administrative Code, implementing the Florida Green Government Grants Act. Funds will be distributed to local governments including municipalities, counties and school districts to aid in the development and implementation of programs that provide cost-efficient energy-related solutions, reduce greenhouse gas emissions, improve quality of life, and strengthen the state’s economy. The proposed rule is a result of the enactment of HB 7135 during the 2008 Regular Session (Chapter No. 2008-227, Laws of Florida).

SUBJECT AREA TO BE ADDRESSED: The subjects expected to be addressed in this rule development include requirements governing the application process, review, award, and administration of grants awarded pursuant to the Florida Green Government Grants Act.

SPECIFIC AUTHORITY: 377.6015, 377.808 FS.

LAW IMPLEMENTED: 377.6015, 377.808 FS.

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

DATE AND TIME: March 20, 2009, 1:00 p.m.

PLACE: Bryant Building, Room 272, 620 S. Meridian Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27N-2.100 Green Government Grants Program.

INTENT. The intent of this rule is to establish procedures for execution of the Florida Green Government Grants Act. Funds will be distributed to local governments including municipalities, counties and school districts to aid in the development and implementation of programs that provide cost-efficient energy-related solutions, reduce greenhouse gas emissions, improve quality of life, and strengthen the state’s economy.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The Florida Energy and Climate Commission (“Commission”) shall issue a request for grant proposals (“RFGP”). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the Commission.

(b) The RFGP shall be issued by publication on the Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the Commission’s website.

(2) QUALIFIED APPLICANTS. Qualified applicants include local government entities including but not limited to municipalities, counties and school districts.

(3) APPLICATIONS. Applications for the Florida Green Government Grants shall be submitted to the Florida Energy and Climate Commission, ATTN: Florida Green Government Grants, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 27N-1.900(7) which is adopted and incorporated by reference at subsection 27N-1.900(7), F.A.C. One copy of the complete application shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(7) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be accompanied by an affidavit from the applicant validating the statements contained in the application.

(c) Applications must be received by the Commission no later than 5:00 p.m. on the date specified by the Commission in the RFGP.

(d) The application filing deadline shall be extended when the Commission determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The Department of Management Services shall publish notice of the deadline extension on the State Vendor Bid System under MyFlorida MarketPlace, and on the Department's web site.

(4) PROJECT ELIGIBILITY CRITERIA.

(a) The criteria listed in Section 377.808(3), F.S., shall apply to grants evaluated pursuant to Sections 377.808(1) through 377.808(5), F.S.

(b) Eligible projects must be undertaken in conjunction with a greening government initiative utilizing standards promulgated by the Florida Green Building Coalition, the United States Green Building Council, the Green Building Initiative, the U.S. Environmental Protection Agency, the U.S. Department of Energy, or the ICLEI – Local Governments for Sustainability.

(c) Eligible capital projects must reduce greenhouse gas emissions and be cost-effective, environmentally sound, permissible and implementable.

(d) Eligible projects include but are not limited to:

1. Developing/implementing an energy efficiency and conservation strategy and goals;

2. Retaining technical consultant services to assist in developing an energy efficiency and conservation strategy;

3. Conducting residential and commercial building energy audits;

4. Establishing financial incentive programs for energy efficiency improvements;

5. Providing funds to nonprofit organizations to perform energy audits;

6. Developing/implementing programs to conserve energy used in the transportation sector;

7. Developing/implementing enhanced building codes and inspection services to promote building energy efficiency;

8. Implementing energy distribution technologies;

9. Developing public education programs to increase participation in energy efficiency and sustainability programs, including recycling programs;

10. Purchasing/implementing technologies to reduce and capture methane and other greenhouse gases generated by landfills or similar sources; and

11. Developing, implementing, and installing on or in any government building of onsite renewable energy technology that generates electricity from renewable resources.

(5) MATCHING FUNDS. Recommended match requirements for Florida Green Government Grants are set forth below:

(a) Match ratios are determined according to county population. The following match ratios apply:

<u>Population</u>	<u>State Share</u>	<u>Grantee Share</u>
<u>50,000 or less</u>	<u>100%</u>	<u>0</u>
<u>50,000 to 250,000</u>	<u>75%</u>	<u>25%</u>
<u>> 250,000¹</u>	<u>50%</u>	<u>50%</u>

¹Source for county populations

<http://edr.state.fl.us/population/population-1april07.pdf>

(b) Eligible Match Types. A grantee may utilize the following types of match sources for the grantee share:

1. Cash.

2. In-kind service costs.

(c) Ineligible Match Sources. Land value of property acquired through other state and federal grant programs.

(6) RANKING.

(a) The Commission shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

<u>Criteria</u>	<u>Maximum Points Possible</u>
<u>Greenhouse Gas Reduction</u>	<u>20</u>
<u>Energy Savings and Efficiency</u>	<u>20</u>
<u>Renewable Energy Production</u>	<u>20</u>
<u>Potential Cost Savings</u>	<u>20</u>
<u>Economic Development Potential</u>	<u>20</u>
<u>Proven Status of the Technology</u>	<u>20</u>
<u>Measurable Results</u>	<u>20</u>

GREEN HOUSE GAS REDUCTION: The degree to which a project reduces greenhouse gas emissions and demonstrates a commitment to implementation of best management practices to enact such reductions.

Minimum (0 points): No consideration for greenhouse gas emission reductions or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates greenhouse gas reduction technologies and practices that lead to measurable reductions in emissions. Each project's measurement protocol is delineated by the green government standard selected in 4(b).

ENERGY SAVINGS AND EFFICIENCY: The degree to which a project demonstrates efficient use or savings of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates significant energy efficient products and practices including process improvements that lead to increased energy efficiency and resource savings.

RENEWABLE ENERGY PRODUCTION: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates significant renewable energy production.

POTENTIAL COST SAVINGS: The degree to which a project reduces operating costs to the entity served.

Minimum (0 points): The project does not save costs or this element of the evaluation criteria was not addressed.

Maximum (20 points): The project saves measurable costs such as utility bills, future construction or decreases operation and maintenance costs.

ECONOMIC DEVELOPMENT POTENTIAL: The degree to which the project stimulates capital investment and economic development, including the creation of jobs and the future development of commercial markets.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for economic development in local communities.

PROVEN STATUS OF THE TECHNOLOGY: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project demonstrated to be technically feasible and claims are fully supported.

MEASURABLE RESULTS: The degree to which project benefits are quantifiable and reportable.

Minimum (0 points): Project benefits cannot be quantified and weighed against other projects or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project benefits are quantifiable and success can be measured against a predetermined standard.

(b) The Commission's executive director shall establish a review group Florida Green Government Grant Selection Advisory Group (FGGG-SAG) of no less than 3 people, who shall each individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(7) PRE-PROPOSALS. Score points from all reviewers within the FGGG-SAG shall be ranked and averaged as follows:

(a) Each reviewer shall rank each eligible pre-proposal by assigning a ranking number to each eligible pre-proposal based on the score of the individual pre-proposal compared to all other pre-proposals reviewed by that reviewer. For example, the top scored pre-proposal shall be assigned a ranking number of 1, the second highest scored pre-proposal shall be assigned a ranking number of 2, the third highest scored pre-proposal shall be assigned a ranking number of 3, and so on, until all eligible pre-proposals are ranked.

(b) After all eligible pre-proposals are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual pre-proposal shall be averaged.

(c) The commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more pre-proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more pre-proposals, and those pre-proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the pre-proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the pre-proposal submitted earlier in date shall be ranked higher.

(8) FULL PROPOSALS.

(a) The commission's executive director shall extend invitations to applicants to prepare full proposals as follows. Invitations will be extended based upon highest average ranking pre-proposal in the following order; first to the highest ranking pre-proposal, second to the second highest ranked pre-proposal, and so on until the total amount of the fiscal appropriation in each state fiscal year for each grant category is met. The commission's executive director may also extend an invitation to any of the next highest averaged ranking pre-proposals beyond the fiscal appropriation.

(b) Applicants selected to prepare a full proposal shall submit the full proposal pursuant to the guidelines in the RFGP. The FGGG-SAG shall host a one-day meeting to hear presentations from the applicants submitting full proposals and develop a recommendation for funding. Following the presentations, the same process of evaluation and ranking shall take place as occurred for pre-proposals in subsection (7).

(9) AWARD.

(a) The commission’s executive director will request the top 10 ranked full proposal candidates to present before the commission. The commission’s final decision to award grant funding will be based on the proposals’ ability to achieve goals consistent with the State of Florida’s energy policies. The commission shall award grants based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

(b) The commission shall award up to the total amount requested in individual grant applications up to the maximum amount allowed under paragraph (3)(e). The commission may award partial grants to applicants. The total amount of grant awards shall not exceed the fiscal appropriation remaining in each state fiscal year.

(10) PROCUREMENT.

(a) An entity receiving funding under this grant shall issue requests for proposals consistent with competitive procurement policies adopted in that jurisdiction.

(b) The Commission has authority to review procurement procedures and recommend an alternate process if the jurisdiction does not offer a competitive procurement process.

(11) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the Commission and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the Commission and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Each local government is limited to not more than two grant applications during each application period announced by the Commission. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(d) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon Commission grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(e) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(f) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.

(g) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement shall be considered as match if the proposed match would meet all requirements of this rule chapter and Chapter 377, F.S., which would be otherwise applicable to an awarded grant, and if the proposed match would not violate any other provisions of the law. The Commission shall determine, on a case-by-case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the Commission is required. Consideration as match is not guaranteed.

(12) TERMINATION.

(a) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida.

(b) Satisfaction of obligations by the grantee shall be determined by the Commission.

(c) Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.

Specific Authority 377.6015, 377.808 FS. Law Implemented 377.6015, 377.808 FS. History–New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
 RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language requiring certified officers to use only “fogger type” pepper spray, as streamlined spray poses fewer risks to nearby persons and is more effective in windy conditions.

SUBJECT AREA TO BE ADDRESSED: Security Operations.
 SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-602.210 Use of Force.
- (1) through (15) No change.
- (16) Use of Chemical Agents.
- (a) through (k) No change.
- (1) Issuance of chemical agents.

1. No change.
2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as "A" team response members are authorized by the Secretary to be issued one MK-9, or equivalent, ~~fogger-type~~ dispenser of OC in addition to the dispenser issued in accordance with subparagraph (16)(l)1. These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors.

- 3. No change.
- (m) through (q) No change.
- (17) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09,_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-3.902 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the rule development is to modify forms 40B-3-1, and 40B-3-3, F.A.C., which are respectively State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, and Well Completion Report, which is in rule adoption stages with Florida Department of Environmental Protection. The effect of the rule development will adopt the most current version of these forms, and provide consistency by requiring the same forms throughout the State.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will incorporate the most current version of these forms, once the forms are adopted by Florida Department of Environmental Protection.

SPECIFIC AUTHORITY: 120.53, 120.54(14) FS.

LAW IMPLEMENTED: 120.53, 120.54(14) 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.1090 RULE TITLE: Publications and Agreements
Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, to adopt the most current version of the items incorporated by reference. The effect of the proposed rule amendments will incorporate the new flood insurance studies for the Suwannee River and its tributaries.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will address items incorporated by reference.

SPECIFIC AUTHORITY: 373.044 FS.

LAW IMPLEMENTED: 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.002
 RULE TITLE: Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, March 2009. The reimbursement schedule contains the procedure codes and maximum fees that are effective March 2009 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Schedule, March 2009.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, March 16, 2009, 3:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351, mazzocco@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule. Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, March 2009 ~~July 2008~~, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support,

and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)298-7799 and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 116.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Long-Term Care Reimbursement Plan to reduce individual nursing home rates proportionately until the required savings is achieved.

SUBJECT AREA TO BE ADDRESSED: Nursing Home reimbursement rates effective March 1, 2009.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 9:00 a.m. – 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 110.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required savings is achieved. Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

Public hospitals, teaching hospitals as defined in Section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent are permitted to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The Agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUBJECT AREA TO BE ADDRESSED: March 1, 2009 Inpatient Hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: 2728 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.030	Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 111.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to reduce individual outpatient hospital rates proportionately until the required savings is achieved.

Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds.

Public hospitals, teaching hospitals as defined in Section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds twenty five percent are permitted to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost.

The agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUBJECT AREA TO BE ADDRESSED: March 1, 2009 Outpatient Hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: 2728 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.090
 RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX County Health Department Reimbursement Plan in accordance with Senate Bill 2-A, 2008-09 Special Appropriations Act, Specific Appropriation 114.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required savings is achieved.

SUBJECT AREA TO BE ADDRESSED: March 1, 2009 County Health Department reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 11:00 a.m. – 12:00 Noon
 PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-15.005
 RULE TITLE: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect’s Office

PURPOSE AND EFFECT: The Board proposes to amend the rule to clarify office supervision requirements.

SUBJECT AREA TO BE ADDRESSED: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect’s Office.

SPECIFIC AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.321(3), (5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.001
 RULE TITLE: Continuing Education Credit Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule for consideration of credit for multiple license holders.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit Requirements.

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

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

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

Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

RULE NOS.:	RULE TITLES:
62D-2.013	Park Property and Resources
62D-2.014	Activities and Recreation
62D-2.015	Civil and Criminal Penalties

PURPOSE AND EFFECT: To amend the Chapter 62D-2, F.A.C., Operation of Division Recreation Areas and Facilities. Additionally, to amend the rule as required by SB 192 (2008). SB 192 (2008) states in part "...creating penalties for the violation of rules adopted under Ch. 258, F.S., and for specified activities within the boundaries of a state park; providing for fines to be deposited into the State Park Trust Fund; amending Section 316.212, F.S.; authorizing the operation of a golf cart within a state park under certain circumstances; amending Section 316.2125, F.S.; conforming a cross-reference; amending Section 316.2126, F.S.; authorizing state employees, state park volunteers, and state park visitors to operate golf carts and utility vehicles on public roads within state park boundaries for certain purposes subject to specified conditions." S.B. 192 was designated Ch. 2008-98, Laws of Florida and was effective July 1, 2008.

SUBJECT AREA TO BE ADDRESSED: Chapter 62D-2, F.A.C., Operation of Division Recreation Areas and Facilities as it relates to the requirements of S.B. 192 (2008). Additionally, in an effort to modernize and clearly state the rule, dated or unclear terminology of the rule are to be addressed.

SPECIFIC AUTHORITY: 258.007(2), 258.008(1), (2), (3) FS.
LAW IMPLEMENTED: 258.004, 258.007(2), (3), (4), 258.008(1), (2), (3), 258.017, 258.037, 258.083 FS., Ch. 2008-98, Laws of Florida.

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

DATE AND TIME: March 17, 2009, 6:30 p.m. – 8:30 p.m.

PLACE: Wekiwa Springs State Park, Youth Camp Recreation Hall, 1800 Wekiwa Circle, Apopka, Florida 32712

DATE AND TIME: March 18, 2009, 6:30 p.m. – 8:30 p.m.

PLACE: Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida 32399-3000

Pursuant to the provisions of 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: Robert Wilhelm, Bureau Chief, Division of Recreation and Parks, M.S. 535, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; (850)245-3076; Robert.Wilhelm@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Wilhelm, Bureau Chief, Division of Recreation and Parks, M.S. 535, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; (850)245-3076; Robert.Wilhelm@dep.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.:	RULE TITLE:
64B2-12.014	Supervising Physician Application Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide for biennial renewal certification.

SUBJECT AREA TO BE ADDRESSED: Supervising Physician Application Fee.

SPECIFIC AUTHORITY: 460.405, 460.4165(8) FS.

LAW IMPLEMENTED: 460.4165(8) 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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B2-12.014 Supervising Physician Application Fee.
- (1) No change.

(2) The fee for the biennial renewal certification annual application to supervise a certified chiropractic physician's assistant shall be one hundred dollars (\$100.00).

Specific Authority 460.405, 460.4165(8) FS. Law Implemented 460.4165(8) FS. History--New 10-15-92, Formerly 21D-12.014, 61F2-12.014, 59N-12.014, Amended.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-12.0155
 RULE TITLE: Fee for Registered Chiropractic Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate application forms into the rule and to include additional fees in the rule.

SUBJECT AREA TO BE ADDRESSED: Fee for Registered Chiropractic Assistants.

SPECIFIC AUTHORITY: 460.405, 460.4166 FS.

LAW IMPLEMENTED: 460.4166 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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.0155 Fee for Registered Chiropractic Assistants.

(1) Any person desiring to become a registered chiropractic assistant (RCA) shall make application to the Board on board approved form DH-MQA 1150 (Rev 11/08), Application for Registered Chiropractic Assistant (RCA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees.

(2) The initial registration fee for a registered chiropractic assistant shall be \$25.00.

(3) The biennial registration fee for a registered chiropractic physician shall be \$25.00.

(4) Any modification of the supervising chiropractic physician shall be made by application to the Board on board approved form DH-MQA 1162 (Rev 11/08), Application for Registered Chiropractic Assistant to Modify Supervisor (RCA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees.

(5) The fee to modify the supervising chiropractic physician for a RCA shall be \$25.00.

Specific Authority 460.405, 460.4166 FS. Law Implemented 460.4166 FS. History--New 9-24-96, Formerly 59N-12.0155, Amended _____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-12.022
 RULE TITLE: Medical Faculty Certificate Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the Medical Faculty Certificate application form into the rule.

SUBJECT AREA TO BE ADDRESSED: Medical Faculty Certificate Fees.

SPECIFIC AUTHORITY: 456.013(2), 460.405, 460.4062(1), (3) FS.

LAW IMPLEMENTED: 456.013(2), 460.4062(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.022 Medical Faculty Certificate Fees.

(1) Any chiropractic physician desiring to obtain a chiropractic medicine faculty certificate shall make application to the Board on board approved form DH-MQA 1146, (Rev 11/08), Application for Chiropractic Medical Faculty Certificate which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees.

~~(2)~~(4) The application fee shall be \$100.00.

~~(3)~~(2) The initial license fee shall be \$100.00.

~~(4)~~(3) The fee for biennial renewal of a medical faculty certificate shall be \$100.00.

Specific Authority 456.013(2), 460.405, 460.4062(1), (3) FS. Law Implemented 456.013(2), 460.4062(1), (3) FS. History--New 12-4-07, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-50.003
 RULE TITLE: Delegation of Powers and Duties to Electrolysis Council

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify powers and duties of the Electrolysis Council.

SUBJECT AREA TO BE ADDRESSED: Delegation of Powers and Duties to Electrolysis Council.

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 478.43(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
RULE TITLE: Graduate From Foreign or Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The purpose and effect is to revise the rule title and to set forth the minimum education requirements applicable to applicants from non-Board approved nursing programs.

SUBJECT AREA TO BE ADDRESSED: Criteria for Credentialing Agencies.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.014 Graduate From Foreign or Non-NCSBN Jurisdictions Criteria for Credentialing Agencies.
~~In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:~~

(1) Graduates of foreign nursing programs or nursing programs in jurisdictions which are not members of the National Council of State Boards of Nursing (NCSBN) must submit an evaluation from a credentialing agency approved by the Board.

(2) Approved credentialing agencies must meet the following criteria:

(a)(4) The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

(b)(2) The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

(c)(3) The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

(d)(4) The credentialing agency must manage the translation of original documents into English.

(e)(5) The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

(f)(6) The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(3)(7) Credentials evaluation report.

(a) through (e) No change.

(4) In order for the applicant to meet the educational requirements of Section 464.008, F.S., the credentials report and transcripts must include all courses set forth in Rules 64B9-2.006 and 64B9-2.015, F.A.C., and must demonstrate, at a minimum, the following hours of theoretical and clinical instruction:

(a) Registered nursing programs:

1. 173 theory hours and 504 clinical hours in medical/surgical nursing;

2. 32 theory hours and 87 clinical hours in obstetrical nursing;

3. 32 theory hours and 84 clinical hours in pediatric nursing;

4. 30 theory hours and 51 clinical hours in psychiatric/mental health nursing; and

5. 16 theory hours and 18 clinical hours in community/public health nursing.

(b) Practical nursing programs:

1. 213 theory hours and 438 clinical hours in medical/surgical nursing;

2. 34 theory hours and 46 hours in obstetrics nursing; and

3. 30 theory hours and 42 clinical hours in pediatrics nursing.

Specific Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History–New 4-19-00, Amended 10-22-07,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.005
 RULE TITLE: Provider Approval and Renewal Procedures

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to adopt new language to clarify the continuing education provider approval and renewal procedures.

SUBJECT AREA TO BE ADDRESSED: Provider approval and renewal procedures.

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) FS.

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

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-48.008
 RULE TITLE: Monitoring

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide conditions under which new technological methods of monitoring fire alarm signals can be approved by the local authority having jurisdiction.

SUBJECT AREA TO BE ADDRESSED: Alternatives for fire alarm system monitoring.

SPECIFIC AUTHORITY: 633.70(4) FS.

LAW IMPLEMENTED: 633.022(2)(b), 633.70(4), 633.701(5) FS.

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

DATE AND TIME: March 26, 2009, 10:00 a.m.

PLACE: Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd., Ocala, Florida 34482

Pursuant to the provisions of 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: Belinda Chukes at (850)413-3619. If you are

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: Jim Goodloe, Chief, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-48.008 Monitoring.

(1) ~~Monitored Automatic emergency forces notification and any type of monitoring~~ of fire alarm signals shall be installed and operate in accordance with the applicable NFPA standards adopted in subsection 69A-3.012(1), F.A.C., and incorporated by reference therein.

(2) Other Transmission Technologies, defined as those transmission technologies that operate on principles not specifically identified prescriptively within NFPA 72, are approvable by the authority having jurisdiction as functionally equivalent alternatives to the requirements of NFPA 72, as long as they provide:

(a) Reliable continuity from the service subscriber location to the monitoring connection;

(b) Functionally equivalent services with respect to:

1. Dialing;

2. Dial plan;

3. Call completion;

4. Carriage of alarm signals and protocols; and

5. Loop voltage treatment;

(c) Real-time transmission of voice signals that carry supported alarm formats unchanged;

(d) Preservation of primary line seizure for alarm signal transmission;

(e) A method of electrical power backup such as a battery that provides a minimum of 8 hours of continued uninterrupted voice service availability to the attached alarm system, and

(f) Disaster Recovery Plans to address individual customer outages and network power restoration procedures. The plans shall be provided to the authority having jurisdiction upon request.

~~(3)(2)~~ Any company ~~proposing wishing to monitor, or monitoring~~ or is currently monitoring in a fire department's ~~jurisdiction location~~ shall notify the authority having jurisdiction ~~of that location~~. The same authority having jurisdiction shall be verbally notified within 24 hours after discontinuance of monitoring services; written notification must follow ~~when any monitoring is discontinued within 24 hours and follow up that notification by written notification.~~

Specific Authority 633.70(4), ~~633.701(7)~~ FS. Law Implemented ~~633.01(1)~~, 633.022(2)(b), 633.70(4), 633.701(~~5~~)(7) FS. History–New 11-16-94, Amended 7-11-01, Formerly 4A-48.008, Amended

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
 69A-53.0052 Fire Sprinkler Requirements for
 Nursing Homes
 69A-53.0053 State Fire Marshal Nursing Home
 Fire Protection Loan Guarantee
 Program: Application Procedures

PURPOSE AND EFFECT: To extend the date after which no application for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program can be accepted from June 30, 2006 to July 1, 2009.

SUBJECT AREA TO BE ADDRESSED: Nursing Home Fire Protection Loan Guarantee Program.

SPECIFIC AUTHORITY: 633.01(1), 633.022(1), 633.0245(11) FS.

LAW IMPLEMENTED: 633.022, 633.022(4), 633.024, 633.0245 FS.

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

DATE AND TIME: March 18, 2009, 10:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Arlan Davis, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida, (850)413-3688. If you are 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: Arlan Davis, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida, (850)413-3688

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-53.0052 Fire Sprinkler Requirements for Nursing Homes.

(1) Section 633.022(4), F.S., requires that nursing homes licensed under Part II of Chapter 400, F.S., be protected throughout by an approved supervised automatic sprinkler

system in accordance with Chapter Nine (9) of the Florida Edition of NFPA 101, the Life Safety Code adopted in Rule 69A-3.012, F.A.C., no later than December 31, 2010, pursuant to the following schedule:

(a) ~~Each hazardous area of each nursing home shall be protected by an approved supervised automatic fire sprinkler system by no later than December 31, 2008.~~

(b) ~~Each nursing home, in its entirety, shall be protected by an approved supervised automatic fire sprinkler system by no later than December 31, 2010.~~

(2) The Division may grant a maximum of two one-year extensions to the final date of compliance with paragraphs (1)(a) and (b) above, for the hazardous area portion of the retrofitting project, only after establishing that the nursing home has been prevented from complying for reasons beyond its control. Such reasons may include:

(a) through (c) No change.

(3) A request for extension under subsection (2) must:

(a) Be received by the Division prior to the expiration of the deadline ~~in question~~,

(b) through (c) No change.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022 FS. History–New 2-18-07, Amended

69A-53.0053 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program: Application Procedures.

(1) No change.

(2) All properly completed applications, which must include acceptable documentation for the conceptual design, for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program must be received by the State Fire Marshal on or before July 1, 2009 ~~June 30, 2006~~.

(3) through (9) No change.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History–New 2-18-07, Amended

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: RULE TITLE:
 69V-85.006 Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule requires the electronic filing of forms and fees through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons required to be licensed under Chapter 520, Florida Statutes, relating to Retail Installment Sales.

SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.

SPECIFIC AUTHORITY: 520.994(5) FS.

LAW IMPLEMENTED: 520.03, 520.32, 520.52, 520.63, 520.999 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Rule Chapter 69V-85, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History–New _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-160.036
RULE TITLE: Electronic Filing of Forms and Fees
PURPOSE AND EFFECT: The proposed rule requires the electronic filing of forms and fees through the Office of Financial Regulation’s Regulatory Enforcement And Licensing (REAL) System. This rule pertains to persons required to be licensed under Chapter 516, Florida Statutes, the Florida Consumer Finance Act.
SUBJECT AREA TO BE ADDRESSED: Consumer Finance.
SPECIFIC AUTHORITY: 516.03 FS.
LAW IMPLEMENTED: 516.03 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Rule Chapter 69V-160, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 516.03 FS. Law Implemented 516.03 FS. History–New _____.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
RULE TITLE: Shellfish Harvesting Area Standards
PURPOSE AND EFFECT: This amendment proposes to update the legal descriptions of all shellfish harvesting areas by making minor changes in order to make the legal descriptions easier to read. The simple changes do not require changing the maps, management plans or legal boundaries.

SUMMARY: The proposed update of the legal descriptions of shellfish harvesting areas will simply add clarifying language to the Conditionally Approved and Conditionally Restricted area legal descriptions similar to the language and phrases utilized in the Prohibited area. The Tallahassee office of the DACS Shellfish Environmental Assessment Section recommended updating the legal language for clarity. These amendments place descriptions, references to shellfish harvesting area map numbers and operating criteria for all shellfish harvesting areas in the document Shellfish Harvesting Area Classification Boundaries and Management Plans.

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

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

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: March 20, 2009, 4:00 p.m.

PLACE: 1203 Governors Square Boulevard, 5th Floor, 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 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033. If you are 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: Chris Brooks, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the ~~document~~ Shellfish Harvesting Area Classification Maps, revised July 28, 2008, and the document Shellfish Harvesting

Area Classification Boundaries and Management Plans, revised ~~July 28, 2008~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301 or is available on the Division's website at www.FloridaAquaculture.com/pub.htm.

(2) through (11) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, 10-2-07, 7-28-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: **RULE TITLE:**

40B-1.901 General

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise and simplify forms 40B-1.901(10) and (12), F.A.C., which are respectively Notice of Intent to Construct a Minor Surface Water Management System pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., and Petition for a Formal Wetland and Surface Water Determination. The effect of the proposed rule will provide for a better understanding of the forms by the public and staff.

SUMMARY: This proposed rule will revise and simplify these forms incorporated by reference, thereby allowing for better understanding by the public and staff.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.901 General.

The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or requested by mail or telephone and are hereby incorporated by reference as follows:

(1) through (9) No change.

(10) ~~40B-4.2010A Application for Noticed General Permit 40B-1.901(10) Notice of Intent to Construct a Minor Surface Water Management System Pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., Effective January 29, 2004, DATE;~~

(11) No change.

(12) ~~40B-400.046A 40B-1.901(12) Petition for a Formal Wetland and Surface Water Determination, Effective January 29, 2004, DATE;~~

(13) through (17) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08, _____.

Copies of the forms may be obtained by contacting Linda Welch, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386)362-1001

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.006
 RULE TITLE: Facials (Including Skin Care and Hair Removal)

PURPOSE AND EFFECT: The purpose and effect is to clarify the minimum competency areas and hours of training.

SUMMARY: The minimum competency areas and hours of training is clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.006 Facials (Including Skin Care and Hair Removal).

(1) through (4) No change.

(5) Definition of Services: Services shall be a facial, a client consultation/skin analysis; exfoliation, either manual, mechanical or chemical; cleansing; toning; manipulations; and packs, masks, or other treatments as needed.

(6) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S. shall include the following hours of instruction in the indicated theory items:

TOPIC	HOURS
<u>(a) Florida Laws and Rules</u>	<u>5</u>
<u>(b) HIV and AIDS</u>	<u>4</u>
<u>(c) Sanitation</u>	<u>10</u>
<u>(d) Ethics</u>	<u>2</u>
<u>(e) Basics of Electricity</u>	<u>8</u>
<u>(f) Facial Techniques and Contraindications</u>	<u>66</u>
<u>(g) Product Chemistry</u>	<u>8</u>
<u>(h) Hair Removal</u>	<u>2.5</u>
<u>(i) Makeup</u>	<u>2</u>
<u>(j) Skin Theory and Disease</u>	<u>85</u>

(7) The curriculum shall also include the performance of the following specified services as indicated as well as the estimated total number of hours needed to complete the required number services:

<u>TYPE OF SERVICE</u>	<u>NUMBER OF SERVICES</u>	<u>HOURS REQUIRED</u>
<u>(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types including normal, oily, dry, combination, problem, and mature</u>	<u>40</u>	<u>40</u>
<u>(b) Set up, use and maintenance of electrical devices</u>	<u>5</u>	<u>1.25</u>
<u>(c) Hair removal, including tweezing, waxing, threading, and sugaring</u>	<u>20</u>	<u>5</u>
<u>(d) Makeup application for both day time and nighttime looks</u>	<u>10</u>	<u>5</u>
<u>(e) Lash and brow tinting</u>	<u>10</u>	<u>5</u>
<u>(f) Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes</u>	<u>10</u>	<u>10</u>
<u>(g) Manual Extractions</u>	<u>5</u>	<u>1.25</u>

(8) Subsections (6) and (7) shall be effective January 2, 2010.

Specific Authority 477.016 FS. Law Implemented 477.0201, 477.023(2) FS. History--New 11-2-80, Amended 10-29-85, Formerly 21F-22.06, Amended 4-8-86, Formerly 21F-22.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2009

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-14.001
RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to clarify probable cause panel composition.

SUMMARY: Probable cause panel composition will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 455.225(3) FS.

LAW IMPLEMENTED: 455.225(3) 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-14.001 Probable Cause Determination.

The determination as to whether probable cause exists to believe that a violation of the provisions of Chapters 455 and 481, Part II, Florida Statutes, or of the rules promulgated thereunder, shall be made by a probable cause panel. The panel shall be composed of two persons ~~Board members~~ appointed by the chairman, ~~not more than one of which shall be a lay member.~~ One appointee must be a current board member. The panel must include a former or current professional board member. An appointee may be a former board member.

Specific Authority 455.225(4)(~~3~~) FS. Law Implemented 455.225(4)(~~3~~) FS. History--New 2-4-80, Amended 7-9-85, Formerly 21K-14.01, 21K-14.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.002
RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.224, 475.25(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.002 Citation Authority.

(1) Pursuant to Section 455.224, F.S. (1999), the Commission sets forth violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a violation for which there is no substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine or other conditions to be imposed.

(2) The following violations with accompanying fine or other conditions may be disposed of by citation:

VIOLATION	FINE
(a) through (d) No change.	\$300.00
(e) Section 475.22(1), F.S. and Rule 61J2-10.022, F.A.C. – failed to maintain the required office as prescribed.	\$500.00
(f) No change.	
(g) Section 475.22(2), F.S. – failed to register an out of state Florida broker’s office.	\$500.00 100.00
(h) No change.	
(i) Section 475.25(1)(b) and (d), F.S. – misconduct involving economic loss resulting in full restitution to the complainant.	\$300.00
(j) Section 475.25(1)(k), F.S. and paragraph 61J2-14.008(1)(d), F.A.C. – failed to immediately deposit trust funds provided the deposit is not more than 3 days late.	\$200.00
(k) Section 475.25(1)(m) and 61J2-3.009, F.S. 1. Renewed a license without completing the continuing education requirement and the act is discovered by the DBPR but the licensee has completed the continuing education requirements within thirty (30) days after his or her renewal date.	\$200.00 and completion of the continuing education requirement for the previous renewal cycle.
2. Renewed a license without completing the continuing education requirement and the act is discovered by the DBPR but the licensee has completed the continuing education requirements within ninety (90) days after his or her renewal date.	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
3. Renewed a license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR more than thirty (30) days but no more than 90 days after the renewal cycle ended.	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
(l) Section 475.25(1)(q), F.S. – failed to give the appropriate disclosure or notice at the appropriate time under the provisions of Section 475.2755 or 475.278, F.S., (A citation may only be given for a first time violation.)	\$300.00
(m) Section 475.25(1)(r), F.S. – failed to include the required information in a listing agreement; failed to give a copy to a principal within 24 hours; contains a self renewal clause.	\$200.00
(n) Section 475.42(1)(b), F.S. – sales associate operating as a sales associate without a registered employer due to failure to renew or properly register.	\$500.00

(m) (o) Section 475.42(1)(j), F.S. – having a lis pendens placed by an attorney (Citation may be issued only if no other violation is present).	\$500.00
(o) (p) Section 475.42(1)(k), F.S. and Rule 61J2-10.034, F.A.C. – operated as a broker under a tradename without causing the trade name to be noted in the records of the Commission.	\$500.00 100.00
(p) (q) Section 475.451(3), F.S. – failed to obtain a multiple permit.	\$500.00
(q) (r) Section 475.451(2), F.S. – advertised false, inaccurate, misleading, or exaggerated information.	\$500.00
(r) (s) Section 475.451(4), F.S. – failed to have a distinctive separation in a joint advertisement of a school with an affiliated broker.	\$100.00
(s) (t) Subsection 61J2-3.008(6), F.A.C. – failed to certify classroom attendance per occurrence.	\$300.00
(t) (u) Paragraph 61J2-3.009(5)(e), F.A.C. – failed to have a distance education course instructor available per published schedule.	\$300.00
(u) (v) Subsection 61J2-3.009(6), F.A.C. – failed to inform students of course standards and requirements.	\$100.00
(v) (w) Subsection 61J2-3.015(2), F.A.C. – failed to provide a course completion report to a student; if a licensee, as the result of an audit/inspection, failed to provide a course completion report to the DBPR.	\$200.00
(w) (x) Rule 61J2-5.016, F.A.C. – sales associate or broker associate serving as an officer or director of a registered brokerage corporation.	\$200.00
(x) (y) Subsection 61J2-5.019(1), F.A.C. – failed to ensure that the corporation or partnership is properly registered; failed to ensure each officer, director and sales associate is properly licensed.	\$200.00
(y) (z) Rule 61J2-10.025, F.A.C. – advertised in a manner in which a reasonable person would not know one is dealing with a real estate licensee or brokerage; failed to include the registered name of the brokerage firm in the advertisement; failed to use the licensee’s last name as registered with the Commission in an advertisement.	\$500.00 200.00
(z) (aa) Rule 61J2-10.027, F.A.C. – used the name or identification of an association or organization when the licensee was not in good standing or otherwise not entitled to use same.	\$300.00
(aa) (bb) Subsection 61J2-10.032(1), F.A.C. – broker failed to notify the Commission within the prescribed 15 business days but does so within 25 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to notify the Commission within 45 days but does so within 55 days.	\$100.00
(bb) (cc) Subsection 61J2-10.032(1) and (2), F.A.C. – broker failed to institute a settlement procedure within the prescribed 30 business days but does so within 40 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to institute a settlement procedure within 60 days but does so within 70 days.	\$100.00

(cc) (dd) Subsection 61J2-10.032(2), F.A.C. – broker failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within the prescribed 10 business days but broker does so within 20 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C., and not timely complied with, failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within 40 days but does so within 50 days.	\$100.00
(dd) (ee) Rule 61J2-10.038, F.A.C. – failed to <u>timely</u> notify the DBPR of the current mailing address or any change in the current mailing address.	\$500.00 100.00
(ee) Subsection 61J2-14.008(2)(b), F.A.C. – <u>Second offense failure to indicate the name, address and telephone number of the title company or attorney on the contract.</u>	\$200.00
(ff) Subsection 61J2-14.008(2)(b), F.A.C. – <u>Second offense failure to provide Seller’s broker, or Seller if not presented by a broker, within ten (10) business days of the date the Licensee’s broker made the written request for verification of the deposit with either a copy of the written verification, or if no verification is received by Licensee’s broker, written notice that Licensee’s broker did not receive verification of the deposit.</u> 61J2-14.012(2), <u>failure to properly reconcile an escrow account when the account balances.</u>	\$500.00 100.00
(gg) Subsection 61J2-14.012(1), F.A.C. – <u>failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account.</u>	\$300.00
(gg) (hh) Subsection 61J2-14.014(2), F.A.C. – failed to properly reconcile an escrow account when the account balances.	\$500.00 100.00
(hh) Subsection 61J2-14.012(1), F.A.C. – <u>failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account.</u>	\$300.00
(ii) Subsection 61J2-14.014(2), F.A.C. – <u>failed to stop interest from accruing prior to disbursement.</u> Subsection 61J2-17.013(1), F.A.C. – <u>guaranteed that a pupil would pass an examination.</u>	\$100.00 500.00
(jj) Subsection 61J2-17.013(1), F.A.C. – <u>guaranteed that a pupil would pass an examination.</u> Failed to register a school location.	\$500.00 100.00
(kk) Failure to register a school location. Rule 61J2-17.014, F.A.C. – <u>improper use of a guest lecturer</u>	\$500.00 100.00
(ll) Rule 61J2-17.014, F.A.C. – <u>improper use of a guest lecturer.</u> Rule 61J2-17.015, F.A.C. – <u>failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time.</u>	\$100.00 300.00
(mm) Rule 61J2-17.015, F.A.C. – <u>failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time.</u> Rule 61J2-10.038, F.A.C. – <u>failed to notify the DBPR of any change in address of a branch office within 10 days of the change in the current mailing address.</u>	\$300.00

(3) through (5) No change.

Specific Authority 475.05 FS. Law Implemented 455.224, 475.25(1) FS. History—New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00, 2-21-02, 2-5-04, 1-30-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 19, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.003
RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.003 Notification of Noncompliance.

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

~~(e) Subsection 61J2-5.019(1), F.A.C. — failure to ensure that the corporation or partnership is properly registered; failure to ensure each officer, director and sales associate is properly licensed.~~

~~(f) Rule 61J2-10.023, F.A.C. — failure to register a branch office.~~

~~(e)(g) Rule 61J2-10.024, F.A.C. — failure to maintain the office entrance sign as required.~~

~~(h) Subsection 61J2-10.025(1), F.A.C. — failure to use the brokerage firm name in an advertisement.~~

~~(i) Subsection 61J2-10.025(2), F.A.C. — failure to use the licensee’s last name in an advertisement.~~

~~(f)(j) Subsections 61J2-10.032(1) and (2), F.A.C. — failure to perform the required act within the stated time frame but does so no later than 30 days after the stated time frame.~~

~~(g)(k) Rule 61J2-10.034, F.A.C. — failure to register a trade name with the Division of Real Estate.~~

(h) Paragraph 61J2-14.008(2)(b), F.A.C. — initial offense of failure to indicate the name, address and telephone number of the title company or attorney on the contract will receive a notice of non-compliance without citation for a period of twelve months after the effective date of this rule.

(i) Paragraph 61J2-14.008(2)(b), F.A.C. — initial offense of failure to notify provide Seller’s broker, or Seller if not presented by a broker, within ten (10) business days of the date the Licensee’s broker made the written request for verification of the deposit with either a copy of the written verification, or if no verification is received by Licensee’s broker, written notice that Licensee’s broker did not receive verification of the deposit, will receive a notice of non-compliance without citation for a period of twelve months after the effective date of this rule.

~~(j)(l) Rule 61J2-14.012, F.A.C. — failure to sign the escrow account reconciliation if the account balances.~~

~~(k)(m) Subsection 61J2-14.014(2), F.A.C. — failure to stop interest from accruing prior to disbursement.~~

(l)(n) Section 475.451(8), F.S. Subsections 61J2-17.012(1) and (3), F.A.C. — failure to keep registration records, course, rosters, attendance records, a file copy of each examination and progress test, and all student answer sheets for a period of at least 3 years subsequent to the beginning of each course and make them available to the department for inspection and copying upon request maintain the course roster as required.

~~(o) Subsection 61J2-17.012(2), F.A.C. — failure to deliver the course roster as required.~~

~~(p) Subsection 61J2-17.013(2), F.A.C. — failure to obtain a permit for a school location.~~

~~(m)(q) Rule 61J2-17.014, F.A.C. — improper use of a guest lecturer.~~

~~(n)(r) Rule 61J2-17.015, F.A.C. — improper recruiting; failure to post the required statement.~~

~~(s) Section 475.25(1)(m), F.S., and Rule 61J2-3.009, F.A.C. — renewed license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR within thirty (30) days after the renewal cycle ended.~~

(2) through (3) No change.

Specific Authority 475.05 FS. Law Implemented 120.695, 455.225(3) FS. History—New 1-9-94, Amended 1-1-96, 11-10-97, 6-30-98, 10-25-98, 9-17-00, 7-4-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 19, 2008

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.183	Land Disposal Restrictions
62-730.185	Standards for Universal Waste Management
62-730.200	Introduction, Scope and Procedures for Decision Making
62-730.220	Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference the changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2007 and June 30, 2008 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt

changes that make state rules equivalent to and consistent with the existing federal regulations. The amendments in this notice serve that purpose.

SPECIFIC AUTHORITY: 403.8055 FS.
 LAW IMPLEMENTED: 403.061, 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2008 ~~July 1, 2007~~, except for the optional addition of “or 267.101” to subsection (2) of the definition of “facility” in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) through (5) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2008 ~~July 1, 2007~~: 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 260.21; 260.23; 260.30; 260.31; 260.32; 260.33; 260.40 and 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2008 ~~July 1, 2007~~, and all appendices, with the exceptions described in paragraphs (1)(a) through (d) of this section.

(a) through (4) No change.

Specific Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2008 ~~July 1, 2007~~, including the Appendix with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2008 ~~July 1, 2007~~.

(2) through (3) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) The Department adopts by reference 40 CFR Part 264 revised as of July 1, 2008 ~~July 1, 2007~~, including all appendices, with the exceptions described in paragraphs (1)(a) through (c) of this section.

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

(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, 2008 ~~July 1, 2007~~, including all appendices, with the exceptions described in paragraphs (2)(a) through (e) of this section.

(a) through (6) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2008 ~~July 1, 2007~~, except for the Project XL site-specific regulations in Subpart O.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of July 1, 2008 ~~July 1, 2007~~, and all appendices, with the exception of subsections (1) and (2) of this section.

(1) through (2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 1-25-89, Formerly 17-30.183, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.183, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.185 Standards for Universal Waste Management.

(1) The Department adopts by reference 40 CFR Part 273 revised as of July 1, 2008 ~~July 1, 2007~~.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.061, 403.704, 403.721 FS. History—New 9-7-95, Amended 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.200 Introduction, Scope and Procedures for Decision Making.

(1) through (2) No change.

(3) The Department will follow the procedures set forth in these sections of 40 CFR Part 124 revised as of July 1, 2008 ~~July 1, 2007~~: 124.3(a); 124.5(a), (c), and (d); except the optional amendment to 124.5(c)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.6(a), (d), and (e) except (d)(4)(ii) through (v); 124.8(a) and (b) except (b)(3) and (b)(8); 124.10(a) except (a)(1)(i) and (a)(1)(iv) through (a)(3); 124.10(b); 124.10(c) except (c)(1)(iv) through (viii); 124.10(d)

except (d)(1)(vii) through (ix) and (d)(2)(iv); 124.11; 124.12(a); and 124.17 except (b); 124.31 except for two sentences in 124.31(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendments to 124.31(a), (b) and (c) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.32 except for two sentences in 124.32(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendment to 124.32(a) in the Federal Register dated September 8, 2005 (70 FR 53419); and 124.33 except for 124.33(a), which are hereby adopted by reference. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect. Sections 124.31, 124.32, 124.33 apply to all applicants seeking construction or operation permits for hazardous waste management units.

(4) through (5) No change.

Specific Authority 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.704, 403.721, 403.722 FS. History—New 7-1-82, Formerly 17-30.20, Amended 9-23-87, 6-28-88, Formerly 17-30.200, Amended 9-10-91, 10-14-92, Formerly 17-730.200, Amended 1-5-95, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

Editorial Note: Formerly Rule 62-730.184, F.A.C.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of July 1, 2008 ~~July 1, 2007~~: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2, except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4; 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28; 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 27051(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(2)(a) through (11) No change.

Specific Authority 403.061, 403.087, 403.704, 403.721, 403.722 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-11.012
 RULE TITLE: Application for Acupuncture Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form by reference.

SUMMARY: The application form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.012 Application for Acupuncture Certification.

(1) Any person licensed or applying for licensure by the Board who also desires to be certified in acupuncture shall apply to the Department of Health. Application shall be made on board approved form DH-MQA 1151, (Rev 11/08), Application for Chiropractic Acupuncture Certification, which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

(2) through (3) No change.

Specific Authority 460.405 FS. Law Implemented 460.403, 460.406 FS. History—New 10-6-86, Amended 7-5-87, 2-1-88, Formerly 21D-11.012, 61F2-11.012, 59N-11.012, Amended 2-15-98, 8-9-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NOS.:	RULE TITLES:
64B2-18.002	Application for Certification as a Chiropractic Physician's Assistant
64B2-18.005	Certification of Supervising Physicians

PURPOSE AND EFFECT: The Board proposes the rule amendments in order to incorporate application forms into the rules, to provide corrected reference to rule, and to change time for certification renewal.

SUMMARY: The application forms will be incorporated into the rule, a reference to a rule will be corrected, and the time period for certification renewal will be changed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 460.405, 460.4165(6), (9) FS.

LAW IMPLEMENTED: 460.4165(3), (5), (6), (9) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B2-18.002 Application for Certification as a Chiropractic Physician's Assistant.

(1) Any person desiring to be certified as a chiropractic physician's assistant shall file an application with the Department on board approved form DH-MQA 1148, (Rev 11/08), Application for Certified Chiropractic Physicians Assistant (CCPA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, and submit the required fees forms provided by the Board.

(2) through (4) No change.

(5) The application shall be accompanied by a diploma, written verification of completion of the 24 months of chiropractic education from the educational institution, or similar certificate evidencing successful completion of one of the types of education and training programs referred to in subsection 64B2-18.003 ~~64B2-18.002~~(3), F.A.C. For the

training program, successful completion is deemed to mean obtaining a raw score of 75% on a comprehensive examination covering the entire education and training program.

(6) through (7) No change.

Specific Authority 460.405, 460.4165(6), (9) FS. Law Implemented 460.4165(3), (5), (6), (9) FS. History--New 11-25-81, Formerly 21D-18.02, 21D-18.002, 61F2-18.002, 59N-18.002, Amended 6-7-98, 4-25-05, 7-11-07,_____.

64B2-18.005 Certification of Supervising Physicians.

(1) Any chiropractic physician desiring to supervise, employ or work with a certified chiropractic physician's assistant shall make application to the Board on board approved form DH-MQA 1149, (Rev 11/08), Application to Modify Supervision for Certified Chiropractic Physicians Assistant (CCPA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees forms provided by the Board.

(2) As part of the application process, the Board shall interview the supervising chiropractic physician and the certified chiropractic physician's assistant about the work arrangement proposed in the application.

(3) Upon approval of an application, the Board shall certify the physician or group of physicians to supervise a certified chiropractic physician's assistant.

(4) Certifications to supervise assistants shall remain valid for ~~two~~ one years and must be renewed ~~biennially~~ annually.

~~(5) A fee of one hundred dollars (\$100.00) shall accompany the initial application and annual application by a chiropractic physician or group of chiropractic physicians for authorization to supervise a certified chiropractic physician's assistant.~~

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 460.4165(6) FS. History--New 11-25-81, Formerly 21D-18.05, Amended 10-15-92, Formerly 21D-18.005, 61F2-18.005, 59N-18.005, Amended 7-11-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
 RULE TITLE: Requirements for Certification
 PURPOSE AND EFFECT: The purpose and effect is to add two additional approved certification bodies for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification.

SUMMARY: In this amendment two additional approved certification bodies for advanced registered nurse practitioners are added and it is clarified that the certification requirements include a current national certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-4.002 Requirements for Certification.
- (1) No change.
 - (2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.
 - (3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:
 - (a) through (e) No change.
 - (f) National Board for Certification of Hospice and Palliative Nurses.
 - (g) American Academy of Nurse Practitioners (nurse practitioner level examination only).
 - (4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 210-11.23, Amended 3-19-87, 4-6-92, Formerly 210-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008 and October 24, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.005
 RULE TITLE: Unprofessional Conduct
 PURPOSE AND EFFECT: The purpose of the amendment is to revise the rule title and to eliminate actions that constitute violations of specific provisions of Chapters 464 and 456, F.S.
 SUMMARY: The rule title is revised and actions that constitute violations of specific provisions of Chapters 464 and 456, F.S. are eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 464.006, 464.018(1)(h) FS.

LAW IMPLEMENTED: 464.018(1)(h) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-8.005 Unprofessional Conduct ~~Disciplinary Proceedings.~~
- (~~1~~) Unprofessional conduct shall include:
- (~~1~~)(a) Inaccurate recording; ~~or~~
 - (~~2~~)(b) Misappropriating drugs, supplies or equipment; ~~or~~
 - (~~3~~)(c) Leaving a nursing assignment without advising licensed nursing personnel; ~~or~~

~~(d) Practicing as a registered or practical nurse or as a certified nursing assistant in the State of Florida with a delinquent license for no more than 90 days; or~~

~~(e) Acts of negligence either by omission or commission; or~~

~~(f) Submitting the attestation of 24 hours of continuing education and one hour continuing education on domestic violence for licensure renewal under Rule 64B9-3.013, F.A.C., when the licensee has not attended or completed all such hours in the biennium; or~~

~~(g) Failure of an ARNP dispensing practitioner to comply with the registration and compliance requirements of Rule 64B9-4.011, F.A.C.; or~~

~~(4)(h) Stealing from a patient;~~

~~(5)(i) Violating the integrity of a medication administration system or an information technology system;~~

~~(2) Failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include, but not be limited to, the following:~~

~~(6)(a) Falsifying or altering of patient records or nursing progress records, employment applications or time records; or~~

~~(b) Administering medications or treatments in negligent manner; or~~

~~(c) Misappropriating drugs; or~~

~~(7)(d) Violating the confidentiality of information or knowledge concerning a patient; or~~

~~(8)(e) Discriminating Discrimination on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals; or~~

~~(9)(f) Engaging in fraud, misrepresentation, or deceit in taking the licensing examination; or~~

~~(g) Aiding and abetting the practice of registered nursing or practical nursing by any person not licensed as a registered nurse or a licensed practical nurse; or~~

~~(10)(h) Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of practicing nursing for compensation; or~~

~~(i) Acts of gross negligence, either by omission or commission; or~~

~~(j) Exercising influence on a patient in such a manner as to exploit the patient for financial gain of the licensee or a third party; or~~

~~(k) Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug; or~~

~~(l) Violation of a Board order entered in a licensure proceeding; or~~

~~(11)(m) Providing false or incorrect information to the employer regarding the status of the license; or~~

(12) Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug;

~~(13)(n) Practicing beyond the scope of the licensee's license, educational preparation or nursing experience;~~

~~(14)(o) Using force against a patient, striking a patient, or throwing objects at a patient; or~~

~~(15)(p) Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.~~

Specific Authority 464.006, 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 210-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 210-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, 12-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-13.001
RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements for continuing education for biennial renewal.

SUMMARY: The requirements for continuing education for biennial renewal will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Five of the continuing medical education hours for renewal shall include a one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances, and two hours Prevention of Medical Errors Course. Beginning in the 2010-2012 licensure biennium, five of the continuing medical hours for renewal shall include one hour of professional and medical ethics education, one hour Florida Laws and Rules, one hour on the federal and state laws related to the prescribing of controlled substances, and a two hour Prevention of Medical Errors Course.

(b) A licensee shall not be required to complete continuing medical education if the initial license is issued subsequent to July 1 of the second year of the biennium, except as found in paragraph 64B15-13.001(1)(a), F.A.C.

(c) A licensee shall complete a two (2) hour Domestic Violence Course as part of every third biennial renewal of licensure.

(d) A licensee shall complete a one (1) hour HIV/AIDS course no later than upon first biennial renewal of licensure.

(2) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks and domestic violence as defined in Section 741.30, F.S.

(b) The continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to Risk Management, Florida Laws and Rules, controlled substances, professional and medical ethics, and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However, the continuing medical education found in paragraph 64B15-13.001(1)(c) and (d), F.A.C., with regard to HIV/AIDS and domestic violence, may be obtained by the completion of non-live/participatory attendance.

(c) For purposes of this rule, Florida laws and rules means Chapters 456 and 459, F.S., and Rule Chapter 64B15, F.A.C.

(d) The ~~One~~ hour of Risk Management or professional and medical ethics education may be fulfilled by attending at least three (3) hours of disciplinary matters at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. The licensee must sign in with the Executive Director of the Board, or designee, before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director of the Board, or designee, at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. The licensee may receive CME credit in risk management or professional and medical ethics education for attending the disciplinary portion of a Board meeting only if the licensee is attending on that day solely for that purpose; the licensee may not receive such credit if appearing at the Board meeting for another purpose. Members of the Board of Osteopathic Medicine may receive risk management or professional and medical ethics credit for such attendance at one full day of disciplinary hearings at a regular meeting of the Board.

4. A licensee may use no more than five (5) hours of continuing education in the area of risk management for the purpose of completing the continuing education requirements for each biennial renewal.

(e) For purposes of this rule, a one (1) hour course on the federal and state laws related to the prescribing of controlled substances shall include: a review of the applicable federal and state laws and rules; review of the current Florida statistics regarding morbidity and mortality of controlled substance related deaths; pharmacology of opiate drugs; proper prescribing of opiate drugs; and a review of physician liability for overprescribing controlled substances.

~~(f)~~(e) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(4) No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal. In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university

extension course with approved grading and evaluation standards. Any licensee who is a member of the Armed Forces of the United States on active duty and for a period of six (6) months after discharge from active duty may obtain all forty (40) hours of continuing education through home study.

(6) In addition to the continuing medical education credits authorized above, a volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 459, F.S., shall receive 5.0 five (5) hours of credit in the area of risk management for each case reviewed. A volunteer expert may not accrue in excess of 15 hours of credit per biennium pursuant to this paragraph. Former board members serving on the Probable Cause Panel shall be allowed a maximum of 15 hours of credit per biennium pursuant to Section 456.013, F.S.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5), (6), (7), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, 2-9-05, 2-14-06, 1-29-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-5.012
RULE TITLE: Application and Renewal Procedures for Broker of Burial Rights License
PURPOSE AND EFFECT: Section 497.281(1), F.S., authorizes the licensing authority to set by rule a license fee not to exceed \$250 for a broker of burial rights. Section 497.281(5), F.S., authorizes the Department to provide by rule for the biennial renewal of broker of burial rights licenses and to set a renewal fee not to exceed \$250.

SUMMARY: Rule 69K-5.012, F.A.C., is amended to update the requirements for obtaining and renewing a broker of burial rights license and sets the license fee at \$150 and the renewal fee at \$100.

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

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

SPECIFIC AUTHORITY: 497.103(2)(c), (5)(b), 497.281 FS.

LAW IMPLEMENTED: 497.103(2)(c), 497.281 FS.

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

DATE AND TIME: March 23, 2009, 2:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-5.012 Application and Renewal Procedures for Registration of Broker of Burial Rights License.

(1) Each person desiring to obtain licensure registration as a broker of burial rights shall apply to the Department by submitting the following:

(a) A completed application for Registration of Brokers of Burial Rights License Application, Form DFS-C-BBRI, revised 10/06 effective 3-3-97, which is hereby incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's website at www.myfloridacfo.com/FuneralCemetery or by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. The application shall for registration must be completed and signed within thirty (30) days prior to receipt by the Department; ~~and~~

(b) A non-refundable license initial registration fee of \$150, which shall be the fee for the biennial licensure registration period beginning October 1 of each odd numbered year or any part thereof;

(c) A \$5 unlicensed activity fee pursuant to Section 497.140(6)(a), F.S.; and

(d) A set of fingerprints (either electronic or on paper) pursuant to Rule 69K-1.002, F.A.C.

(2) Licensees shall submit renewal requests on Form DFS-N1-1771, Broker of Burial Rights Renewal, effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C., and is available from the Department at the address and website listed above. A renewal fee of \$100 and an unlicensed activity fee of \$5 shall accompany the form.

~~Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty five (45) days from the date of request. Failure to respond to the request within forty five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(2), F.S.~~

~~(3) Amendment of Registration. An applicant may amend the application for registration as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise, the application may be amended only with prior permission from the Department. Requests to make changes which are material to the application or to the Department's evaluation of the registration filed at any time after the application has been received shall be deemed by the Department to be grounds for denial, and a new application for registration, accompanied by the appropriate filing fee, shall be required.~~

~~(4) Withdrawal of Registration. An applicant may request withdrawal of a registration prior to a determination of the registration being made by the Department by submitting a written request that the registration be withdrawn.~~

~~(5) Refunds. If the registration is withdrawn or denied, the registration fee is non-refundable.~~

~~(6) Upon approval of the registration, a license will be issued for the remainder of the biennial registration period.~~

Specific Authority 497.103(2)(c), (5)(b)(4), 497.281 FS. Law Implemented 497.103(2)(c), 497.281 FS. History--New 3-3-97, Formerly 3D-30.105, 69K-100.105, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.047
RULE TITLE: State Campaign Matching Funds Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Donald L. Palmer, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-9.021	Definitions
40B-9.041	Acquisition Procedures – Negotiations
40B-9.042	Inholding and Addition Property
40B-9.123	Additional Definitions
40B-9.131	Public Use of District Lands
40B-9.1381	Prohibited Activities
40B-9.142	Easements
40B-9.145	Leases
40B-9.151	Closure of District Lands

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly.

40B-9.021 Definitions.

When used in this part, the term herein:

(1) "Acquisition plan" means the work plan adopted by the Governing Board that describes the District's land acquisition strategies.

(2) “Conservation easement” means a right of interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition. A conservation easement restricts the underlying fee owner’s use of the property consistent with the purpose of the easement. Conservation easements are perpetual, undivided interests in property that run with the land. District conservation easements are governed by section 704.06, Florida Statutes.

(3)(4) “Department” means the Florida Department of Environmental Protection or its successor agency or agencies.

(2) ~~“Secretary” means the Secretary of the Florida Department of Environmental Protection.~~

(4)(3) “District” means the Suwannee River Water Management District, operating under the authority of Chapter 373, Florida Statutes.

(4) ~~“Fund” means the Water Management Lands Trust Fund.~~

(5) “District lands” means any fee simple interest or other interests in real property titled to the District. “Plan” means the five year plan as adopted by the Governing Board of the Suwannee River Water Management District.

(6) “District lease” means the granting of either an exclusive or non-exclusive use of or interest in District lands for a specified period of time. “Project” means a parcel or parcels of land in a discrete unit of purchase.

(7) “Funding program” means the program established pursuant to section 259.105, Florida Statutes, the Florida Forever Act. “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the state of Florida.

(8) “Governing Board” means the governing board of the Suwannee River Water Management District. “Acquisition” means the reduction of the title to land to be acquired to fee, or in the discretion of the District such other legal interest necessary for water management, water supply and the conservation and protection of water resources.

(9) “Management plan” means the District Land Management Plan adopted by the Governing Board that details the District’s land management activities or other property specific land management plan adopted by the Governing Board. “Lands” means real property acquired by the District pursuant to Section 373.59, Florida Statutes.

(10) “Project” means a parcel or parcels of land in a discrete unit of purchase. “Conceptual Management Plan” means the document discussing proposed management and use that is prepared prior to acquisition.

(11) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses. “Resource Management Plan” is the document approved by the Governing Board that specifies management activities and authorized uses of the lands.

(12) “Secretary” means the Secretary of the Florida Department of Environmental Protection or its successor agency or agencies. “Public Use Guide” is the summary document that list specific public uses for the Lands authorized by the Governing Board that can be permitted by the District.

(13) “Surplus lands” means those District-owned parcels that do not and are not expected to contribute significantly to the achievement of the District’s acquisition objectives including the protection or enhancement of water resource benefits and effective and efficient land management.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.171, 373.59~~ FS. Law Implemented 259.01, 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 4-1-93,_____.

40B-9.041 Acquisition Procedures – Negotiations.

(1) *Bona fide* offers for sale. The District’s land acquisition process is initiated when the District receives from an owner of real property a *bona fide* offer for sale to the District. A *bona fide* offer is one which includes: Upon determination of land requirements, descriptions and maps sufficient to identify the lands to be acquired shall be obtained.

(a) The county property appraiser’s tax parcel identification number;

(b) An aerial map or other documentation upon which the property boundaries are shown or described;

(c) A copy of the deed showing the current owner of record for the property being offered;

(d) The owner’s initial asking price for the property;

(e) Identification of any easements, deed restrictions, mineral interests, or other rights held by persons other than the fee title owner; and

(f) Identification of any existing purchase agreement, option contract, listing agreement, or any other agency arrangement or agreement entered into by the seller relating to the subject property.

(2) Criteria for evaluation of *bona fide* offers. Upon receipt, District staff will evaluate all *bona fide* offers for sale of real property to determine the extent to which the acquisition will contribute to achieving the goals in subsection 259.105(4), Florida Statutes, and provide a recommendation for disposition to the Governing Board. Ownership information shall be obtained and reviewed in order to determine the title to the land being acquired.

(3) Following Governing Board approval of a property for state priority funding, the following due diligence must be completed prior to a contract for sale: The District shall obtain at least one written appraisal pursuant to Rule 40B-9.061, F.A.C.

(a) Evidence of good and sufficient fee title to the property in the seller must be provided by the seller to the District.

(b) The property owner must provide access to the District and its agents as needed to obtain an appraisal as required under paragraph 373.139(3)(c), Florida Statutes, and a Phase I environmental site assessment that addresses the federal Environmental Protection Agency standards in CFR Part 312, the state Department of Environmental Protection standards. The appraisal must be performed by a qualified appraiser who is registered, licensed, or certified under Part II, Chapter 475, F.S. The Phase I environmental site assessment must be performed by a professional engineer, professional geologist or other professional certified in environmental assessment as the District deems appropriate.

(4) Contracts for sale. The Governing Board must adopt a purchase resolution which authorizes the Executive Director to execute a contract specifying the source of funds for the land to be acquired. The District shall attempt to acquire each parcel through voluntary negotiation prior to commencement of proceedings in eminent domain.

(5) All contracts to purchase shall be reduced to writing and shall be contingent upon approval by the Governing Board.

(6) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) The District shall contact each owner or authorized representative and negotiate the acquisition of the property.

(b) A "Negotiation Report" may be prepared and forwarded to Legal Counsel, which shall summarize such negotiations.

(c) In the event an offer is accepted, the District shall:

1. Arrange for the proper execution and recording of all necessary documents.

2. Request Legal Counsel to prepare a resolution requesting the Governing Board to approve the necessary funds pursuant to Chapter 62-402, F.A.C., if applicable.

(d) When a negotiated settlement cannot be readily attained, an authorized officer shall send a Memorandum to Legal Counsel which shall include:

1. A request for resolution to institute eminent domain proceedings.

2. Identification of parcels by title memorandum number.

3. Legal interest or estate sought for acquisition.

(5)(e) Donations of land to District. The District may accept donations or gifts of real property interests and. In such event the provisions of this subsection shall be followed, except that the requirement for an appraisals may be waived upon concurrence of both the property landowner and the District.

(7) The District shall adhere to the provisions of Section 287.055, Florida Statutes, if applicable.

Specific Authority 373.044, 373.083, 373.113, 373.139, 373.174 FS. Law Implemented 373.013, 373.139, 373.59 FS. History—New 3-1-83, Amended 5-26-88,_____.

40B-9.042 Inholding and Addition Property.

(1) The procedures in this section apply to offers of real property containing 40 acres or less.

(2) The District will consider purchasing parcels less than 40 acres in size if they are contiguous with existing District ownership and either:

(a) Provide additional protection for natural resources, or

(b) Improve the District's ability to manage its lands.

(3) In addition to qualifying under subsection 40B-9.042(2), F.A.C., above, the following conditions must be met:

(a) The fee owner of the property must control at least 50% of the mineral interests unless the outstanding royalty rights or interests are held by the State of Florida or the federal government;

(b) The property may not be subject to any current or future assessments by a homeowners association or other similar entity.

(c) The total asking price must be less than \$100,000.

(4) Upon determining that the offer meets the criteria and conditions in subsections 40B-9.042(2) and (3), F.A.C., above, Staff shall:

(a) Obtain a form or letter appraisal from the District's Land Acquisition Specialist or from a state certified general appraiser; and

(b) Submit an offer at an amount not-to-exceed the appraised fair market value with an option approved by District legal counsel to the landowner.

(5) If the offer is accepted by the landowner, the District will conduct a public hearing at which the proposed purchase will be presented for Governing Board approval.

Specific Authority 373.044, 373.083, 373.139 FS. Law Implemented 373.013, 373.089, 373.139, 373.59 FS. History—New _____.

40B-9.123 Additional Definitions.

When used in Part II of this chapter:

(1) "Access" means a point where the public can enter District lands by foot, horseback or non-motorized vehicles.

(2) "Aircraft" means any vehicle supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces, including powered airplanes, gliders, and helicopters.

(3) "Boating" includes the use of any type of motorized or non-motorized vessel on water.

(4) "Commercial activity" means the sale or leasing, or offering for sale or lease, for profit any merchandise or service associated with the use of District lands including, but not limited to, providing guide services, vehicles or animals on District lands.

(5) "Camping" means to use a vehicle, tent, or other shelter, and/or to arrange bedding with the intent to stay overnight.

(6) “Concession” means the privilege to establish a commercial activity on District land.

(7) “District lands” means real property to which the Governing Board holds fee simple title.

(8) “Entrance” means a designated location or boundary where public motorized vehicle access to District lands is authorized.

(9) “Facility” or “Structure” means any object placed on District lands intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.

(10) “Firearms and similar devices” means shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, gas guns, blow guns, bows, crossbows, spear guns, or any other device capable of mechanically propelling an arrow, spear, or other projectile.

(11) “Historic property” or “historic resource” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, or folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historic or archaeological value, or any part thereof, relating to history, government, and culture of the state.

(12) “Mobility-impaired person” means a person who is permanently physically disabled by being either paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation or permanently required to use assisting aids to walk, or having had a complete single-leg amputation above the knee.

(13) “Motorized vehicle” means any vehicle which travels over land on wheels and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.

(14) “Paintball equipment” means paint balls, paintball guns, refillable gas tanks, paintball gun propellant canisters, paintball targets, and any other device associated with paintball activities.

(15) “Public road” means any road, path, land, or trail designated by name, number or map for public motorized vehicle access.

(16) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses.

(17) “Recreational site” means an improved or unimproved site established to facilitate recreational use by the public.

(18) “Resource-based recreational purpose” means any outdoor activity that depends on natural resources and includes, but is not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, boating, diving, wildlife viewing and other passive recreation.

(19) “Seasonal road” means a road open to public motor vehicle use for hunting or other particular uses during a specific time period, or which may be closed due to periodic site conditions.

(20) “Special Use Authorization” means the granting of a privilege to use District lands for specified purposes and does not confer any property or possessory interest to the holder.

(21) “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.

Effective: The amendment to Rule 40B-9.123, F.A.C., shall take effect on the day following the last day of the 2009 Regular Session of the Florida Legislature provided no action is taken by the Legislature to reject or modify the amendments.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New

40B-9.131 Public Use of District Lands.

~~(1) The Lands shall be evaluated and the compatible public uses will be documented in the management plans. This evaluation will be based on the sensitivity of the Land to degradation, the need for specific public uses, the cost to the District to provide the public use, the ability of the District to reasonably assure public safety and other factors that may be applicable to the specific parcel.~~

~~(1)(2) The District shall publish and make available to the public upon request a “Save Our Rivers Lands an informational “Public Use Guide” which summarizes allowed activities and use restrictions for each District property. The Public Use Guide, approved by the Governing Board on January 21, 1993, is hereby incorporated by reference. The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, Florida Statutes. Copies of the District’s Public Use Guide are available at from the District’s headquarters and on its website: www.srwmnd.state.fl.us. Additionally, persons the public may apply for authorization of other public uses of District lands, as specified in Rule 40B-9.1411, F.A.C., “Special Use Authorizations Licenses.”, of other public uses of the Lands. These applications will be reviewed by District staff using the criteria listed in subsection 40B-9.131(1), F.A.C.~~

~~(2)(3) Activities that are not authorized in this section, in the Public Use Guide, posted on the Land or specifically authorized under a Special Use Authorization or otherwise in writing by the District are expressly prohibited and subject to prosecution. The public is advised that eCompliance with these rules does not preclude the need to also comply with State law and/or other applicable state and federal rules prevent the District’s cooperating agencies, such as the Florida Game and Fresh Water Fish Commission, U.S. Department of Interior, Fish and Wildlife Service, Florida Department of Agriculture~~

~~and Consumer Services and Florida Department of Natural Resources, from requiring compliance with other rules or laws to the fullest extent of their lawful authority.~~

(3) The following activities are allowed subject to any conditions and/or restrictions specified herein:

(a) Bicycling is allowed on all District lands open to the public unless restricted by signage.

(b) Boating for recreation is allowed on all District-owned waterways provided:

1. Boats launched from trailers must use boat ramps.

2. Boats must not be operated in a manner which could harm persons, plants, animals, or other natural resources. The District shall prohibit or restrict boating in specific areas as needed to ensure public safety, resource protection, and protection of District facilities or equipment, including limitations on engine horsepower, speed, or vessel type and shall be specific to a water body. Areas closed to boating and boating restrictions shall be posted by signage.

(c) Camping is only allowed on District lands at approved locations and as permitted by a Special Use Authorization issued by the District under Rule 40B-9.1411, F.A.C.

(d) Commercial activity on District lands may be allowed pursuant to prior written authorization in the form of an agreement or lease with the District. A person proposing any commercial activity on District lands must submit the following minimum information to the District:

1. Name and address of business;

2. Name and address of business owner or person responsible;

3. Type of activity to be conducted;

4. Statement justifying the need for the proposed commercial activity in order to facilitate public access and/or use of District lands for a resource-based recreational purpose;

5. Number of participants;

6. Dates and duration of the proposed activity; and

7. Signed statement committing to abide by all District requirements.

Any proposed commercial activity that will exceed one year in duration, require exclusive use of an area of land, or result in monetary consideration to the District, may only occur under a lease agreement approved by the Governing Board pursuant to Rule 40B-9.145, F.A.C.

The District will review the request for compatibility with the applicable land management plan and notify the applicant in writing. Requests to exclusively use a specific site that will impede the public's use or for uses that will degrade the property will be denied.

(e) Dogs are allowed on District lands provided they are on a leash or caged at all times unless consistent with authorized uses in state wildlife management areas and federal wildlife refuges or specifically authorized by the District

through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C. Other types of domesticated animals, such as cats, are prohibited on District lands.

(f) Equestrian and other saddle animals, including those for use with noncommercial horse-drawn carriages and buggies, are allowed on all District lands on roads open to public motorized vehicles and all equestrian trails except where such use is specifically prohibited by signage. The person responsible for bringing a saddle animal onto District lands must have current, written proof of a negative Coggins test result.

(g) Fishing for recreation is allowed on District lands as authorized by the Florida Fish and Wildlife Conservation Commission, unless otherwise posted.

(h) Group recreational, educational or public service uses are allowed on all District lands open to the public provided a Special Use Authorization is issued by the District under Rule 40B-9.1411, F.A.C.

(i) Hiking and other resource-based recreational purposes, such as photography, nature study, orienteering, are allowed on all District lands open to the public except where specifically prohibited by signage. For the purpose of this subsection, the term "hiking" includes jogging, wildlife viewing, or any other recreational activity where travel is by foot only and does not include another activity described in this chapter.

(j) Hunting for recreation is allowed in Florida wildlife management areas in accordance with applicable wildlife management area rules of the Florida Fish and Wildlife Conservation Commission, in United States national wildlife refuges subject to permit, and on District lands as designated and identified by signage. The District may allow hunting on lands not designated through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(k) Motorized vehicle use is allowed on District lands on public use and seasonal roads and in other areas designated by signage. The use of motorized vehicles on District lands is subject to the following requirements:

1. All motorized vehicles must be licensed for use on Florida highways.

2. All motorized vehicle operators must be licensed as required by Florida law.

3. All motorized vehicle operators must comply with posted speed limits. If no speed limit is posted, the speed limit is 20 mph.

4. Under Section 316.192, F.S., driving a motorized vehicle in a willful and wanton disregard for the safety of persons or property is considered reckless driving. Pursuant to Section 316.1925, F.S., any person who drives a motorized vehicle shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, F.S.

5. Emergency motorized vehicles on District lands are not restricted to roads open to the public or to the 20 mph or other posted speed limits.

(l) Picnicking is allowed on all District lands open to the public, unless otherwise posted.

(m) Research uses are allowed on all District lands provided a Special Use Authorization is issued by the District under Rule 40B-9.1411, F.A.C., and further provided that if the proposed use will close or restrict public access, a contract or lease with the District is required.

(n) Swimming is allowed on District lands only in areas designated by signage.

Effective: The amendment to Rule 40B-9.131 shall take effect on the day following the last day of the 2009 Regular Session of the Florida Legislature provided no action is taken by the Legislature to reject or modify the amendments.

Specific Authority ~~373.044, 373.59~~ 373.083, 373.1391 FS. Law Implemented ~~373.056, 373.096, 373.099, 373.1401~~ ~~373.59~~ FS. History—New 4-1-93, Amended _____.

40B-9.1381 Prohibited Activities.

(l) The following activities are prohibited on District lands to the extent specified herein:

(a) Hunting or trapping animals, and releasing free-running dogs on District lands is prohibited except as provided in paragraph 40B-9.131(3)(h), F.A.C., above.

(b) The possession and/or use of alcoholic beverages on District land is prohibited.

(c) The disposal or discharge of any type of waste outside of designated waste collection facilities on District lands is prohibited.

(d) The disposal of oil, gasoline, or other hazardous substances on District lands is prohibited.

(e) Removing from or altering, destroying, or harming any animal, plant, soil, or mineral on District lands is prohibited, unless associated with:

1. District authorized research efforts;

2. Hunting and fishing activities specifically authorized under Part II of this chapter; or

3. District initiated removals associated with reforestation, control of exotic or nuisance species, timber harvests, or other land management activities.

(f) The introduction or release of any seed, plant or animal on District lands is prohibited.

(g) Removal, alteration or destruction of historic resources on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C. The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of any archaeological or cultural resources on District lands. Any person who discovers historic resources on District lands shall immediately notify the District of such discovery.

(h) Scuba diving or the use of underwater breathing apparatus on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C. To receive a Special Use Authorization for scuba diving, in addition to meeting the criteria in Rule 40B-9.1411, F.A.C., the applicant must provide reasonable assurances that the dive is for a scientific or investigative purpose and the person performing the dive is certified for the type of dive to be performed. A person issued a Special Use Authorization to perform a dive on District land must submit a report upon completion of the dive informing the District of any scientific or historic evidence discovered during the dive.

(i) Taking off or landing aircraft on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C., or the result of a bona fide emergency.

(j) Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C., unless associated with District authorized reforestation, exotic or nuisance species control, timber harvests, or other land management activities, or approved hunts managed by the Florida Fish and Wildlife Conservation Commission.

(k) The mooring of any boat on District lands for more than 24 consecutive hours is prohibited, unless otherwise indicated by signage.

(l) The destruction, removal or alteration of any District-owned facilities, vehicles or other property is prohibited. District-owned property includes, but is not limited to, water control structures, boardwalks, kiosks and other recreational facilities, scientific study plots, photo points, transect lines, survey markers, buildings, towers, recorders, gauges, signs, gates, fences and monuments.

(m) The use of firearms, archery equipment, animal traps, or other similar devices on District lands is prohibited unless specifically authorized for:

1. Hunting activities as authorized under paragraph 40B-9.131(3)(j), F.A.C., above;

2. District initiated land management activities; or

3. A use specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

The possession of firearms or other similar devices on District lands must comply with Chapter 790, F.S.

(n) The use of paintball guns, paintball markers, and any other paintball equipment on District lands is prohibited.

(o) The possession or discharge of any fireworks or explosives on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(p) Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, paper signs, advertising devices, or informational matter of any kind, excluding District or management agency notices, on District lands is prohibited.

(q) Igniting any fire on District lands is prohibited except for District authorized prescribed burns or fires specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(r) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

Any unauthorized facility or structure discovered on District lands shall be removed according to the following procedure:

1. Upon discovery of an unauthorized facility or structure, the District will post a notice on such facility or structure for a period of 14 days, informing the owner that such facility or structure is not authorized and that the owner must immediately remove such facility or structure.

2. If the owner of the unauthorized facility or structure fails to remove such facility or structure within 14 days after posting of the District notice, the District will remove such facility or structure from District lands or claim such facility or structure as District property.

The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

(s) Any use of District lands not authorized by Part II of this chapter is prohibited.

Effective: The amendment to Rule 40B-9.1381, F.A.C., shall take effect on the day following the last day of the 2009 Regular Session of the Florida Legislature provided no action is taken by the Legislature to reject or modify the amendments.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.142 Easements.

(1) The granting of a license or easement for ingress and egress or other rights-of-way will be considered only when there exists a way of necessity as defined in Section 704.01, F.S., or it will benefit the general public.

(2) Where there is no associated clear way of necessity, the right requested must not conflict with the purposes for which the District lands were acquired. Prior to consideration, the following information must be submitted to the District:

(a) A map or aerial photograph at a scale of at least 1:24,000 showing the proposed route and, if applicable, an outline of the property to be benefited;

(b) A complete description of the route, including dimensions, and its intended use;

(c) A description of any practical alternative routes; and

(d) A copy of the deed by which the applicant acquired title to the property to be benefited, if applicable, and any evidence of a claim of right. If a right-of-way is granted, it shall be described and conveyed in the most limited form that meets the intended purpose.

(3) Easements must be approved and executed by the Governing Board. The conveyance of any easement by the District shall require payment by the applicant of the fair market value as determined by any of the following:

(a) A real estate appraisal performed by a licensed real estate appraiser or by the District's Staff Appraiser, or the fee value for bare land as documented in an acquisition appraisal and adjusted by an appropriate market index for the period since the District's acquisition; and

(b) Payment of any reasonable administrative, survey, and legal costs.

Effective: The amendment to Rule 40B-9.142, F.A.C., shall take effect on the day following the last day of the 2009 Regular Session of the Florida Legislature provided no action is taken by the Legislature to reject or modify the amendments.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.088, 373.093, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.145 Leases.

(1) The District may grant a lease to use District land only when the purpose of the lease is consistent with the District's land management plan and in compliance with the requirements of Section 373.093, F.S. The scope of any lease to use District land shall be restricted to the minimum necessary to conduct the proposed activity. The lease shall include such terms and conditions as are considered to be in the best interest of the District.

(2) A person may request to lease District land by contacting the Suwannee River Water Management District, Land Acquisition and Management Department at (386)362-1001 or (800)226-1066 (Florida only) or 9225 County Road 49, Live Oak, FL 32060.

(3) When required by Section 373.093, F.S., the District shall publish notice of its intent to grant a lease of District land in a newspaper in the county in which the land is situated.

(4) Any District lease in existence prior to [effective date of rule] shall remain in effect until it expires by its own terms or is cancelled or revoked. Thereafter, the use authorized by the existing District lease shall be subject to this section.

Effective: The amendment to Rule 40B-9.145, F.A.C., shall take effect on the day following the last day of the 2009 Regular Session of the Florida Legislature provided no action is taken by the Legislature to reject or modify the amendments.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.151 Closure of District Lands.

(1) ~~District The~~ Lands shall be closed to the public when such action is necessary to protect the water resources, natural resources and/or historic cultural resources of the Land. Such closure is not limited to, but may include those areas that are used for water resource development, water supply development or stormwater management projects, linear facilities, or sustainable agriculture or silviculture.

(2) ~~General~~ Public use of District the ~~Lands~~ is prohibited during events such as flooding, wildfire danger, timber harvesting, land management activities such as prescribed burns or construction, and or other events situations that are result in potentially dangerous conditions to the public or necessary to protect the property. The District shall provide notice to the public of such closures.

(3) District lands may be temporarily closed to the public use when necessary to conduct research, studies, or data collection approved or sponsored by the District. Temporary closure of ~~District the~~ Lands will be posted at all entrances to the affected Lands.

(4) The Governing Board hereby delegates to the Executive Director the authority to close District lands in accordance with this section.

Effective: The amendment to Rule 40B-9.151, F.A.C., shall take effect on the day following the last day of the 2009 Regular Session of the Florida Legislature provided no action is taken by the Legislature to reject or modify the amendments.

Specific Authority ~~373.046, 373.044, 373.083, 373.1391~~ 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Amended _____.

WATER MANAGEMENT DISTRICTS

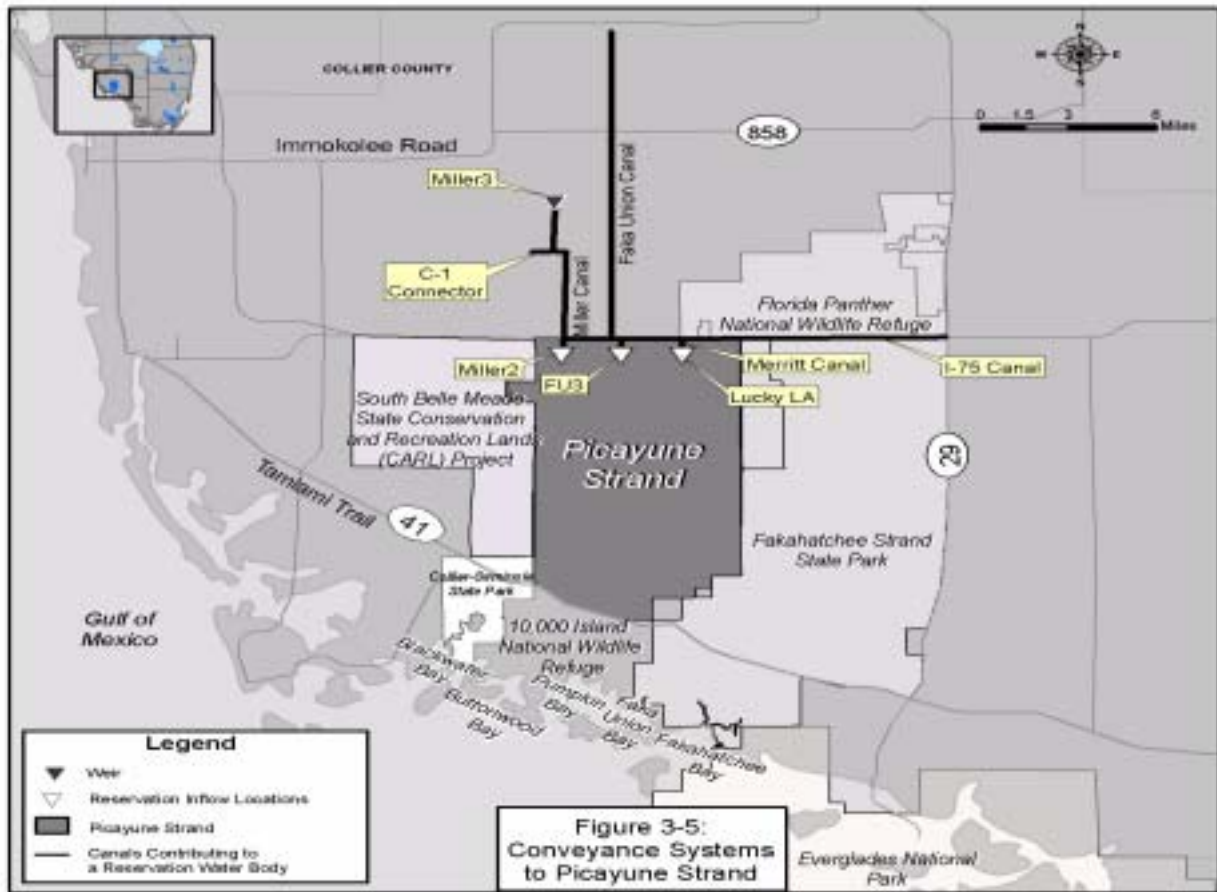
South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-2.091	Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly.

In addition, the District has revised its Statement of Estimated Regulatory Cost based upon proposals for lower cost regulatory alternatives received. A copy of the revised SERC is located on the District’s website at www.sfwmd.gov/water supplyruledevelopment, or by contacting: Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.



WATER MANAGEMENT DISTRICTS

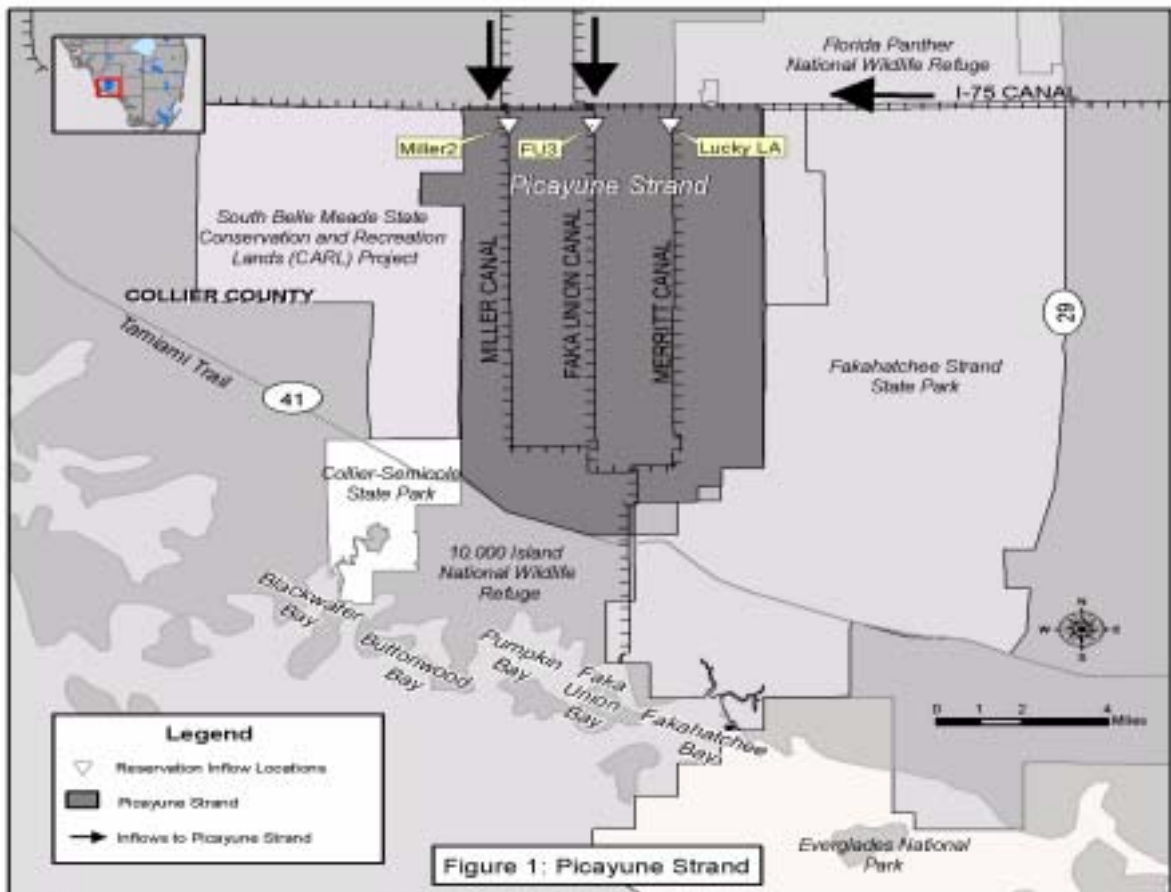
South Florida Water Management District

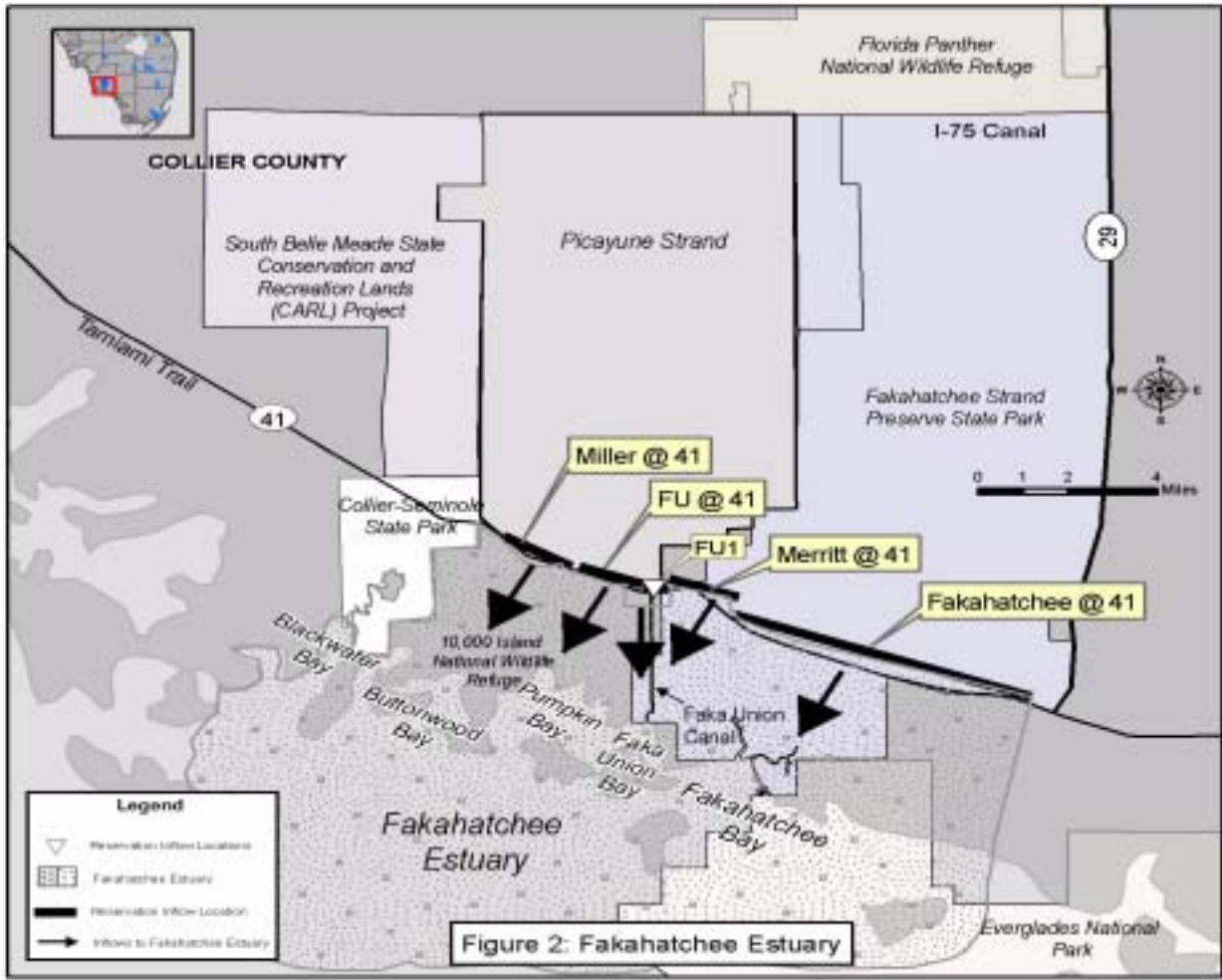
RULE NO.: 40E-10.041
 RULE TITLE: Water Reservation Areas: Lower West Coast Planning Area

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. 1, January 9, 2009 issue of the Florida Administrative Weekly.

In addition, the District has revised its Statement of Estimated Regulatory Cost based upon proposals for lower cost regulatory alternatives received. A copy of the revised SERC is located on the District’s website at [www.sfwmd.gov/water supplyruledevelopment](http://www.sfwmd.gov/water_supplyruledevelopment), or by contacting Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.





WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly.

See Notice of Change for Rule 40E-2.091, F.A.C., in this issue. In addition, the District has revised its Statement of Estimated Regulatory Cost based upon proposals for lower cost regulatory alternatives received. A copy of the revised SERC is located on the District’s website at [www.sfwmd.gov/water supplyruledevelopment](http://www.sfwmd.gov/water_supplyruledevelopment), or by contacting: Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.600
 RULE TITLE: Good Cause for Disenrollment from Health Plans

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly. The rule number has been changed from 59G-8.500 to 59G-8.600.

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.: 64B9-4.002
 RULE TITLE: Requirements for Certification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
 RULE TITLE: Requirements for Certification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.007
 RULE TITLE: Standard of Care for Office Surgery

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2)(c) shall now read as follows:

(c) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, time of arrival in the operating suite, the surgeon’s name, diagnosis, patient ASA classification, the type of procedure, the level of surgery, the anesthesia provider, the type of anesthesia used, the duration of the procedure, the type of post-operative care, duration of recovery, disposition of the patient upon discharge, during surgery, and recovery. The log and all surgical records shall be provided to investigators of the Department of Health upon request.

2. Subsection (2)(h)1. shall now read as follows:

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in subsection 64B15-14.006(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be qualified by licensure to administer all of the medications required on the crash cart and must be certified in Advanced Cardiac Life Support. The monitor must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.0076
 RULE TITLE: Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1)(b) shall now read as follows:
 - (b) In order to register an office for surgical procedures, the osteopathic physician must comply with Department of Health Rule 64B-4.003, F.A.C., and provide documentation to support compliance with Rule 64B15-14.007, F.A.C.
2. Subsection (2)(b) shall now read as follows:
 - (b) The office surgery inspection set forth in Department of Health Rule 64B-4.002, F.A.C., shall be remitted for each practice location.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.005
 RULE TITLE: Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.005 has been changed to include the following new subsection:

(6) Sunset of Revised Quota System. The Commission intends to sunset the rule amendments approved on February 4, 2009 and made effective May 1, 2009 that made changes to the quota hunt permit system prohibiting transferability of permits and allowing for guest permits. Therefore, Commission staff shall present at the next regularly scheduled Commission

meeting after November 1, 2012 draft rule proposals necessary to repeal those rule amendments unless prior to that deadline the Commission directs staff to prepare draft rules to repeal or amend the deadline in this subsection.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-42.001	Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species"
68B-42.002	Definitions
68B-42.004	Size Limits
68B-42.005	Bag Limit
68B-42.006	Commercial Season, Harvest Limits
68B-42.0065	Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability
68B-42.007	Gear Specifications and Prohibited Gear
68B-42.009	Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

Proposed amendments to Rules 68B-42.001, 68B-42.002, 68B-42.004, 68B-42.005, 68B-42.006, 68B-42.0065, 68B-42.007 and 68B-42.009, have each been changed to include a PROPOSED EFFECTIVE DATE of July 1, 2009.

No other changes were made to the rule amendments or rule repeal as proposed.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1000
 RULE TITLE: Disciplinary Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly.

The rule has been revised to address comments from the Joint Administrative Procedures Committee (JAPC).

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1000 Disciplinary Guidelines.

Pursuant to Section 560.1141, F.S., listed below are disciplinary guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a

Chapter 560, F.S., licensee for a material violation of Chapter 560, F.S. For purposes of this rule, the term “citation” means any written notice provided to and received by the licensee that specifies a violation of Chapter 560, F.S., or any rule promulgated under that chapter.

	<u>Statute</u>	<u>Violation Description</u>	<u>1st Citation</u>	<u>2nd Citation</u>	<u>3rd Citation</u>
(1)	<u>560.109(3)(a)</u>	<u>Failure to make available to the Office within 3 days all required books and records after written notice.</u>	<u>Fine: A</u> <u>Suspension: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(2)	<u>560.109(7)</u>	<u>Failure to pay reasonable and necessary costs for exams or investigations based on actual costs incurred.</u>	<u>Fine: A</u> <u>Suspension: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(3)	<u>560.1092(1)</u>	<u>Failure to pay to the Office the expenses of an examination at a rate adopted by rule.</u>	<u>Fine: A</u> <u>Suspension: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(4)	<u>560.1105</u>	<u>Failure to maintain all records for 5 years.</u>	<u>Fine: A</u> <u>Suspension: A</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(5)	<u>560.1105(1)</u>	<u>Failure to make books and records available to the Office within 3 business days after receipt of a written request.</u>	<u>Fine: A</u> <u>Suspension: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(6)	<u>560.111(1)(a)</u>	<u>Receiving or possessing property, except in payment of a just demand, and, with intent to deceive or defraud, to omit to make or to cause to be made a full and true entry thereof in its books and accounts, or to concur in omitting to make any material entry thereof.</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>	<u>N/A</u>
(7)	<u>560.111(1)(b)</u>	<u>Embezzle, abstract, or misapply any money, property, or other thing of value belonging to the money services business, an authorized vendor, or customer with intent to deceive or defraud.</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>	<u>N/A</u>

(8)	560.111(1)(c)	<u>Making false entry in books and records with intent to deceive or defraud another person, appropriate regulator, or authorized third party appointed by the Office to examine or investigate a licensee or its authorized vendor.</u>	<u>Fine: C Suspension: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(9)	560.111(1)(d)	<u>Engaging in acts that violate 18 U.S.C. s. 1956., 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury which is a ground for the denial or revocation of a money services business or deferred presentment provider or its equivalent.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(10)	560.111(1)(e)	<u>Filing with the Office, signing as a duly authorized representative, or delivering or disclose to the Office any books and records known to be fraudulent or false as to any material matter.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(11)	560.111(1)(f)	<u>Placing among a money services business any note, obligation, or security that the money services business or its authorized vendor does not own or is known to be fraudulent or otherwise worthless or to represent to the Office that these documents are known to be fraudulent or otherwise worthless.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(12)	560.114 (1)(a)	<u>Failure to comply with any order of the Office or any written agreement entered into with the Office.</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Revocation</u>
(13)	560.114(1)(b)	<u>Fraud, misrepresentation, deceit, or gross negligence in any transaction by a money services business, regardless of reliance thereon by, or damage to, a customer.</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Revocation</u>	<u>N/A</u>

(14)	560.114(1)(c)	<u>Fraudulent misrepresentation, circumvention, or concealment of any matter that must be stated or furnished to a customer pursuant to Chapter 560, F.S., regardless of reliance thereon by, or damage to, such customer.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(15)	560.114(1)(d)	<u>False, deceptive, or misleading advertising.</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: Suspension: C Revocation</u>
(16)	560.114(1)(e)	<u>Failure to maintain, preserve, keep available for examination, and produce all books, accounts, files, or other documents required by Chapter 560, F.S.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>
(17)	560.114(1)(f)	<u>Refusing to allow the examination or inspection of books, accounts, files, or other documents by the Office pursuant to Chapter 560, F.S., or to comply with a subpoena issued by the Office.</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Revocation</u>	<u>Revocation</u>
(18)	560.114(1)(g)	<u>Failure to pay a judgment recovered in any court by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment became final.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(19)	560.114(1)(h)	<u>Engaging in acts prohibited under 560.111.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(20)	560.114(1)(i)	<u>Insolvency</u>	<u>Fine: A Suspension: A Revocation</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: B Revocation</u>
(21)	560.114(1)(j)	<u>Failure to remove an affiliated party after the Office has issued and served a final order setting forth a finding that the affiliated party has violated a provision of Chapter 560, F.S.</u>	<u>Fine: A Suspension: A Revocation</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>
(22)	560.114(1)(k)	<u>Making a material misstatement, misrepresentation, or omission in an application, amendment, or appointment of an authorized vendor.</u>	<u>Fine: A Suspension: A Revocation</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>

(23)	560.114(1)(l)	<u>Committing any act that results in a license, or its equivalent, to practice any profession or occupation, being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction.</u>	<u>Fine: A Suspension: A Revocation</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>
(24)	560.114(1)(m)	<u>Being the subject of final agency action or its equivalent, issued by an appropriate regulator, for engaging in unlicensed money services business or deferred presentment provider activity in any jurisdiction.</u>	<u>Fine: C</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>
(25)	560.114(1)(n)	<u>Committing any act resulting in a license or its equivalent to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, and 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury.</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Suspension: C Revocation</u>
(26)	560.114(1)(o)	<u>Having been convicted of, or entered a plea of guilty or nolo contendere to any felony or crime punishable by imprisonment of 1 year or more under the law of any state of the United States which involves fraud, moral turpitude, or dishonest dealing, regardless of adjudication.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(27)	560.114(1)(p)	<u>Having been convicted of, or entered a plea of guilty or nolo contendere to a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324 regardless of adjudication.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>

(28)	<u>560.114(1)(q)</u>	<u>Having been convicted of, or entered a plea of guilty or nolo contendere to misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(29)	<u>560.114(1)(r)</u>	<u>Failure to inform the Office in writing within 30 days after having pled guilty or nolo contendere to, or being convicted of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the US, or any crime involving fraud, moral turpitude, or dishonest dealing.</u>	<u>Fine: B</u>	<u>Fine: C Revocation</u>	<u>N/A</u>
(30)	<u>560.114(1)(s)</u>	<u>Aiding, assisting, procuring, advising, or abetting any person in violating a provision of Chapter 560, F.S., or any order or rule of the Office or Commission.</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>	<u>N/A</u>
(31)	<u>560.114(1)(t)</u>	<u>Failure to pay any fee, charge, or cost imposed or assessed under Chapter 560, F.S.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation: C</u>
(32)	<u>560.114(1)(u)</u>	<u>Failure to pay a fine assessed by the Office within 30 days after the due date as stated in the final order.</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Revocation</u>	<u>Fine: C Revocation</u>
(33)	<u>560.114(1)(v)</u>	<u>Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Suspension: C</u>
(34)	<u>560.114(1)(x)</u>	<u>Payment to the Office for a license or other fee, charge, cost, or fine with a check or electronic transmission of funds that is dishonored by the applicant's or licensee's financial institution.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>

(35)	560.114(1)(y)	<u>Violations of 31 C.F.R. ss. 103.20, 103.22, 102.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and United States Treasury Interpretative Release 2004-1. Note: For purposes of the application of this violation, the distinct federal codes referenced shall be treated as separate violations and penalties shall be applied separately for each code violation cited.</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Suspension: C Revocation</u>
(36)	560.114(1)(z)	<u>Engaging in any practice or conduct that creates the likelihood of material loss, insolvency, or dissipation of assets of a money services business or otherwise materially prejudices the interests of its customers.</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Suspension: C Revocation</u>	<u>Fine: C Suspension: C Revocation</u>
(37)	560.114(2)	<u>Immediate Suspension for failure to provide required records upon written request.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Suspension: C</u>
(38)	560.118(1)	<u>Failure to file annual financial audit reports with the Office pursuant to this Chapter 560, F.S. or related rules.</u>	<u>Fine: C Revocation if later than 90 days from due date</u>	<u>Fine: C Revocation if later than 90 days from due date</u>	<u>Fine: C Revocation if later than 90 days from due date</u>
(39)	560.118(2)	<u>Failure to submit quarterly reports to the Office in the format specified by rule.</u>	<u>Fine: A Suspension: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Suspension: C Revocation</u>
(40)	560.123(3)	<u>Failure to maintain a record of every transaction, which occurs in this state that involves currency greater than \$10,000, in one or in aggregate in one day, and involves the proceeds of unlawful activity or is designed to evade reporting requirements of Section 560.123, F.S. or Chapter 896, F.S.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(41)	560.123(3)(c)	<u>Failure to file a currency transaction report for every transaction noted in Section 560.123(3), F.S.</u>	<u>Fine: A Suspension: A Revocation</u>	<u>Fine: B Suspension: B Revocation</u>	<u>Fine: C Suspension: C Revocation</u>

(42)	560.123(4)	<u>Failure to comply with the money laundering, enforcement, and reporting provisions of Section 655.50, F.S. involving currency transactions and payment instruments, and Chapter 896, F.S., concerning offenses relating to financial transactions.</u>	<u>Fine: A</u> <u>Suspension: A</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(43)	560.1235(1)	<u>Failure to comply with all state and federal laws and rules relating to money laundering, including Section 560.123, F.S.; and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29, 103.33, 103.37, and 103.41.</u>	<u>Fine: A</u> <u>Suspension: A</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(44)	560.1235(2)	<u>Failure to maintain, review, and update an anti-money laundering program.</u>	<u>Fine: A</u> <u>Suspension: A</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(45)	560.1235(3)	<u>Failure to comply with United States Treasury Interpretive Release 2004-1.</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(46)	560.126(1)(a)	<u>Failure to provide the Office notice within 30 days after occurrence of a bankruptcy filing.</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>
(47)	560.126(1)(b)	<u>Failure to provide the Office notice within 30 days after occurrence of the commencement of an administrative or judicial suspension, revocation, or denial of a license from any other state in the United States.</u>	<u>Fine: A</u> <u>Suspension: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>

(48)	560.126(1)(c)	<p><u>Failure to provide the office notice within 30 days after occurrence of a felony indictment relating to a money services business or deferred presentment provider involving the licensee, a vendor, or affiliated party.</u></p> <p><u>Note: Any licensee suspended under this provision shall be suspended until a final disposition has been reached by the court for the case defined in the suspension order. Any rights to appeal with not be considered in the application of this section.</u></p>	<p><u>Fine: B</u> <u>Suspension: B</u></p>	<p><u>Fine: C</u> <u>Suspension: C</u></p>	<p><u>Fine: C</u> <u>Suspension: C</u></p>
(49)	560.126(1)(d)	<p><u>Failure to provide the office notice within 30 days after occurrence of a felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of a licensee, vendor, or affiliated party.</u></p>	<p><u>Revocation</u></p>	<p><u>Revocation</u></p>	<p><u>Revocation</u></p>
(50)	560.126(1)(e)	<p><u>Failure to provide the office notice within 30 days after occurrence of an interruption of any corporate surety bond required.</u></p>	<p><u>Fine: B</u> <u>Suspension: B</u></p>	<p><u>Fine: B</u> <u>Suspension: B</u></p>	<p><u>Fine: C</u> <u>Suspension: C</u></p>
(51)	560.126(1)(g)	<p><u>Failure to provide the office with written notice sent by registered mail within 30 days after the occurrence or knowledge of the notification by law enforcement or a prosecutorial agency that the licensee or vendor is under criminal investigation.</u></p>	<p><u>Fine: B</u> <u>Suspension: B</u></p>	<p><u>Fine: C</u> <u>Suspension: C</u></p>	<p><u>Fine: C</u> <u>Revocation</u></p>
(52)	560.126(2)	<p><u>Failure to report to the Office any change in application or renewal information on Form OFR 560-01, which is incorporated by reference in Rule 69V-560.1012, within 30 days after the change.</u></p>	<p><u>Fine: A</u></p>	<p><u>Fine: B</u></p>	<p><u>Fine: C</u> <u>Suspension: C</u></p>

(53)	<u>560.126(3)</u>	<u>Failure to report any change in ownership, control, or responsible persons of the licensee.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(54)	<u>560.128(1)</u>	<u>Failure to provide each customer with a toll-free number or the office's toll-free number and address for consumer contact.</u>	<u>Fine: A</u>	<u>Fine: A</u>	<u>Fine: B</u>
(55)	<u>560.208(4)</u>	<u>Failure to place assets that are the property of a customer in a segregated account in a federally insured institution or the failure to maintain separate accounts for operating capital and the clearing of customer funds.</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(56)	<u>560.208(5)</u>	<u>Failure to ensure that money transmitted is available to the designated recipient within 10 business days after receipt.</u>	<u>Fine: B</u>	<u>Fine: C</u>	<u>Fine: C</u> <u>Suspension: C</u>
(57)	<u>560.208(6)</u>	<u>Failure to immediately upon receipt of currency or payment instrument provide a confirmation or sequence number to the customer verbally, by paper, or electronically.</u>	<u>Fine: A</u>	<u>Fine: C</u>	<u>Fine: C</u> <u>Suspension: C</u>
(58)	<u>560.2085(1)</u>	<u>Failure to notify the Office within 60 days after a vendor commences or terminates licensed activity.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(59)	<u>560.2085(2)</u>	<u>Failure to enter into a written contract with an authorized vendor, signed by the licensee and the authorized vendor.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(60)	<u>560.2085(2)(a)</u>	<u>The vendor contract must set forth the nature and scope of the relationship between the licensee and the vendor, including rights and responsibilities of the parties</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(61)	<u>560.2085(2)(b)</u>	<u>Failure to enter into a written contract that includes requirements of Section 560.2085(2)(b) (1-8), F.S.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>

(62)	560.2085(3)	<u>Failure to develop and implement written policies and procedures to monitor compliance with applicable state and federal law by a licensee's authorized vendors.</u>	<u>Fine: B</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(63)	560.209(1)	<u>Failure to maintain at all times net worth of at least \$100,000 plus and additional \$10,000 for each location up to \$2 million. Note: Suspension will be ordered until adequate net worth has been obtained and accepted by the Office</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(64)	560.209(2)	<u>Failure to obtain an annual financial audit report and submit it to the Office within 120 days after the end of the licensee's fiscal year end.</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: B</u> <u>Suspension: B</u> <u>Revocation</u>	<u>Fine: C</u> <u>Suspension: C</u> <u>Revocation</u>
(65)	560.209(3)(a-b)	<u>Failure to provide and pledge to the Office a surety bond not less than \$50,000 or more than \$2 million.</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>	<u>N/A</u>
(66)	560.209(3)(c)	<u>Canceling a surety bond without written notice to the Office by registered mail or a canceling a bond within 30 days after receipt by the Office of the written notice. Note: Suspension will be ordered until adequate surety device has been obtained and accepted by the Office</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>
(67)	560.209(3)(e)	<u>Failure to furnish a new or additional surety bond so that the total or aggregate principal sum of the bond equals the required bond under Section 560.209(3)(e), F.S.</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>
(68)	560.209(4)(a-b)	<u>Failure to deposit collateral cash, securities, or alternative security devices as provided by Rule 69V-560.402 in at least the amount required by Form OFR-560-07.</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>

(69)	<u>560.209(4)(c)</u>	<u>Failure to pledge collateral cash, securities, or alternative security devices on Form OFR-560-05, which is incorporated by reference in Rule 69V-560.1012, or to maintain such collateral in an insured financial institution as set forth in Rule 69V-560.402.</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Suspension: C</u>
(70)	<u>560.210(1)</u>	<u>Failure to possess, at all times, permissible investments with an aggregate market value of at least the aggregate face amount of all outstanding money transmissions and payment instruments issued or sold by the licensee or authorized vendor in the United States.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(71)	<u>560.211(1)</u>	<u>Failure to maintain all records required to be kept by Section 560.211, F.S. for 5 years.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(72)	<u>560.211(1)(a)</u>	<u>Failure to maintain a daily record of payment instruments sold and money transmitted.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(73)	<u>560.211(1)(b)</u>	<u>Failure to maintain a general ledger containing all asset, liability, capital, income, and expense accounts, which must be posted at least monthly.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(74)	<u>560.211(1)(c)</u>	<u>Failure to maintain daily settlement records received from authorized vendors.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(75)	<u>560.211(1)(d)</u>	<u>Failure to maintain monthly financial institution statements and reconciliation records.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(76)	<u>560.211(1)(e)</u>	<u>Failure to maintain records of outstanding payment instruments and money transmitted.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(77)	<u>560.211(1)(f)</u>	<u>Failure to maintain records of each payment instrument paid and money transmission delivered.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>

(78)	<u>560.211(1)(g)</u>	<u>Failure to maintain a list of the names and addresses of all of the licensee's authorized vendors.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(79)	<u>560.211(1)(h)</u>	<u>Failure to maintain records that document the establishment, monitoring, and termination of relationships with authorized vendors and foreign affiliates.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(80)	<u>560.211(1)(i)</u>	<u>Failure to maintain any records, as prescribed by rule, designed to detect and prevent money laundering as set forth in Rules 69V-560.608, 69V-560.609, 69V-560.610, 69V-560.702, 69V-560.703, and 69V-560.706.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(81)	<u>560.213</u>	<u>Failure of each payment instrument sold or issued by a licensee, directly or through its authorized vendor, to bear the name of the licensee.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(82)	<u>560.303(3)</u>	<u>Charging fees in excess of those provided by Section 560.309, F.S. by a person exempt from licensure under Chapter 560 part III.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(83)	<u>560.309(1)</u>	<u>Failure to transact business under Chapter 560, part III, F.S. under the legal name under which the person is licensed.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(84)	<u>560.309(2)</u>	<u>Failure to endorse a payment instrument that is accepted or cashed by the licensee using the legal name under which the licensee is licensed.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>
(85)	<u>560.309(3)</u>	<u>Failure to deposit payment instruments into a commercial account at a federally insured financial institution or sell payment instruments within 5 business days after the acceptance of the payment instrument.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>

(86)	<u>560.309(4)</u>	<u>Accepting or cashing multiple payment instruments from a person who is not the original payee, unless the person is licensed to cash payment instruments pursuant to Chapter 560, Part III, F.S., and all payment instruments accepted are endorsed with the legal name of the person.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>
(87)	<u>560.309(5)</u>	<u>Failure to report all suspicious activity to the office in accordance with the criteria set forth in 31 C.F.R. s. 103.20.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(88)	<u>560.309(6)</u>	<u>Failure to equip each location of a licensee where checks are cashed with a security camera system that is capable of recording and retrieving an image in order to assist in identifying and apprehending an offender unless the licensee has installed a bulletproof or bullet-resistant partition or enclosure in the area where checks are cashed.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(89)	<u>560.309(7)</u>	<u>Failure to post a notice listing the charges for cashing payment instruments.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(90)	<u>560.309(8)(a)</u>	<u>Charged fees, except otherwise provided by Section 560.309, F.S., and exclusive of the direct costs of verification in excess of 5 percent of the face amount of the payment instrument, or \$5, whichever is greater.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution</u> <u>Revocation</u>

(91)	560.309(8)(b)	Charged fees, except otherwise provided by Section 560.309, F.S., and exclusive of the direct costs of verification in excess of 3 percent of the face amount of the payment instrument, or \$5, whichever is greater for a payment instrument that is any kind of state public assistance or federal social security benefit payable to the bearer of the payment instrument.	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation
(92)	560.309(8)(c)	Charged fees, except otherwise provided by Section 560.309, F.S., and exclusive of the direct costs of verification in excess of 10 percent of the face amount for personal checks or money orders, or \$5, whichever is greater.	Fine: C Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation
(93)	560.309(9)	Assessed the cost of collections, other than fees for insufficient funds provided by law, without judgment from a court of competent jurisdiction.	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation
(94)	560.309(10)	Failed to comply with the provisions of Section 68.065, F.S. and failed to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices in the Fair Debt Collections Act, U.S.C. ss. 1692d, 1692d, 1962f.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(95)	560.310(1)(a)	Failed to maintain customer files on all customers who cash corporate or third-party payment instruments exceeding \$1,000, as required by paragraph 69V-560.704(4)(d), F.A.C.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation

(96)	<u>560.310(1)(b)(1)</u>	<u>Failed to maintain a copy of the personal identification as used as identification as presented by the customer for a payment instrument accepted having a face value of \$1,000 or more.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(97)	<u>560.310(1)(b)(2)</u>	<u>Failed to maintain a thumbprint of the customer, taken by the licensee, for a payment instrument accepted having a face value of \$1,000 or more.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(98)	<u>560.310(1)(c)</u>	<u>Failed to maintain an electronic payment instrument log which reports aggregate payment instruments whose total cashed is greater than \$1,000.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(99)	<u>460.404(1)</u>	<u>Failed to document each deferred presentment transaction in a written agreement signed by the deferred presentment provider and the drawer.</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(100)	<u>560.404(2)</u>	<u>Each deferred presentment transaction agreement failed to be executed on the day the deferred presentment provider furnishes currency or a payment instrument to the drawer.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(101)	<u>560.404(3)(a)</u>	<u>Each deferred presentment transaction agreement failed to contain the name or trade name, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the provider.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(102)	<u>560.404(3)(b)</u>	<u>Each deferred presentment transaction agreement failed to contain the date the deferred presentment transaction was made.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(103)	<u>560.404(3)(c)</u>	<u>Each deferred presentment agreement failed to contain the amount of the drawer's check.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>

(104)	560.404(3)(d)	<u>Each deferred presentment agreement failed to contain the length of the deferment period.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(105)	560.404(3)(e)	<u>Each deferred presentment agreement failed to contain the last day of the deferment period.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(106)	560.404(3)(f)	<u>Each deferred presentment agreement failed to contain the address and telephone number of the office.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(107)	560.404(3)(g)	<u>Each deferred presentment agreement failed to contain a clear description of the drawer's payment obligations under the deferred presentment transaction.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(108)	560.404(3)(h)	<u>Each deferred presentment agreement failed to contain the transaction number assigned by the office's database.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(109)	560.404(4)	<u>Failed to furnish a copy of the deferred presentment transaction agreement to the drawer.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(110)	560.404(5)	<u>Accepting a check for a deferred presentment transaction where the face amount of the check taken exceeds \$500 exclusive of the fees allowed under Part IV of Chapter 560,F.S.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(111)	560.404(6)	<u>Charging fees that exceed 10 percent of the currency or payment instrument provided for a deferred presentment transaction.</u>	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation
(112)	560.404(7)	<u>Collecting the fees authorized for a deferred presentment transaction before the drawer's check is presented or redeemed.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(113)	560.404(8)	<u>Accepting a deferred presentment transaction for a term longer than 31 days or less than 7 days.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(114)	560.404(9)	<u>Requiring a drawer to provide additional security or guaranty for a deferred presentment transaction.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(115)	560.404(10)(a)	<u>Including a hold harmless clause in a deferred presentment agreement.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: B

(116)	560.404(10)(b)	<u>Including a confession of judgment clause in a deferred presentment agreement.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(117)	560.404(10)(c)	<u>Including an assignment of or order for a payment of wages or other compensation for services in a deferred presentment agreement.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(118)	560.404(10)(d)	<u>Including a provision in which the drawer agrees not to assert any claim or defense arising out of the agreement in a deferred presentment agreement.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(119)	560.404(10)(e)	<u>Including a waiver of any provision of Chapter 560, Part IV, F.S in a deferred presentment agreement.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(120)	560.404(11)	<u>A deferred presentment provider shall immediately provide the drawer with the full amount of any check to be held, less only the fee allowed by Section 560.404, F.S.</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>	<u>Fine: C</u> <u>Revocation</u>
(121)	560.404(12)	<u>Holding a deferred presentment agreement or a drawer's check that is altered, the date is deleted, or fails to bear the same date for a deferred presentment transaction.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(122)	560.404(13)	<u>Failure to ensure that each deferred presentment transaction complies with the disclosure requirements of 12 C.F.R., part 226, relating to the federal Truth-in-Lending Act, and Regulation Z of the Board of Governors of the Federal Reserve Board.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(123)	560.404(14)	<u>Accepting or holding an undated check or a check dated on a date other than the date on which the deferred presentment provider agreed to hold the check and signed the deferred presentment transaction agreement.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>

(124)	560.404(15)	<u>Failure to hold the drawer's check for the agreed number of days, unless the drawer chose to redeem the check before the presentment date.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(125)	560.404(16)	<u>Charging an additional fee for issuing or cashing a deferred presentment provider's payment instrument, if licensed under Part II of Chapter 560, F.S.</u>	<u>Fine: B</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Restitution</u> <u>Revocation</u>
(126)	560.404(17)	<u>Requiring a drawer to accept a payment instrument issued by the licensee in lieu of currency in a deferred presentment transaction.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(127)	560.404(18)	<u>Engaging in the rollover of a deferred presentment agreement. Redeeming, extending, or otherwise consolidating a deferred presentment agreement with the proceeds of another deferred presentment transaction made by the same deferred presentment provider or an affiliate.</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(128)	560.404(19)	<u>Entering into a deferred presentment transaction with a drawer who has an outstanding deferred presentment transaction with that provider or with any other deferred presentment provider, or with a person whose previous deferred presentment transaction with that provider or with any other provider has been terminated for less than 24 hours.</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>

(129)	560.404(19)(a)	<u>Failure to verify whether the deferred presentment provider or an affiliate has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(130)	560.404(19)(b)	<u>Failure to access the office's database and verify whether any other deferred presentment provider has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u>	<u>Fine: B</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(131)	560.404(20)	<u>Failure to provide the notice defined in Section 560.404(20), F.S., in a prominent place on each deferred presentment agreement in at least 14-point type in substantially the form provided by Section 560.404(20), F.S., and must obtain the signature of the drawer where indicated.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(132)	560.404(21)	<u>Presenting a drawer's check if the drawer informs the provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing the deferred presentment provider or charging an additional fee or penalty by virtue of any misrepresentation made by the drawer as to the sufficiency of funds in the drawer's account.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution</u> <u>Revocation</u>

(133)	560.404(22)	Failure to provide a grace period extending the term of an agreement for an additional 60 days after the original termination date, without any additional charge if by the end of the deferment period, the drawer informs the deferred presentment provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing.	Fine: B Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation
(134)	560.404(22)(a)	Failure to comply with and adhere to, including depositing the drawer's check before the end of the 60-day grace period, a repayment plan that a drawer agrees to comply with and adhere to, which was approved by a credit counseling agency. Discouraging a drawer from using the 60-day grace period.	Fine: B Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation
(135)	560.404(22)(b)(1)	Failure to provide verbal notice of the availability of the 60-day grace period consistent with the written notice in Section 560.404(20), F.S.	Fine: A	Fine: B	Fine: C Suspension: C
(136)	560.404(22)(b)(2)	Failure to provide a drawer a list of approved consumer credit counseling agencies prepared by the office.	Fine: A	Fine: B	Fine: C Suspension: C
(137)	560.404(22)(b)(3)	Failure to provide a drawer the written notice in Section 560.404(22)(b)(3), F.S., in at least 14-point type in substantially the form in the section detailing the drawer's rights under the 60-day grace period.	Fine: A	Fine: B	Fine: C Suspension: C
(138)	560.404(22)(c)	Failure to pay one-half of the drawer's fee for a deferred presentment agreement to the consumer credit counseling agency if a drawer completes an approved payment plan.	Fine: A	Fine: B	Fine: C Suspension: C

(139)	560.404(23)	<u>Failure to submit data, including but not limited to the drawer's name, social security number or employment authorization alien number, address, driver's license number, amount of the transaction, date of transaction, the date that the transaction is closed, and such additional information as is required by rule before entering into each deferred presentment transaction in order to verify whether any deferred presentment transactions are outstanding for a particular person.</u>	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(140)	560.404(24)	<u>Accepting more than one check or authorization to initiate more than one automated clearinghouse transaction to collect on a deferred presentment transaction for a single deferred presentment transaction.</u>	Fine: A	Fine: B	Fine: C Suspension: C
(141)	560.405(1)	<u>Presenting a drawer's check before the end of the deferment period, as reflected in the deferred presentment transaction agreement.</u>	Fine: A	Fine: B	Fine: C Suspension: C
(142)	560.405(2)	<u>Failure to endorse a drawer's check with the name under which the deferred presentment provider is doing business before the deferred presentment provider presents the drawer's check.</u>	Fine: A	Fine: B	Fine: C Suspension: C
(143)	560.405(3)	<u>Failure to return a drawer's check, upon redemption, and provide a signed, dated receipt showing that the drawer's check has been redeemed.</u>	Fine: A	Fine: B	Fine: C Suspension: C

(144)	560.406(1)	<u>Sending or collecting on collection notices containing references to treble damages and criminal prosecution used for the collection of worthless check in a deferred presentment transaction.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(145)	560.406(2)	<u>Failure to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices that are contained in the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(146)	560.406(3)	<u>Assessing the cost of collection, other than charges for insufficient funds as allowed by law, without a judgment from a court of competent jurisdiction for a deferred presentment transaction.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution</u> <u>Revocation</u>

(147) In accordance with this rule:

(a) Depending on the severity and repetition of specific violations, the Office may impose an administrative fine, suspension of a license, or revocation of a license or any combination thereof;

(b) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances;

(c) Notwithstanding this rule, the Office may, when appropriate, enter orders of removal or prohibition or orders denying applications, and may seek the entry of an injunction and appointment of a receiver by a court of competent jurisdiction; and

(d) The Office will consider the licensee’s disciplinary history for the past five years in determining an appropriate penalty, and may impose a more severe penalty when the disciplinary history includes past violations.

(148) In accordance with Section 560.1141(3), F.S., when sufficient evidence is available, the Office shall consider the following circumstances in determining a penalty within the range of penalties provided in this rule and may impose a penalty that deviates from the range of penalties herein as a result of such circumstances:

(a) Whether the violation rate is less than 5% when compared to the overall sample size reviewed;

(b) The degree of harm to the customers or the public;

(c) The disciplinary history of the licensee;

(d) Whether the licensee detected and voluntarily instituted corrective responses or measures to avoid the recurrence of a violation prior to detection and intervention by the Office;

(e) Whether the licensee’s violation was the result of willful misconduct or recklessness;

(f) Whether at the time of the violation, the licensee had developed and implemented reasonable supervisory, operational or technical procedures, or controls to avoid the violation;

(g) Where the violation is attributable to an individual officer, director, responsible person, or authorized vendor, whether the licensee removed or otherwise disciplined the individual prior to detection and intervention by the Office;

(h) Whether the licensee attempted to conceal the violation or mislead or deceive the Office;

(i) The length of time over which the licensee engaged in the violations;

(j) Whether the licensee engaged in numerous violations or a pattern of misconduct;

(k) The number, size and character of the transactions in question;

(l) Whether the licensee provided substantial assistance to the Office in its examination or investigation of the underlying misconduct;

(m) Other relevant, case-specific circumstances.

(149) The list of violations cited in this rule is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Section 560.114, F.S.

(150) The ranges for administrative fines imposed by this rule are \$1,000 – \$3,500 for an “A” level fine; \$3,500 – \$7,500 for a “B” level fine; and \$7,500 – \$10,000 for a “C” level fine.

(151) The ranges for suspensions imposed by this rule are 3 to 10 days for an “A” level suspension; 10 to 20 days for a “B” level suspension; and 20 to 30 days for a “C” level suspension.

Specific Authority 560.105, 560.1141 FS. Law Implemented 560.109, 560.1105, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.204, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 FS. History–New _____.

FINANCIAL SERVICES COMMISSION

Finance

<p>RULE NO.: 69V-560.1021</p>	<p>RULE TITLE: Effect of Law Enforcement Records on Applications for Money Services Business Licensure</p>
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 51, December 19, 2008 issue of the Florida Administrative Weekly.

The rules have been revised to address comments from the Joint Administrative Procedures Committee (JAPC). Subsection (2) is clarified to reference the license application form. This section is also revised to remove the requirement that a written statement from a custodian of records be “certified or sworn”. Paragraph (19)(c) is clarified to provide examples of what is meant by “safeguards” in a criminal justice system. Technical corrections are made to the history notes.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1021 Effect of Law Enforcement Records on Applications for Money Services Business Licensure.

(1) Definitions. For purposes of this rule:

(a) “Relevant persons” means each officer, director, responsible person, compliance officer, or controlling shareholder of the money services business applicant, and any other person who has a controlling interest in the money services business applicant as provided in Section 560.127, F.S. If the applicant is a natural person, he or she is the relevant person under this rule.

(b) “Trigger date” means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting an Application for Licensure as a Money Services Business, Form OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C., the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, or “C” crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class “A”, “B”, or “C” crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(3) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 560.114(1)(k), Florida Statutes.

(b) Notwithstanding paragraph (3)(a), the Office shall not deny an application for failure to provide documentation listed in subsection (2) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension for 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(4) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (16), (17) and (18) of this rule.

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

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

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

(5) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law enforcement record includes a single crime, subject to the mitigating factors set forth elsewhere in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(6) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 560.114(1)(o), (p), and (q), Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple class "A", "B" or C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer

disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(7) Mitigating Factors.

(a) The disqualifying period for a crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a money services business.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) In no event shall the aggregate mitigation result in less than a seven (7) year disqualifying period where the underlying crime committed was a felony.

(c) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(8) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(9) Effect of Pending Appeal in Criminal Proceedings; Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(10) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(11) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or

sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 560.114(1)(k), Florida Statutes.

(12) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 560, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(13) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(14) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 560, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any

crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime involving fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belonging to others; or any misdemeanor crime involving misappropriation, conversion, or unlawful withholding of moneys belonging to others. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(15) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give an applicant a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(16) Class "A" Crimes include the following felonies involving financially related or white collar crime, or crimes involving violence, and the Office finds that such crimes involve an act of fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belong to others regardless of adjudication. This list is representative only and shall not be construed to constitute a complete or exclusive list of all crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

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

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

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

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

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

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

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

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

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

(ff) Kidnapping.

(17) Class "B" Crimes include all felonies that involve any other act of fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication, and are not Class "A" crimes.

(18) Class "C" Crimes include any misdemeanor that involves misappropriation, conversion, or unlawful withholding or moneys belonging to others, regardless of adjudication.

(19) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States; for example, the right of a defendant to a public trial, the right against self-incrimination, the right of notice of the charges, the right to confront witnesses, the right to call witnesses, and the right to counsel.

Specific Authority 560.105 FS. Law Implemented 112.011, 560.114, 560.1401, 560.141 FS. History—New

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT on February 12, 2009, the Florida Public Service Commission, received a petition for Emergency Variance or Waiver of the 60-day Notice Requirement In Rule 25-6.140, F.A.C. by Progress Energy Florida, Inc. in Docket No. 090079-EI – Petition for increase in rates by Progress Energy Florida.

Progress Energy Florida, Inc. has petitioned for emergency variance or waiver of the 60-day notice requirement in Rule 25-6.140, Florida Administrative Code (F.A.C.). Rule 25-6.140, F.A.C. provides in part:

(1) At least sixty (60) days prior to filing a petition for a general rate increase, a company shall notify the Commission in writing of its selected test year and filing date.

The full text of Progress's petition can be found at the Commission's website in Docket No. 090079.

Pursuant to Rule 28-104.005, F.A.C., the Commission must grant or deny a petition for emergency variance within 30 days of its receipt. The Commission received this petition on

February 12, 2009. The Commission will consider Progress's Petition for Variance or Waiver of the 60-Day Notice Requirement at the Commission's March 3, 2009 regularly scheduled Agenda Conference.

All interested persons have the right to submit written comments on the petition for emergency variance. Comments must be submitted within 5 days of the publication of this notice. The Commission notice was published on February 13, 2009, on the Commission website, and by electronic mail to interested persons of record. Written comments may be submitted to the Commission at: Commission Clerk, Attention Docket No. 090079, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or by electronic mail to the Commission Clerk: clerk@psc.state.fl.us and reference Docket No. 090079.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on February 12, 2009, the South Florida Water Management District (District or SFWMD) Governing Board has issued an order.

SFWMD Order No. 2009-033-DAO-ROW was issued pursuant to Section 120.542, Florida Statutes, to Paul Venturelli (Application No. 08-1205-1M). The petition for waiver was received by the SFWMD on December 5, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 51, December 19, 2008. No public comment was received. This Order provides a waiver of the District's criteria to allow existing landscaping consisting of palm trees, low lying planters and a paver stairway/walkway to remain within the northerly right of way of the C-51 Canal, located at the rear of 246 Arlington Road; Section 15, Township 44 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Paul Venturelli from suffering a violation of the principles of fairness.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by email: kruff@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on February 16, 2009, the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems has issued an order.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the U.S. Army Corps of Engineers, Jacksonville District, 701 San Marco Blvd., Jacksonville, FL 32207, (File No. 158893-006-BV) to allow a temporary expanded mixing zone of 500 meters downcurrent from the point of sand discharge into the nearshore disposal area off of Estero Island, Lee County, Gulf of Mexico, Class III Waters. The project authorizes the restoration and maintenance dredging of portions of the Matanzas Pass Federal Navigation channel totaling approximately 219,100 cubic yards of sand. The dredge site is located at Matanzas Pass, Lee County, Section, 24 Township 46S, Range 23E, Gulf of Mexico, Class III Waters. The material will be placed in the nearshore seaward of the bar on Estero Island between DEP Reference Monuments R-182 and R-187A. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Bldg. B, Tallahassee, FL 32304, (850)245-2542.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the Florida Statutes is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only

proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2), paragraph 62-110.106(3)(a) and subsection (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service

purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399 3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Molly Edson, 3900 Commonwealth Blvd. MS #300, Tallahassee, Florida 32399, (850)488-7708, molly.edson@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on February 13, 2009, the Board of Massage Therapy, received a petition for waiver or variance of Rule 64B7-25.001, F.A.C., filed by Beth S. Kraimer, with respect to the licensure requirement: that each applicant must pass a national examination approved by the Board.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Beth S. Kraimer. Comments on this petition should be filed with: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on February 12, 2009, the Board of Medicine received a petition filed on behalf of Joseph J. Altieri, M.D., seeking a waiver or variance from paragraph 64B8-8.0011(6)(a), F.A.C., with regard to the provision which requires the monitoring physician to be located within 20 miles of the physician who is placed on probation by the Board. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on February 16, 2009, the Board of Optometry, received a petition for Variance or Waiver filed on February 16, 2009 on behalf of Marlyne Alcinor. Petitioner seeks a variance of unidentified Board rule governing the requirements prior to taking the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on January 9, 2009, the Board of Optometry, received a petition for Variance or Waiver filed on January 9, 2009 on behalf of Steven M. Wilson, O.D. Petitioner, a State of Georgia optometrist, seeks a variance of unidentified Rule. Specifically, the Petitioner, who has applied for an optometrist license in Florida, requests for reasons stated in the petition that the Board grant a variance of the TMOD requirement under the above-mentioned unidentified rule.

This petition will be considered by the Board at its March 6, 2009 meeting.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on February 11, 2009, the Board of Psychology, received a petition for Emily B. McNally, Ph.D., seeking a variance or waiver of paragraph 64B19-11.001(1)(c), F.A.C., which requires that the minimum passing score on EPPP shall be 70% for any examination taken prior to the October 2000.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on February 11, 2009, the Department of Financial Services, Division of Workers' Compensation, received a petition for variance or waiver which stated that Cotton States Mutual Insurance Company was seeking a waiver from the requirements of Rule Chapter 69L-56, Florida Administrative Code. On February 17, 2009, the Department of Financial Services, Division of Workers' Compensation received an amended petition for variance or waiver, from Cotton States Mutual Insurance Company, pursuant to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code. The Petitioner is requesting a variance or waiver from Rule 69L-56.300, Florida Administrative Code, which sets forth requirements for filing certain workers' compensation claims information with the Division of Workers' Compensation via electronic data interchange rather than by submitting paper forms. Cotton States Mutual Insurance Company requests the variance or waiver so that it may submit by paper the information for its one open Florida workers' compensation claim rather than being required to submit the information via electronic data interchange. The amended petition is a clarification of the original petition submitted on February 11, 2009, in that it specifies the precise provision of Rule Chapter 69L-56, Florida Administrative Code, of which a waiver is being sought. The petitioner has filed a statement with the Department withdrawing the original petition dated February 11, 2009. Therefore, the Department will only consider the Amended Petition filed on February 17, 2009.

Comments on this petition should be filed with: Department of Financial Services, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4229, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600.

NOTICE IS HEREBY GIVEN THAT on February 10, 2009, the Department of Financial Services, Division of Workers' Compensation, received a petition for variance and waiver from GMAC Insurance Company, requesting a waiver of Rule 69L-56.100, Florida Administrative Code. On February 16, 2009, the Department of Financial Services, Division of Workers' Compensation received an amended petition for variance or waiver, from GMAC Insurance Company, pursuant

to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code. The Petitioner is requesting a variance or waiver from Rule 69L-56.300, Florida Administrative Code, which sets forth requirements for filing certain workers' compensation claims information with the Division of Workers' Compensation via electronic data interchange rather than by submitting paper forms. GMAC Insurance Company requests the variance or waiver so that it may submit by paper the information for its two open Florida workers' compensation claims rather than being required to submit the information via electronic data interchange. On February 17, 2009, GMAC Insurance Company filed a request to withdraw the original petition, dated February 10, 2009, due to an incorrect rule citation. Therefore, the Department will only consider the amended petition filed on February 17, 2009. Comments on this petition should be filed with: Department of Financial Services, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4229, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 12, 2009, 12:00 Noon

PLACE: Mission San Luis Archaeology Lab, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising and endowment activities, upcoming special events, the new Visitor Center and other board business.

A copy of the agenda may be obtained by contacting: Jessica Shiver.

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

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

For more information, you may contact: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

The **State Library and Archives of Florida** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, March 16, 2009, 1:00 p.m. – 5:00 p.m.; Tuesday, March 17, 2009, 8:30 a.m. – 12:00 Noon
PLACE: State Library and Archives of Florida (R. A. Gray Building), 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and formulate the State Library and Archives of Florida's 2010-2015 Leadership Plan.

A copy of the agenda may be obtained by contacting: Jill Canono at jbcanono@dos.state.fl.us or Sena Heiman at sheiman@dos.state.fl.us.

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

For more information, you may contact: Jill Canono at jbcanono@dos.state.fl.us or Sena Heiman, sheiman@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a public meeting to which all persons are invited.

DATE AND TIME: February 18, 2009, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 1st Quarterly Meeting of 2009 of the Florida Commission on the Status of Women.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL

32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Employee Bonus Committee of the Florida **State Fair Authority Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2009, 1:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kathleen Fisher at (813)627-4221. If you are 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: Kathleen Fisher at (813)627-4221.

The Florida **State Fair Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2009, 7:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2009 Florida State Fair and general Fairgrounds Operations.

A copy of the agenda may be obtained by contacting: Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kathleen Fisher at (813)627-4221. If you are 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: Kathleen Fisher at (813)627-4221.

The **Animal Industry Technical Council (AITC)** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Doyle Conner Building, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Animal Industry Technical Council (AITC) will conduct its quarterly meeting. The meeting is open to the public.

A copy of the agenda may be obtained by contacting: Anne Vuxton, AITC Coordinator at (850)410-0914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Anne Vuxton, AITC Coordinator at (850)410-0914.

The Florida **Emergency Food Assistance Program Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 1:00 p.m. – 4:30 p.m.

PLACE: The State Logistics Response Center, 2702 Director's Row, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida's Emergency Food Assistance Program.

A copy of the agenda may be obtained by contacting: Shenique Bridges, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800, (850)487-6694.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Shenique Bridges at (850)487-6694, by March 6, 2009. If you are 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: Shenique Bridges, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800, (850)487-6694.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: March 5, 2009, 12:30 p.m. – 1:30 p.m.; April 2, 2009, 12:30 p.m. – 1:30 p.m.

PLACE: 2002 A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council's Evaluation Committee. Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).

A copy of the agenda may be obtained by contacting: Yolanda Manning at (850)245-3320.

For more information, you may contact: FRC Staff at (850)245-3397.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 17, 2009, Rules Committee, 9:00 a.m. – until business is concluded, but no later than 12:00 Noon; March 17, 2009, 1:00 p.m., Accreditation Review Committee meeting for consideration of Higher Learning Commission; March 18, 2009, Commission meeting, 9:00 a.m.

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

GENERAL SUBJECT MATTER TO BE CONSIDERED: On March 17, 2009, The Rules Committee will conduct the general committee business of the Rules Committee to include discussion of the following Rules: 6E-1.003, 6E-1.0032, 6E-1.0041, 6E-2.004, 6E-4.001, 6E-2.001, 6E-2.002, 6E-2.0061, 6E-2.008, 6E-2.0081, F.A.C. The Accreditation Review Committee will conduct the general committee business of the Accreditation Review Committee on March 17, 2009. Consideration of recognition of the Higher Learning Commission of the North Central Association of Colleges and Schools (HLC) pursuant to Section 1005.32(1)(b), Florida Statutes.

The Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting institutions on March 18, 2009 for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions

for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: March 2, 2009, 10:00 a.m. – Completion; March 16, 2009, 10:00 a.m. – Completion; March 30, 2009, 10:00 a.m. – Completion; April 20, 2009, 10:00 a.m. – Completion; April 27, 2009, 10:00 a.m. – Completion

PLACE: Meetings to be Conducted Using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 9221867

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative updates and other old and new business approved by the Commission Chair.

March 2, 2009 meeting the Commission will consider results of and take action on as appropriate, Hearings on Rule 9B-3.0477, Rule 9B-3.0475 and Rule 9B-3.0472 held February 4, 2009 and Rule 9B-72.090 and 9B-72.180 held February 17, 2009.

A copy of the agenda may be obtained by contacting: Mr. Rick Dixon, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (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 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Rick Dixon, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436, Website: www.floridabuilding.org.

The **Florida Communities Trust** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, March 13, 2009, 1:00 p.m. – 5:00 p.m. (EST)

PLACE: Department of Community Affairs, Sadowski Building, Kelly Training Room, 2555 Shumard Oak Blvd., 3rd Floor, Tallahassee, Florida 32399. Directions: (850)922-2207.

The Workshop will be simultaneously electronically broadcast to the following locations on the above date and time:

TAMPA, FLORIDA:

Hillsborough County Center, Conference Rooms A and B, 26th Floor, 601 E. Kennedy Blvd., Tampa, FL 33602

FT. LAUDERDALE, FLORIDA:

Broward County Government Center, County Commission Chambers, Room 422, 115 S. Andrews Ave., Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to provide information and technical assistance to eligible applicants to assist in the preparation of applications for awards for land acquisitions under the Florida Communities Trust's Park and Open Space Florida Forever Program.

ACTION TO BE TAKEN: Information will be presented to assist interested persons in completing the Florida Communities Trust's Park and Open Space Florida Forever application form (FCT-4) and in understanding the review, evaluation, and acquisition procedures.

The Agenda for the workshops will be as follows:

1. Call to order.
2. Explanation by representatives of the Trust as to the purpose of the Florida Communities Trust Florida's Forever Program and the application procedure.
3. Public questions.
4. Adjournment.

A copy of the agenda may be obtained by contacting: Copies of the Florida Communities Trust Florida Forever Program application form FCT-4 and Rule Chapter 9K-7, F.A.C., the rule governing the Florida Forever Program of the Florida Communities Trust, will be available at the workshops or may be obtained by visiting the Trust website at: www.floridacommunitiestrust.org, calling (850)922-2207 or by writing: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Communities Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Communities Trust at (850)922-2207.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: March 17, 2009, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal Justice Professionalism Program announces a public meeting for a Probable Cause Determination to which all persons are invited to attend. The purpose is to determine if probable cause exists to proceed with possible disciplinary action against certain criminal justice officers.

A copy of the agenda may be obtained by contacting: Brenda Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-8648 or by e-mail: brendapresnell@fdle.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are 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: Training and Research Manager Glen Hopkins, FDLE Professional Compliance Section at (850)410-8645.

DEPARTMENT OF REVENUE

The **Department of Revenue**, Property Tax Oversight Program announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2009, 10:00 a.m. – 5:00 p.m. (this meeting may adjourn earlier if discussions on the issues are completed)

PLACE: Florida Department of Revenue, Training Room D, Building C-1, Taxworld, 5050 West Tennessee Street, Tallahassee, Florida. The public can participate in this meeting by attending it in Tallahassee or by accessing a simultaneous Internet webcast/virtual meeting from their home or office computer where they can view and hear the meeting and comment by email in real time. Further information on how to participate in this webcast from your home or office will be posted on March 9, 2009 on the Department's Internet website: <http://dor.myflorida.com/dor/property/vabwb/vabrules.html> or can be obtained on or after March 9, 2009 by contacting Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail: ForrestJ@dor.state.fl.us. This information will include the names and contact information for Department employees who can answer questions from the public about how to participate electronically.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is not a rule development workshop, but rather a public meeting at which participation and the exchange of ideas and information is encouraged. This public meeting will assist the Department in understanding and resolving two issues related to the draft rules on the local value adjustment board process: the scheduling of value adjustment board hearings and the applicability of the 4-hour rule as provided in Sections 192.0105(2)(d) and 194.032, Florida Statutes. At the conclusion of this meeting there will be a discussion to identify and prioritize other issues that could be the topics of future meetings. Persons who are unable to attend or participate in this public meeting are encouraged to submit written comments and suggestions concerning the issues identified in this notice before the meeting. Please email your written comments and suggestions to the following Property Tax Oversight Program address: VAB@dor.state.fl.us.

A copy of the agenda may be obtained by contacting: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail: ForrestJ@dor.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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail: ForrestJ@dor.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 Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail address: ForrestJ@dor.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2009, 8:30 a.m.

PLACE: Department of Transportation, Broward Operations Center, 5548 N. W. Powerline Road, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Road, Bldg. K, Tallahassee, Florida, 32303.

Pursuant to the provisions of 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: Christine Jones at (850)245-7914. If you are 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 Transportation**, District One announces a hearing to which all persons are invited.

DATE AND TIMES: Thursday, March 26, 2009, Open House, 6:00 p.m.; Formal Hearing, 7:00 p.m.

PLACE: St. Bernard Catholic Church Activity Center, 248 South Harbor Drive, Holmes Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design and social, economic and environmental effects of the proposed improvements to the Anna Maria Island Bridge. The project limits are State Road (S.R.) 64 from west of S.R. 789 (East Bay Drive) to east of Perico Bay Boulevard, Manatee County, Florida, a distance of about two miles. Replacement alternatives for the Anna Maria Island Bridge and a rehabilitation option will be presented. The no-build alternative of continued maintenance of the bridge remains a viable alternative throughout the study. Financial Project ID Number 424436-1-21-01.

The Draft Environmental Assessment and other project information developed by the Department will be available for public review from March 5, 2009, through April 9, 2009, during regular operating hours at the following locations: Island Branch Library, 5701 Marina Drive, Holmes Beach, FL and Central (Main) Library, 1301 Barcarrota Boulevard West, Bradenton, FL.

A copy of the agenda may be obtained by contacting: Chris Piazza, P.E., Project Manager: Florida Department of Transportation, P. O. Box 1249, Bartow, FL 33831, (863)519-2293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 7 days before the hearing by contacting: Mr. Piazza. If you are 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 hearing is being developed in compliance with Title VI of the Civil Rights Act of 1964 and Related Statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

For more information, you may contact Mr. Piazza at the address or phone number listed above.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 10, 2009, 9:00 a.m. – Conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on March 10, 2009, will consider proposed amendments to the following rules and will be asked for permission to file for notice: Rule 19-9.001, F.A.C., Investment Policy Statement, adopting the most recently approved (December 9, 2008) statement; Rule 19-11.003, F.A.C., regarding distribution, providing clarification for distributions for a member who has a balance in his Investment Plan account; adopting two forms; Rule 19-11.005, F.A.C., regarding complaint procedures; adopting revised forms; Rule 19-11.006, F.A.C., regarding procedures for new hires; clarifying the meaning of “electronic means,” Rule 19-11.007, F.A.C., regarding the second election; making the same change as in Rule 19-11.003, F.A.C.; adopting a revised form; and Rule 19-12.007, F.A.C., regarding acceptance of rollovers; adopting a revised form. The proposed amendments adopt forms and definitions. A rule development workshop was offered on February 9, 2009, but it was not requested and so was not held.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, (850)413-1253.

Pursuant to the provisions of 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: Cindy Morea, Office of Defined Contribution Programs, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, (850)413-1491 or cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Cindy Gokel, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, (850)413-1199 or cindy.gokel@sbafl.com.

DATE AND TIME: Thursday, March 12, 2009, 9:00 a.m. – 12:30 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1253.

Pursuant to the provisions of 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: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CITRUS

The Florida **Department of Citrus**, Citrus Harvesting Research Advisory Council announces a public meeting to which all persons are invited.

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

PLACE: Florida's Natural Grove House, 20160 Highway 27, Lake Wales, FL 33853

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to hear reports on mechanical harvesting, robotics and CMNP registration, and to discuss any other matters which might relate to this council.

A copy of the agenda may be obtained by contacting: Sandy Barros at (863)295-5932.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2499. If you are 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: Sandy Barros at (863)295-5932.

PUBLIC SERVICE COMMISSION

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

The **Investment Advisory Council** (IAC) announces a public meeting to which all persons are invited.

DATE AND TIME: March 17, 2009, 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.

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

DATE AND TIME: March 17, 2009, 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 at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** and the **Walton/Okaloosa/Santa Rosa Regional Utility Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 5, 2009, Rural Utility Authority Technical Advisory Committee (TAC), 12:30 p.m.; Immediately following, TAC meeting, RUA Board, approximately 1:15 p.m. – 2:45 p.m.

PLACE: Okaloosa County Administration Building, Third Floor, Large Conference Room, 1804 Lewis Turner Blvd., Ft. Walton Beach, FL 32547

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Committee.

A copy of the agenda may be obtained by contacting: Mary Gutierrez, Environmental Planner, mary.gutierrez@wfrpc.org at 1(800)226-8914, ext. 226.

Pursuant to the provisions of 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, 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.

For more information, you may contact: Mrs. Terry Joseph, Executive Director, West Florida Regional Planning Council, terry.joseph@wfrpc.org at 1(800)226-8914, ext. 201.

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

DATE AND TIME: Friday, February 27, 2009, 1:30 p.m.

PLACE: ECFRPC offices: 631 N. Wymore Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Wekiva River Basin Commission to report on current agency activities, key reporting timelines and legislative updates.

A copy of the agenda may be obtained by contacting: The ECFRPC Website at www.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 1 day before the workshop/meeting by contacting: Ruth Little at (407)623-1075 or rlittle@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).

For more information, you may contact: Ruth Little.

The **South Florida Regional Planning Council** announces a public meeting of The State Road 7/U.S. 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, March 12, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: City of Miami Gardens Council Chambers, 1515 N. W. 167 Street, Miami Gardens, FL 33169

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Pursuant to the provisions of 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 Regional Planning Council at (954)985-4416. If you are hearing or speech impaired, please contact the agency at (954)967-4152, ext. 40 (TDD).

If any person decides to appeal any decision made by the State Road 7/US 441 Collaborative Steering Committee 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: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: March 5, 2009, 6:30 p.m.

PLACE: R. O. Ranch Office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.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: Pennie Flickinger, Administrative Assistant, at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 6, 2009, 9:00 a.m.

PLACE: Canoe Escape, 9335 E. Fowler Avenue, Thonotosassa. Trip will begin at Sargeant Park and end at Morris Bridge Park.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Upper Hillsborough River: To familiarize Board members with the ecologic characteristics of the river and watershed. Ad Order 54945.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of 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: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are 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: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District**, Environmental Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 9, 2009, 1:00 p.m.
 PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Environmental Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are 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: Teri Hudson at the above address or phone number.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.
 DATE AND TIME: Monday, March 9, 2009, 3:00 p.m.
 PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, FL 34461
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Task Force business for the Citrus County Task Force of the Citrus/Hernando Waterways Restoration Council. A copy of the agenda may be obtained by contacting: The Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.
 Pursuant to the provisions of 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: 1(352)796-7211 or 1(800)423-1476 (Florida only), extension 4226; TDD: 1(800)231-6103 (Florida only); Fax: (352)797-5806. If you are 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: Josie Guillen at (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.
 DATE AND TIME: Monday, March 9, 2009, 3:30 p.m.
 PLACE: 110 W. Gasparilla Plaza, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Glazer Children's Museum Groundbreaking Ceremony: To celebrate the groundbreaking for the Glazer Children's Museum. Ad Order 54945.
 Pursuant to the provisions of 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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.
 DATE AND TIME: Workshop, March 11, 2009, 9:00 a.m.
 PLACE: Stormwater Treatment Area-5 (Directions: From SR 80/US 27, proceed south on CR 835 (Evercane Road) approximately 26.6 miles to Deer Fence Road. Turn Left on Deer Fence Road and proceed east approximately two miles to the entrance of SFWMD's Stormwater Treatment Area-5 (STA-5).
 DATE AND TIME: Workshop, March 11, 2009, 10:00 a.m.
 PLACE: Dinner Island, Dinner Island Ranch, 20105 CR 833, Clewiston, FL 33410 (Directions to Dinner Island Ranch from STA 5: Proceed west on Deer Fence Road to CR 835; Turn Left onto CR 835 and proceed 5 miles west to CR 833; Turn Right (north) on CR 833 and proceed 8 miles; Turn Right on CR 833 and proceed 2.7 miles to the entrance of Dinner Ranch.
 DATE AND TIME: Workshop, March 11, 2009, 1:00 p.m.
 PLACE: John Boy Auditorium, 1200 South WC Owens Ave., Clewiston, FL 33440 (Directions to John Boy Auditorium from Dinner Island Ranch: When exiting Dinner Island Ranch, turn left onto CR 833; Proceed north 17.5 miles to SR 80; Turn right on SR 80, proceed 3 miles to SR 80/US 27; Turn right on SR 80/ US 27 and proceed east approximately 9 miles to W.C Owens Road; Turn right on W.C. Owens Road and proceed to auditorium, on left, at 120 W.C. Owens Road; Regular Business Meeting
 DATE AND TIME: March 12, 2009, 9:00 a.m.
 PLACE: John Boy Auditorium, 1200 South WC Owens Ave., Clewiston, FL 33440. (Map and directions are available on sfwmd.gov/Governing Board/Gov Bd Meeting Dates/March 11& 12 website at the following Internet address: <https://my>

sfwmd.gov/portal/page?_pageid=2574,13014553&_dad=portal&_schema=POTAL or you may call Jacki McGorty at (561)682-2087.

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on 3/11, the items may be discussed on March 12, 2009.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to have inspection of Stormwater Treatment Area-5 and Dinner Island starting at 9:00 a.m., March 11, 2009, during the Workshop. Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2009 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at 561-682-2087 or at: https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=POTAL.

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

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: March 11, 2009, 9:00 a.m. – Completed
PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed
PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in New Hope Sugar Company and Okeelanta Corporation v.

South Florida Water Management District, Amended Petition for Administrative Hearing filed February 12, 2009. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, D. MacLaughlin, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case

No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

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PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

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

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

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PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXXMB. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: March 12, 2009, 9:00 a.m. (Please note that the public hearing is on the Governing Board meeting agenda.)

PLACE: John Boy Auditorium, 1200 South W.C. Owen Avenue, Clewiston, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the public hearing from February 12, 2009, to adopt amendments to Rules 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-24.501, 40E-20.091, 40E-20.331, F.A.C., regarding year-round landscape irrigation conservation measures. District staff is proposing to adopt amendments to the landscape irrigation conservation measures currently in place in Lee, Collier and portions of Charlotte County and to expand those conservation measures throughout the region of the South Florida Water Management District. District staff is also proposing to adopt amendments to create a general permit by rule for landscape irrigation use and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C. Lastly, the District is proposing to adopt amendments to the water conservation measures in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

A copy of the agenda may be obtained by contacting: South Florida Water Management District Clerk at 1(800)432-2045, ext. 2087 or (561)682-2087.

Pursuant to the provisions of 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 at 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).

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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

For procedural issues contact: Jan Slut, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jslut@sfwmd.gov.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed
PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed
PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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

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

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed

PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed

PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, C. Pettit.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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

For more information, you may contact: District Clerk's Office at (561)682-2087.

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PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are

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

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

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed

PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

DATE AND TIME: March 12, 2009, 9:00 a.m. – Completed

PLACE: John Boy Auditorium, 1200 South W.C. Owens Avenue, Clewiston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in *United States of America v. South Florida Water Management District, et al.*, United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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

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

For more information, you may contact: District Clerk's Office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 9:30 a.m.

PLACE: 1112 Manatee Avenue, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1776. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: (941)316-1776.

SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: March 17, 2009, 9:00 a.m. (Eastern Standard Time)

PLACE: Space Florida Office, 100 Spaceport Way, Cape Canaveral, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: [Rule 57-2.002, F.A.C.](#), Public Notices, Access, and Meetings – Part II. Space Florida Audit, Budget and Finance Committee Meetings.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@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).

For more information, you may contact: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Alzheimer's Disease Initiative Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 1, 2009, 1:00 p.m. – 5:00 p.m. (EST)

PLACE: The Cabot Lodge, Thomasville Road at I-10, 1653 Raymond Diehl Road, Tallahassee, Florida 32308, (850)386-7500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of various issues regarding the Alzheimer's Disease Initiative.

A copy of the agenda may be obtained by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: griffithk@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: griffithk@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: griffithk@elderaffairs.org

The **Department of Elder Affairs**, Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 3, 2009, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4142155

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: hultsw@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: hultsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: hultsw@elderaffairs.org.

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

DATE AND TIME: March 13, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142163, Leader PIN#: 3742 (This code should be used by the conference call leader only)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Advocacy Committee Business.

A copy of the agenda may be obtained by contacting: Aubrey Posey at (850)414-2323.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Aubrey Posey at (850)414-2323. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Aubrey Posey at (850)414-2323.

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

DATE AND TIME: March 16, 2009, 11:30 a.m.

PLACE: 111 S. Sapodilla Ave., Rm. #113B, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Palm Beach County District Council Business.

A copy of the agenda may be obtained by contacting: Allen Jaggard at (561)837-5038.

Pursuant to the provisions of 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: Allen Jaggard at (561)837-5038. If you are 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: Allen Jaggard at (561)837-5038.

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

DATE AND TIME: March 17, 2009, 12:30 p.m.

PLACE: Kendall United Methodist Church, 7600 S. W. 104th St., Miami, Florida 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; S. Dade & Florida Keys District Council Business.

A copy of the agenda may be obtained by contacting: Sara Celis, Rachel Ponce or Ninoska Vogl at (305)671-7245.

Pursuant to the provisions of 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: Sara Celis, Rachel Ponce or Ninoska Vogl at (305)671-7245. If you are 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: Sara Celis, Rachel Ponce or Ninoska Vogl at (305)671-7245.

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

DATE AND TIME: March 19, 2009, 12:00 Noon

PLACE: 988 Woodcock Rd. (Conference Room), Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; East Central Florida District Council Business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg at (407)228-7752.

Pursuant to the provisions of 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: Lashea Heidelberg at (407)228-7752. If you are 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: Lashea Heidelberg at (407)228-7752.

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

DATE AND TIME: March 26, 2009, 10:00 a.m.

PLACE: Lake Panasoffkee Parks and Recreation Community Center, 1582 County Rd., #459, Lake Panasoffkee, Florida 33538

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program; Withlacoochee Council Business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson at (352)620-3088.

Pursuant to the provisions of 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: Marilyn Anderson at (352)620-3088. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marilyn Anderson at (352)620-3088.

The Florida **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 10, 2009, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959, when prompted, enter Conference Code: 9247380 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Margo Mitchell at (850)414-2381.

Pursuant to the provisions of 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. Margo Mitchell at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida **Statewide Advocacy Council** announces a telephone conference call to which all persons are invited.

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

PLACE: 1(888)808-6959, Conference Code: 4886175#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Statewide Advocacy Council Procedure Committee will be discussing updates to the 2008 Procedures Manual.

A copy of the agenda may be obtained by contacting: Susan Counts at (850)488-6173.

Pursuant to the provisions of 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: Susan Counts at (850)488-6173. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Counts at (850)488-6173.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a workshop to which all persons are invited.

DATE AND TIME: March 17, 2009, 9:30 a.m.

PLACE: Room 152, Betty Easley Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The repeal of paragraphs (2) and (3) and amendment of paragraph (5) of Rule 60A-1.044, F.A.C.

A copy of the agenda may be obtained by contacting: Kelley Scott, Governance Manager, Division of State Purchasing at (850)488-3049.

Pursuant to the provisions of 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: Kelley Scott, Governance Manager, Division of State Purchasing at (850)488-3049. If you are 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: Kelley Scott, Governance Manager, Division of State Purchasing at (850)488-3049

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 9, 2009, 10:00 a.m.

PLACE: To participate in the telephone conference call contact: 1(888)808-6959, Conference Code: 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 18, 2009, 4:00 p.m.; March 19, 2009, 8:30 a.m.; March 20, 2009, 8:30 a.m.

PLACE: Hilton Cocoa Beach Ocean Front, 1550 North Atlantic Ave., Cocoa Beach, FL 32931, (321)799-0003

GENERAL SUBJECT MATTER TO BE CONSIDERED: March 18, 2009, 4:00 p.m. – Probable Cause Panel (portions closed to the public); March 19, 2009, 8:30 a.m. – Discipline and General Business; March 20, 2009, 8:30 a.m. – General Business.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771.

Pursuant to the provisions of 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: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771. If you are 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: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771.

NOTICE OF AMENDMENT – The Florida Engineers Management Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 8, 2009, 10:00 a.m.

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Telephone Conferencing Availability Call In #: (866)895-8146, Participant Code 30295716

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Corporation.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory at wggregory@fbpe.org.

NOTICE OF AMENDMENT – The Florida Board of Professional Engineers announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday and Thursday, April 8-9, 2009, 1:00 p.m.; April 8-9, 2009, 8:30 a.m.

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are 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: Wendy Gregory at wggregory@fbpe.org.

The Building Code Administrators and Inspectors Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 18, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959 Conference Code: 4148135

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable cause panel meeting, portions which may be closed to the public.

A copy of the agenda may be obtained by contacting: Board office.

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

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

The Building Code Administrators and Inspectors Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 18, 2009, 10:00 a.m.

PLACE: DBPR, 1940 N. Monroe St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions of which are closed to the public.

A copy of the agenda may be obtained by contacting: the Board office.

Pursuant to the provisions of 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: Building Code Administrators and Inspectors Board. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, April 21, 2009, Probable Cause, 9:00 a.m. – until all business is concluded; Tuesday, April 21, 2009, Long Range Planning, 1:00 p.m. – until all business is concluded; Wednesday, April 22, 2009, Board meeting, 9:00 a.m. – until all business is concluded.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Long Range Planning Committee will meet to discuss long range issues (public meeting). The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business (public meeting).

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

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

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

For more information, you may contact: June Carroll.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 2, 2009, 9:00 a.m., or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801-1757

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases

where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1757. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

DATE AND TIME: March 6, 2009, 1:30 p.m.

PLACE: Sylvan Lake Park, 845 Lake Markham Road, Sanford, Florida 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the first meeting of the Wekiva Basin Management Action Plan (BMAP) Working Group. This group is being formed to provide recommendations to the Department of Environmental Protection regarding adoption of a BMAP to implement adopted Total Maximum Daily Loads in the Wekiva Basin. The focus of the meeting will be a discussion of the BMAP scientific foundation, project plan, and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Jennifer Gihring, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8418.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jennifer Gihring at (850)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, March 25, 2009, 4:00 p.m. – 6:00 p.m. or until Council business is concluded; Thursday, March 26, 2009, 8:30 a.m. – 1:00 p.m. or until Council business is concluded

PLACE: The Capitol, 400 S. Monroe St., Room 2107, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado at rebecca.prado@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

The **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 13, 2009, 2:30 p.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454590

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Paula Mask, Program Operations Administrator Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paula Mask at (850)245-4161 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Orthotists and Prosthetists** announces a public meeting to which all persons are invited.

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

PLACE: Shriner's Hospital, Auditorium, 12502 USF Pine Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing www.doh.state.fl.us/mqa/orthPros/index.html.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are 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 Osteopathic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, March 9, 2009, 3:00 p.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: March 2, 2009, 10:00 a.m.

PLACE: 4042 Bald Cypress Way, Room 340N, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training will be provided to newly appointed Board members. For more information, you may contact: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, FL 32399-3254, (850)245-4292.

The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 10, 2009, immediately following the Rules Committee call which is at 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will elect Chair and Vice-Chair, discuss Petition for Variance of Waiver to USP 797 received from Cardinal Health, Ratify Rules 64B16-26.300, 64B16-26.403, 64B16-27.430, 64B16-28.501, 64B16-28.840, F.A.C., and General Board Business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, FL 32399-3254, (850)245-4292. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

The **Board of Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 19, 2009, 9:00 a.m. or soon thereafter

PLACE: Renaissance Tampa Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business and Rule 64B20-6.001, F.A.C. will be discussed at the meeting.

A copy of the agenda may be obtained by contacting: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4588. If you are 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 Athletic Training** announces a public meeting to which all persons are invited.

DATE AND TIME: April 17, 2009, 9:00 a.m.

PLACE: Hilton Orlando/Altamont Springs, 350 South North Lake Blvd., Altamont Springs, FL 32715, (407)830-1985

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Board of Athletic Training, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and the evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at least a week in advance at (850)245-4474.

The Florida **Department of Health**, Prosecution Service Unit announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 25, 2009, 2:00 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 64B33-5.001, F.A.C., Disciplinary Guidelines. A probable cause panel will meet to consider disciplinary cases against athletic trainers.

A copy of the agenda may be obtained by contacting: Ephraim D. Livingston, Assistant General Counsel, Florida Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ephraim D. Livingston, Assistant General Counsel, Florida Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, March 16, 2009, 10:00 a.m. (ET); Wednesday, March 25, 2009, 2:00 p.m. (ET)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: The first Review Committee meeting is to discuss the proposals, the second Review Committee meeting will be to evaluate and score the proposals submitted in response to Florida Housing Finance Corporation's Request for Qualifications #2009-01 for Arbitrage Rebate Analyst Services.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.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: Sherry Green at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal**, Florida Fire Code Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2009, 10:00 a.m.

PLACE: City of St. Augustine Beach, 2200 A1A South, City Commission Meeting Room, St. Augustine Beach, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review a Petition for Declaratory Statement filed by Frank McElroy, filed pursuant to Section 120.565, Florida Statutes, Rule Chapter 28-105 and Rule 69A-60.007, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Belinda Chukes, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3619.

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

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Financial Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: March 10, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed Rules 69V-560.1021 and 69V-560.1000, published on December 19, 2008, in Vol. 34, No. 51, of the Florida Administrative Weekly. A Notice of Change for these rules is published in this edition of the Florida Administrative Weekly. These rules relate to the regulation of money services businesses.

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 at (850)410-9601 or andreamoreland@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 at (850)410-9601 or andreamoreland@flofr.com.

The **Financial Services Commission, Office of Financial Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: March 10, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed Rule 69W-500.018, published on December 19, 2008, in Vol. 34, No. 51, issue of the Florida Administrative Weekly. No changes have been made to the proposed rule. The proposed rule provides an exemption from securities registration requirements for single-share stock certificates that are framed, and offered or sold as gifts. The Final Hearing for this rule was previously noticed in the January 30, 2009, Vol. 35, No. 04, issue of the Florida Administrative Weekly. As indicated in that notice, the Final Hearing was to take place on February 10, 2009. The cabinet meeting for that date was cancelled, and therefore, the Final Hearing has been rescheduled to March 10, 2009.

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 at (850)410-9601 or 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 at (850)410-9601 or andreamoreland@flofr.com.

SOIL AND WATER CONSERVATION

The **Taylor County Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATES AND TIME: February 23, 2009; March 23, 2009; April 27, 2009, 5:30 p.m.

PLACE: Airport Terminal Conference Room, Industrial Park Drive, Perry, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business.

A copy of the agenda may be obtained by contacting: Catherine Bethea at (850)584-6443.

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 2, 2009, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16 West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355.

For more information, you may contact: the same address/phone number.

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 5:00 p.m.

PLACE: 6191 Orange Dr., Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@BrowardSWCD.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@BrowardSWCD.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: (954)584-1306 or Mail@BrowardSWCD.org.

The **Manatee River Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: 2nd Monday of each month, 6:30 p.m. – 8:30 p.m.

PLACE: Manatee County Fairgrounds, 1303 17th Street, West, Palmetto, FL 34221

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of monthly accomplishments, events and plans for the next month.

For additional information or to request special accommodations, please contact: Janie Besselman, 6942 Professional Parkway, East, Sarasota, Florida 34240, (941)907-0011, jbesselm@scgov.net.

A copy of the agenda may be obtained by contacting: Janie Besselman, 6942 Professional Parkway, East, Sarasota, FL 34240, (941)907-0011, jbesselm@scgov.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Janie Besselman, 6942 Professional Parkway, East, Sarasota, FL 34240, (941)907-0011, jbesselm@scgov.net. If you are 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 **Jefferson Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: 2nd Thursday of each month, 11:30 a.m.
PLACE: County Agent's Office, 275 N. Mulberry, Monticello, FL 32344
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.
A copy of the agenda may be obtained by contacting: D. Lewis at (850)997-4058, ext. 109.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities** announces a telephone conference call to which all persons are invited.
DATE AND TIME: Friday, March 6, 2009, 10:00 a.m. – 12:00 Noon
PLACE: Call-In Number: 1(888)808-6959; Conference Code: 6101108#
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is meeting to fulfill the mandate of Executive Order 08-193.
A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.
If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITERS ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriters Association, Inc.**, Board of Governors announces a telephone conference call to which all persons are invited.
DATE AND TIME: March 10, 2009, 8:30 a.m.
PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408
GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include approval of minutes; legislative update; OIR budget review request; operations report; financial report; and committee reports on: producer fees; producers financial ability to pay the FWCJUA; on-line application process; certificate of insurance issuance; compliance review

of the current investment portfolio; review of policy and guidelines for the investment of assets and associated matters; and 401K plan modifications.
A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408, or from the FWCJUA's website: www.fwcjua.com.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

The **Florida Developmental Disabilities Council, Inc.** announces a public meeting to which all persons are invited.
DATES AND TIMES: Thursday, March 12, 2009, Committee Meetings, 8:30 a.m. – 6:30 p.m.; Friday, March 13, 2009, Full Council Meeting, 8:30 a.m. – 2:30 p.m. Please Note: Meeting times are subject to change.
PLACE: Embassy Suites, USF/Bush Gardens, 3705 Spectrum Boulevard, Tampa, Florida 33612
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Developmental Disabilities Council, Inc. announces it's regularly scheduled business meeting.
To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, or call Toll Free 1(800)580-7801, Local (850)488-4180, or TDD Toll Free 1(888)488-8633.
Pursuant to the provisions of 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: Debra Dowds. If you are 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: Shanette Peters.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Actuarial and Underwriting Committee announces a public meeting to which all persons are invited.
DATE AND TIME: March 12, 2009, 1:00 p.m.
PLACE: Via teleconference
GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, rate restructure for 2010 and underwriting projects updates.
A copy of the agenda may be obtained by contacting: 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: Fawn Brown at 1(800)955-7647, extension 8331. If

you are 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: Fawn Brown at 1(800)955-7647, extension 8331.

FLORIDA BIRTH RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The **Florida Birth Related Neurological Injury Compensation Association**, Medical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 13, 2009, 12:00 Noon

PLACE: West Palm Beach Marriott, 1001 Okeechobee Blvd., West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850)488-8191.

PASCO-PINELLAS AREA AGENCY ON AGING

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: March 16, 2009, 9:30 a.m.

PLACE: 9887 4th St., North, Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversite.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach at (727)570-9696.

Pursuant to the provisions of 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: Elizabeth Laubach at (727)570-9696. If you are 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: Elizabeth Laubach at (727)570-9696.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Chris Birchfield, on behalf of No-Burn SE, Inc., DCA08-DEC-257, on September 5, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Petitioner's product, a line of fire-retardant coatings for use in buildings constructed in accordance with the Florida Building Code, are outside the scope of state product approval under Chapter 9B-72, Florida Administrative Code, but are subject to review and approval at the local level. Elements of such a plan or design could be subject to approval by the local authority having jurisdiction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Ms. Sandra Gump, on behalf of Fomo Products, Inc., DCA08-DEC-268, on September 12, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Petitioner's product, a "polyurethane foam plastic sealant that expands to take the shape of cracks and voids," called "Handi-Foam Spray Foam," is outside the scope of state product approval under Chapter 9B-72, Florida Administrative Code, but is subject to review and approval at the local level.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Tom Hardiman, on behalf of the Modular Building Institute, DCA08-DEC-209, on July 24, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 105.3, Florida Building Code, Building Volume (2007), in conjunction with subsection 9B-1.009(5), Florida Administrative Code, and Part I of Chapter 553, Florida Statutes, permit manufacturers to complete all buildings for which a clear, signed contract is in

place, as long as the construction activity is commenced within six months of the contract's execution and the contract is subject to verification by the Department of Community Affairs.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Luke Ismert, on behalf of the Schier Products Company, DCA08-DEC-208, on July 18, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 1003.3.4, Florida Building Code, Plumbing Volume (2004 as amended 05/21/07) does not permit the use of grease interceptors with a liquid capacity of less than 750 gallons, although Section 104.11, Florida building Code, Building volume (2004 as amended 5/21/07) provides the building official discretion to allow construction that he or she determines is equivalent.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Robert Jamieson on behalf of Underwriters Laboratories, Inc., DCA08-DEC-204, on July 15, 2008. The following is a summary of the agency's disposition of the petition:

The Commission clarified certain information that must be recorded on the Administrative Validation Checklist, adopted by reference under paragraph 9B-72.130(3)(a), Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Neil Melick, on behalf of the City of West Palm Beach Building Services Department, DCA08-DEC-205, on February 11, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 301.13, Florida Building Code, Mechanical Volume (2004 as amended 5/21/07) requires that all mechanical equipment exposed to wind must be designed for wind resistance, regardless of whether manufacturers of that equipment are willing to provide

design information and documentation; that the word "resist" as used in Section 301.13 of the Mechanical Volume has the same meaning as the word "withstand" as used in Section 1609 of the Building Volume; that the local building official may withhold or revoke a Certificate of Occupancy if the permit holder fails to demonstrate that mechanical equipment is designed to withstand the appropriate wind forces; and that the Commission lacks authority to determine whether it is the responsibility of the appliance manufacturer to design their outdoor appliances to resist wind pressures, although the Code would clearly envision that the equipment either be designed for wind resistance by its manufacturer, the design for wind resistance be confirmed by an appropriate design professional, or that the equipment be housed within a structure that is designed for wind resistance.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Kenneth E. Norton, on behalf of Power Design, Inc., DCA08-DEC-275, on September 19, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Rule 9B-3.0472, Florida Administrative Code, and Section 553.885(1), Florida Statutes, require: 1) that carbon monoxide detectors be installed within ten feet of each sleeping room in an entire 7 story residential condominium building that surrounds a 3 level parking garage; 2) that carbon monoxide detectors be installed within ten feet of each sleeping room in every residential unit in a 5 story, high-density residential apartment building where several units are equipped with fossil burning fire places; 3) that carbon monoxide detectors be installed within ten feet of each sleeping room in an entire 30 story residential high rise that has no other fossil burning appliances except a diesel powered emergency generator on the first floor.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. David Sands, on behalf of Bamboo Technologies, DCA08-DEC-258, on September 5, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Petitioner's product, bamboo poles for use in buildings constructed in accordance with the Florida Building Code, are raw material that are

outside the scope of state product approval under Chapter 9B-72, Florida Administrative Code, but are subject to review and approval at the local level.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Vincent Vaulman, on behalf of the Madison, Kneppers & Associates, Inc., DCA08-DEC-216, on July 28, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that the Commission is not authorized to provide, by declaratory statement, a general delineation of the alteration levels defined within the Florida Building Code, Existing Building Volume, the law restricts this authority to an interpretation of the Code in the context of Petitioner's particular facts and circumstances; that the percentage of area within a building subject to work such as that described in the Petition bears no relation to the Code's delineation of that work as repair or alteration; that the existence of conditions in a building prior to that building sustaining hurricane damage bears no relation to the classification of the work to be performed as repair or alteration; and that the nature of the work described in the petition appears to fall under the classification of Alteration, Level 1.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-236, on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 1609, Florida Building Code, Building Volume (2007), does not require louvers that are located more than 30 feet above grade or louvers that are not attached to ducts, to demonstrate impact resistance, when installed within the wind borne debris region and outside the high velocity hurricane zone; the minimum test standard applicable to louvers does not include cyclic testing after the impact test, but a static test is required.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-237, on August 22, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that custom engineered louvers are subject to requirements contained within the Florida Building Code, including structural wind load requirements, and use of louvers in construction subject to the Florida Building Code is subject to review and approval by the local authority having jurisdiction; however, State Approval by the Commission may be obtained as an alternative to local approval under Chapter 9B-72, Florida Administrative Code. In order for a standard louver to demonstrate compliance with the Code, it must be tested to the applicable standards specified by the Code, and rational analysis cannot be used in lieu of testing.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-238, on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The Commission clarified some of the requirements of the Florida Building with regard to wind pressure and impact testing of louvers.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. W. Vincent, on behalf of Construction Specialties, Inc., DCA08-DEC-239, on August 11, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that all products (including louvers) used in the High Velocity Hurricane Zone ("HVHZ") must be in compliance with Florida Building Code requirements specific to the HVHZ. Demonstration of compliance with the Code can be either by obtaining state

approval pursuant to Chapter 9B-72, Florida Administrative Code, or by local approval; the building official may deny the local application of a product which has received statewide approval if the official concludes that the product application is inconsistent with the statewide approval.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Albert Frost, Petitioner/Unit Owner, In Re: Tregate East Condominium, Association, Inc., Docket No. 2008064223 on November 25, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have the authority to interpret and enforce ambiguous provisions in the governing documents; where facts are in dispute; or where owners who will be affected by the decision are not parties to the petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order disposing of the petition for declaratory statement filed by Gulfstream Park Racing Association, Inc. (Petitioner) on September 26, 2008. The following is a summary of the agency's disposition of the petition:

The petition for declaratory statement was noticed in Vol. 34, No. 43, Florida Administrative Weekly. The petition lists Sections 849.086(5)(a), 849.086(5)(b), 849.086(7), and 550.002(11), Florida Statutes, as the statutory provisions upon which a declaratory statement is sought. The declaratory statement issued by the Division (DBPR Case No. 2008053671 /DS 2008-071) on January 16, 2009, finds that Petitioner, who holds both a thoroughbred racing permit (under which it has conducted live racing) and a quarter horse racing permit (under which it has never conducted live racing), must apply for a racing license to conduct 40 thoroughbred races and a racing license to conduct 40 quarter horse races in order to receive a cardroom licenses under Section 849.086, Florida Statutes, for each of its racing permits.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Sunrise Lakes Condominium Apartments, Phase III Inc. 2, (Association), Docket No. 2008060443, on October 24, 2008. The following is a summary of the agency's disposition of the petition:

The Division finds that the co-owners of one or more units at Sunrise Lakes Condominium Apartments, Phase III Inc. 2, are not eligible to serve on the board at the same time, under Section 718.112(2)(d)1., Florida Statutes (2008).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1031.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No. FS – 261

Student Wellness Center

Florida State University, Tallahassee, Florida

This project consists of approximately 120,000 gsf of new construction containing primarily student health spaces, classrooms and fitness spaces. Such spaces may include: exam and treatment rooms, clinic support spaces, dental exam rooms, eye exam rooms, central supply, sterilization rooms, laundry, fitness and therapy spaces, lockers, showers, offices, conference rooms, large and small classrooms, reception and

waiting spaces. The site is the wedge shaped lot bounded on the north and west by Learning Way, on the south by Traditions Way, and on the east by the Woodward Street pedestrian mall.

The estimated construction budget is approximately \$37,000,000. Currently, the new facility is programmed to be located on the south and western portion of the site. It is anticipated that the successful construction manager will demolish all the existing buildings on the site; preserving the existing mature trees to create a park setting on the western portion of the site. The draft Facility Program can be found on the Facilities Design and Construction website: www.fpc.fsu.edu.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at either the 50% or 100% Construction Document phase. The final determination of the exact timing of the GMP will be confirmed prior to entering into contract with the prospective Construction Manager. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Small and/or Minority Owned Business Enterprises. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered

consecutively. Submittals which do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, Fax: (850)644-8351.

For further information on the project, contact: Daryl Ellison, Project Manager, at the address above, through email: dellison@admin.fsu.edu or (850)645-1007.

Submit eight (8) bound copies of the required proposal data. Submittals must be received at the address listed above by 2:00 p.m., (Local Time), Tuesday, March 31, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

Invitation to Bid

ITB 09-31 – LOOP ROAD RESURFACING

The University of North Florida – Board of Trustees, a public body corporate, announces the need to Resurface the Loop Road on campus – University of North Florida, Jacksonville, FL.

This project consists of the following scope of work: Milling the existing asphalt surface course, removing damaged curb and base course, placing and compacting earth subgrade and limerock base course, placing asphalt surface, placing concrete curb, sidewalk, storm drainage pipe and structures, grading, placing sod, pavement marking, traffic signal work, roadway signs, maintenance of traffic, erosion control measures and other incidental work.

Successful contractors must have demonstrable previous experience with the described systems and technical requirements. Contractors must be pre-qualified with the Florida Department of Transportation for the work classifications: Flexible Paving and Hot Plant-Mixed Bitum

Courses. All bidders must be qualified to perform the work as specified at the time of bid opening in accordance with the ITB 09-31 Bid documents. No submittal material will be returned.

The preliminary schedule for this ITB:

Advertisement	February 27, 2009
Mandatory Pre-Bid	March 12, 2009, 10:00 a.m.
Submissions due	March 30, 2009, 3:00 p.m.
Award	April 2009

Minority Business participation is strongly recommended and supported by the University of North Florida.

The University requires a Bid Bond of five percent (5%) of the bid amount and a Performance Bond for 100% of the amount of the bid. The bid bond is required with the submitted bid.

As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information may be obtained electronically online at the UNF Purchasing department website:

<http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:
 Dianna White AND Angela Dyal
dianna.white@unf.edu University of North angela.dyal@unf.edu
 (904)620-1731 Florida unf.edu
 Purchasing Dept. (904)620-1733
 Bldg. 53, Rm. 2950
 1 UNF Drive
 Jacksonville, FL 32224

****NEW ADDRESS AS OF MARCH 13, 2009****

PRINTED DOCUMENTS: Full sets of bid documents may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, telephone (904)388-7686. Copies may be purchased for the printing and handling cost. NO REFUND WILL BE MADE FOR THESE DOCUMENTS.

Submit FOUR (4) complete copies of bids in full and in accordance with the requirements of the drawings and Project Manual to the above referenced UNF address. Bids must be

received no later than 3:00 p.m. (Local Time), March 30, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

Invitation to Bid

ITB 09-32 – BUILDING 15 – RE-ROOF

The University of North Florida – Board of Trustees, a public body corporate, announces the need to reroof Buildings 15 – University of North Florida, Jacksonville, FL.

This project consists of the following scope of work: Complete Reroof of Building 15 and adjacent walkway. Work to include but not limited to the demolition and replacement of existing roof membrane, flashing, roof accessories, downspouts, and lighting protection. Refer to construction documents for more specifics.

Successful contractors must have demonstrable previous experience with the described systems and technical requirements. All bidders must be qualified to perform the work as specified at the time of bid opening in accordance with the ITB 09-32 Bid documents. No submittal material will be returned.

The preliminary schedule for this ITB:

Advertisement	February 27, 2009
Mandatory Pre-Bid	March 13, 2009, 10:00 a.m.
Submissions due	March 31, 2009, 2:00 p.m.
Award	April 2009

Minority Business participation is strongly recommended and supported by the University of North Florida.

The University requires a Bid Bond of five percent (5%) of the bid amount and a Performance Bond for 100% of the amount of the bid. The bid bond is required with the submitted bid.

As required by Section 287.133, Florida Statutes, a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information, including qualification requirements may be obtained electronically online at the UNF Purchasing department website:

<http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Evelyn Jenkins Burton	AND	Angela Dyal
e.jenkins@unf.edu	University of	angela.dyal@unf.edu
(904)620-1732	North Florida	(904)620-1733
	Purchasing Dept.	
	Bldg. 53, Rm. 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

NEW ADDRESS AS OF MARCH 13, 2009

PRINTED DOCUMENTS: Full sets of bid documents may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, telephone (904)388-7686. Copies may be purchased for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

Submit FOUR (4) complete copies of bids in full and in accordance with the requirements of the drawings and Project Manual to the above referenced UNF address. Bids must be received no later than 2:00 p.m. (Local Time), March 31, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

Invitation to Bid

ITB 09-33 – BUILDING 5/6 PARTIAL RE-ROOF

The University of North Florida – Board of Trustees, a public body corporate, announces the need to re-roof Buildings 5 & 6 – University of North Florida, Jacksonville, FL.

This project consists of the following scope of work: Re-roofing of Building 5 – areas C and D plus Building 6 – area A, both with a modified bitumen roof system to include new reglets in existing concrete parapets and new aluminum flashing. Areas C and D in Building 5 are approximately 900 square feet each and Area A in Building 6 is approximately 5600 square feet.

Successful contractors must have demonstrable previous experience with the described systems and technical requirements. All bidders must be qualified to perform the work as specified at the time of bid opening in accordance with the ITB 09-33 Bid documents. No submittal material will be returned.

The preliminary schedule for this ITB:

Advertisement	February 27, 2009
Mandatory Pre-Bid	March 13, 2009, 10:00 a.m.
Submissions due	March 31, 2009, 3:00 p.m.
Award	April 2009

Minority Business participation is strongly recommended and supported by the University of North Florida.

The University requires a Bid Bond of five percent (5%) of the bid amount and a Performance Bond for 100% of the amount of the bid. The bid bond is required with the submitted bid.

As required by Section 287.133, Florida Statutes, a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information, including qualification requirements may be obtained electronically online at the UNF Purchasing department website:

<http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Dianna White	AND	Angela Dyal
dianna.white@unf.edu		angela.dyal@unf.edu
(904)620-1731		(904)620-1733
		University of North Florida
		Purchasing Dept.
		Bldg. 53, Rm. 2950
		1 UNF Drive
		Jacksonville, FL 32224

NEW ADDRESS AS OF MARCH 13, 2009

PRINTED DOCUMENTS: Full sets of bid documents may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, (904)388-7686. Copies may be purchased for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

Submit FOUR (4) complete copies of bids in full and in accordance with the requirements of the drawings and Project Manual to the above referenced UNF address. Bids must be received no later than 3:00 p.m. (Local Time), March 31, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS
OFFICE OF FACILITIES DESIGN AND CONSTRUCTION
FOR Request for Qualifications (RFQ) OFDC RFQ-002-08/09
Professional Services Architectural/Engineering Services for
Portable Classroom Installation, Replacement, Relocation,
Repair and Associated Covered Walkway Projects at Various
Schools OFDC RFQ-002-08/09. Publish date is February 20,
2009. The Office of Facilities Design and Construction
announces that Architect/Engineer services are required for

Portable Classroom Installation, Replacement, Relocation, Repair and Associated Covered Walkway Projects at Various Schools and facilities throughout the Duval County Public School District. The Owner reserves the right to select one or more firms to perform the work. The firm(s) selected will be responsible for consulting studies, design, engineering, bid review, inspection and construction administration of various projects. Total estimated construction contract value of project work is estimated at \$9,000,000 over a 3-year contract period. The projects may be multi-year funded and are subject to availability of funds as authorized by the Owner. The selected firm(s) shall be required to execute the Duval County School Board standard form of agreement. Applicants are advised that all plans, drawings and specifications for these projects become property of the Owner. Applications are to be sent to: Duval County Public Schools Office of Facilities Design and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182.

PROJECT MANAGER: Bruce Ackerman
PHONE NO.: (904)390-2363
RESPONSE DUE DATE: RFQ'S ARE DUE ON OR BEFORE MARCH 24, 2009 AND WILL BE ACCEPTED UNTIL 4:30 pm.

MBE GOALS: Encouragement

Information on the selection process can be found at www.duvalschools.org, then go to About DCPS, then DCPS Departments, then Facilities Design and Construction, then Selection Booklets.

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."

REGIONAL PLANNING COUNCILS

REQUEST FOR PROPOSALS
"ANNUAL CONTRACT FOR TRANSPORTATION
PLANNING CONSULTANT SERVICES"

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, March 27, 2009. Lee County MPO reserves the right to reject any or all proposals.

SCOPE OF SERVICES: The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one or more consulting firms to be retained under a two-year contract, with two one-year renewal options. The firms shall be responsible for knowledge of the

compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing some or all of the types of transportation planning and engineering services described in the scope of services. The transportation planning work may include, but not be limited to, financial resource forecasting and revenue projections, public involvement, corridor and small area studies, goods movement studies, traffic engineering studies, ITS needs assessment, project cost estimation, land use modeling, GOS assistance, long range transit system planning and modeling, transit authority formation studies, and other miscellaneous studies as directed. Proposals must specify which of the services identified in the scope of services the firm or team is proposing to provide and which it is not.

INVITATION TO PROPOSE: The program hereby solicits proposals for selection as on-call consultant for planning services to the Lee County MPO. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:

(HOW TO APPLY): A Request for Proposals document may be obtained by contacting, in writing: Ms. Meghan Marion, Lee MPO Designee, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 219, Fax: (239)338-2560 or by email: mmarion@swfrpc.org. Materials will be sent by regular mail to the requester within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m., March 13, 2009. Proposals must then be received by: Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, March 27, 2009.

This public notice was posted in the lobby of the offices of: Southwest Florida Regional Planning Council and the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, Friday, February 13, 2009. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: DOS-28006010
PROJECT NAME: Miami Circle Seawall/Brickell Point Property Master Planning and Phased Park Development
LOCATION: Miami, Florida
ESTIMATED CONSTRUCTION BUDGET: The initial phase is funded and budgeted for \$400,000. All other phases will be determined by future appropriations
 For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.
 The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA08-OR-048
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA
 VILLAGE OF ISLANDS
 ORDINANCE NO. 08-10

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On December 29, 2008, the Department received for review Islamorada, Village of Islands Ordinance No. 08-10 (“Ord. No. 08-10”) adopted by the Village on December 18, 2008.

3. Ord. No. 08-10 amends Chapter 30 Land Development Regulations, Article IV Administrative Procedures, Division 12 Transfer of Development Rights of the Village Code of Ordinances.
4. The purpose of Ord. No. 08-10 is to amend the method for transferring development rights, both residential and non-residential, between properties within the Village and to establish that tropical hardwood hammock on the sender site shall be restored or mitigated.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2008).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2008), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 08-10 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Florida Statutes (2008). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 08-10 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife, and their habitat.
10. Ord. 08-10 is not inconsistent with the remaining Principles. Ord. 08-10 is consistent with the Principles for Guiding Development as a whole.

11. Ord. 08-10 is consistent with the Village Comprehensive Plan Policy 1-3.1.4: Institute a Program for Transfer of Development Rights; Policy 1-4.2.1: Implement Comprehensive Plan Through Land Development Regulations; and Policy 1-2.6.2: Equitable Treatment of Privately Owned Conservation Lands.

WHEREFORE, IT IS ORDERED that Ord. 08-10 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 18th day of February, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Cathi Hill, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2525 Ponce De Leon Blvd., Suite 700
Coral Gables, Florida 33134-6045

Final DCA Order No.: DCA09-OR-049
In re: LAKE COUNTY LAND DEVELOPMENT
REGULATIONS APPROVED BY
LAKE COUNTY ORDINANCE NO. 2008-86

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. § 380.0551(1), Florida Statutes (2008).
2. On January 8, 2009, the Department received for review Lake County Ordinance 2008-86 ("Ord. No. 2008-86") adopted by the Lake County Board of County Commissioners on December 18, 2008.
3. Ord. No. 2008-86 amends Chapter V-A, Land Development Regulations, Necessary Public Services and Facilities; Section 5A.01.02, Applicability. The purpose of Ord. No. 2008-86 is to extend the expiration date within the existing school capacity provision of the Land Development Regulations in order to prevent overcrowding of schools until the new School Facilities Element of the Lake County Comprehensive Plan is adopted and enacted.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Florida Statutes (2008).
5. Lake County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2008-86 promotes and furthers the following Principles: consistent with the Principles in Rule 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved:
 - (a) Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood-retention areas.
9. Ord. No. 2008-86 is not inconsistent with the remaining Principles. Ord. No. 2008-86 is consistent with the Principles for Guiding Development as a whole.
10. Ord. No. 2008-86 is consistent with Lake County Comprehensive Plan Objective 1-5 Planning For Public Facilities and Institutional Activities; Policy 1-5.1: Coordinate Public Facilities with Land Use; Policy 1-5.2: Coordinate Public Facilities and Services with Concurrence Management System; Policy 1-7.1: Availability of Public Facilities; and Policy 1-7.2: Efficiency in the Provision of Public Facilities.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2008-86 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 17th day of February, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Sanford A. Minkoff
County Attorney
Lake County
P. O. Box 7800
Tavares, FL 32778-7800

Neil Kelly
Clerk of the Board of County
Commissioners of Lake County
P. O. Box 7800
Tavares, FL 32778-7800

Final DCA Order No.: DCA09-OR-050
In re: LAKE COUNTY LAND DEVELOPMENT
REGULATIONS APPROVED BY
LAKE COUNTY ORDINANCE NO. 2009-01

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. § 380.0551(1), Florida Statutes (2008).
2. On January 22, 2009, the Department received for review Lake County Ordinance 2009-01 ("Ord. No. 2009-01") adopted by the Lake County Board of County Commissioners on January 6, 2009.
3. Ord. No. 2009-01 amends Chapter II of Appendix E, Land Development Regulations, Definitions; Chapter VI of Appendix E, Section 6.06.03, Mining Site Plans and Operating Permits; Chapter IX of Appendix E, Section 9.07.06, Administration and Enforcement; and Chapter IX, Appendix E, Section 9.07.08, Development in Special Flood Hazard Areas. The purpose of the ordinance is to amend and correct sections of the Lake County Code to change all references from the National Geodetic Vertical Datum to the North American Vertical Datum of 1988 for the performance of calculations related to the elevation of structures.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Florida Statutes (2008).

5. Lake County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2009-01 promotes and furthers the following Principles: consistent with the Principles in Rule 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved:
 - (a) Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood-retention areas.
 - (b) Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
9. Ord. No. 2009-01 is not inconsistent with the remaining Principles. Ord. No. 2009-01 is consistent with the Principles for Guiding Development as a whole.
10. Ord. No. 2009-01 is consistent with Lake County Comprehensive Plan Policy 7-4.1: Floodplain Management Program.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2009-01 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 18th day of February, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Sanford A. Minkoff
County Attorney
Lake County
P. O. Box 7800
Tavares, FL 32778-7800

Neil Kelly
Clerk of the Board of County
Commissioners of Lake County
P. O. Box 7800
Tavares, FL 32778-7800

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that A 1 Motorscooters.com, LLC, intends to allow the establishment of A 1 Motorscooters.com, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 2025 Lake Avenue Southeast, Unit C, Largo (Pinellas County), Florida 33771, on or after March 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of A 1 Motorscooters.com, LLC are dealer operator(s): Michael G. Hickey, 2025 Lake Avenue, Southeast, Unit C, Largo, Florida 34208; principal investor(s): Michael G. Hickey, 2025 Lake Avenue Southeast, Unit C, Largo, Florida 34208.

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: Michael G. Hickey, A 1 Motorscooters.com, LLC, 2025 Lake Avenue, Southeast, Unit C, Largo, Florida 33771.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles

manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698; principal investor(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698; principal investor(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698; principal investor(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698; principal investor(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698; principal investor(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698.

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A copy of such petition or complaint must also be sent by US Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698; principal investor(s): Jeffrey Rhodes, Sr., 1900 Indian Creek Court, Dunedin, Florida 34698.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lisa Knowles, Motor Sports ConneXion, LLC, 11645 Grand Bay Boulevard, Clermont, Florida 34711.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Workhorse Sales Corp., intends to allow the establishment of Champion Chevrolet, Inc., as a dealership for the sale of Workhorse vehicles (WOHC) at 3127 West Tennessee Street, Tallahassee (Leon County), Florida 32304, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Champion Chevrolet, Inc. are dealer operator(s): Larry Strom, 524 Woodfern Court, Tallahassee, Florida 32312; principal investor(s): Larry Strom, 524 Woodfern Court, Tallahassee, Florida 32312, Harrell T. Revell, 17444 Northwest 379C, Bristol, Florida 32321 and James Hewitt, 1411 Edgewater Drive, #100, Orlando, Florida 32804.

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: James Gavaghan, Workhorse Sales Corp., 850 Stephenson Highway, Suite 510, Troy, Michigan 48083.

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

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motor Sports ConneXion, LLC, intends to allow the establishment of Brothers Cycle Shop, Inc., as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 404 South Highway 27, Minneola, (Lake County), Florida 34715, on or after February 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Brothers Cycle Shop, Inc. are dealer operator(s): Doug Bonko, 404 South Highway 27, Minneola, Florida 34715 and Denise Bonko, 404 South Highway 27, Minneola, Florida 34715; principal investor(s): Doug Bonko, 404 South Highway 27, Minneola, Florida 34715 and Denise Bonko, 404 South Highway 27, Minneola, Florida 34715.

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.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters, as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 725 South Ronald Reagan Boulevard, #100, Longwood (Seminole County), Florida 32750, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746; principal investor(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Vehicle Manufacture Co. Ltd. (JIAJ) at 725 South Ronald Reagan Boulevard, #100, Longwood (Seminole County), Florida 32750, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746; principal investor(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
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Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters, as a dealership for the sale of motorcycles manufactured by

Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 725 South Ronald Reagan Boulevard, #100, Longwood (Seminole County), Florida 32750, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746; principal investor(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746.

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Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

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The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary,

Florida 32746; principal investor(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746.

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Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 725 South Ronald Reagan Boulevard, #100, Longwood (Seminole County), Florida 32750, on or after March 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746; principal investor(s): Elliot Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746 and Carla Blackwelder, 277 Leslie Lane, Lake Mary, Florida 32746.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina. Wilson, 1918 South Orange Blossom Trail, Apopka, Florida 32703; principal investor(s): Tina. Wilson, 1918 South Orange Blossom Trail, Apopka, Florida 32703.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina. Wilson, 1918 South Orange Blossom Trail, Apopka, Florida 32703; principal investor(s): Tina. Wilson, 1918 South Orange Blossom Trail, Apopka, Florida 32703.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of Balls Motorcycle Collision Center, Inc. d/b/a Haulin Balls Scooters, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 348 Mason Avenue, Holly Hill (Volusia County), Florida 32117, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Balls Motorcycle Collision Center, Inc. d/b/a Haulin Balls Scooters are dealer operator(s): Elizabeth Mason, 348 Mason Avenue, Holly Hill, Florida 32117; principal investor(s): Elizabeth Mason, 348 Mason Avenue, Holly Hill, Florida 32117.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of Balls Motorcycle Collision Center, Inc. d/b/a Haulin Balls Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 348 Mason Avenue, Holly Hill (Volusia County), Florida 32117, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Balls Motorcycle Collision Center, Inc. d/b/a Haulin Balls Scooters are dealer operator(s): Elizabeth Mason, 348 Mason Avenue, Holly Hill, Florida 32117; principal investor(s): Elizabeth Mason, 348 Mason Avenue, Holly Hill, Florida 32117.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Workhorse Sales Corp., intends to allow the establishment of Maudlin International Trucks, Inc., as a dealership for the sale of Workhorse vehicles (WOHC) at 2300 South Division Avenue, Orlando (Orange County), Florida 32805, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Maudlin International Trucks, Inc. are dealer operator(s): John Maudlin, 102 Red Sky Court, Lake Mary, Florida 32746; principal investor(s): John Maudlin, 102 Red Sky Court, Lake Mary, Florida 32746.

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: James Gavaghan, Workhorse Sales Corp., 850 Stephenson Highway, Suite 510, Troy, Michigan 48083.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Workhorse Sales Corp., intends to allow the establishment of Rechten International Trucks, Inc., as a dealership for the sale of Workhorse vehicles (WOHC) at 7227 Northwest 74th Avenue, Miami (Dade County), Florida 33166, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rechten International Trucks, Inc. are dealer operator(s): Richard C. Rechten, 10845 Southwest 69 Court, Pinecrest, Florida 33156; principal investor(s): Richard C. Rechten, 10845 Southwest 69 Court, Pinecrest, Florida 33156.

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: James Gavaghan, Workhorse Sales Corp., 850 Stephenson Highway, Suite 510, Troy, Michigan 48083.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR, Inc., intends to allow the establishment of Stay Safe, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1721 1st Street East, Bradenton (Manatee County), Florida 34208, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Ralph Torres, 1721 1st Street East, Bradenton, Florida 34208; principal investor(s): Ralph Torres, 1721 1st Street East, Bradenton, Florida 34208.

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: Anyi Hsieh, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR, Inc., intends to allow the establishment of Stay Safe, LLC, as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 1721 1st Street East, Bradenton (Manatee County), Florida 34208, on or after February 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Ralph Torres, 1721 1st Street East, Bradenton, Florida 34208; principal investor(s): Ralph Torres, 1721 1st Street East, Bradenton, Florida 34208.

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: Anyi Hsieh, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Workhorse Sales Corp., intends to allow the establishment of Emsil Enterprises, Inc. d/b/a Tri County Truck & Equipment, as a dealership for the sale of Workhorse vehicles (WOHC) at 1440 Powerline Road, Pompano Beach (Broward County), Florida 33069, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Emsil Enterprises, Inc. d/b/a Tri County Truck & Equipment are dealer operator(s): Michael Silveri, 2930 Northeast 23rd Street, Pompano Beach, Florida 33062; principal investor(s): Michael Silveri, 2930 Northeast 23rd Street, Pompano Beach, Florida 33062.

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: James Gavaghan, Workhorse Sales Corp., 850 Stephenson Highway, Suite 510, Troy, Michigan 48083.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that El Sol Trading, Inc., intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 3311 West Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after February 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 West Lake Mary Boulevard, Lake Mary, Florida 32746.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, President, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on February 5, 2009, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION,	PROJECT,	CTY,
	APPLICANT,	PARTY REQUEST	HEARING (PRH)
10034	Approval, establish a 76 bed adult inpatient psychiatric hospital, Lee County, The Pavillion at Healthpark, LLC (PRH) Punta Gorda HMA, LLC d/b/a Charlotte Regional Medical Center		

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On February 13, 2009, the Siting Coordination Office received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes (F.S.), concerning FPL's Riviera Beach Energy Center in Palm Beach County, Florida, Power Plant Siting Application No. PA09-54, OGC Case No. 09-0262. The application would allow FPL to demolish the existing Riviera Beach plant (two nominal 300 megawatt conventional dual-fuel fired generating units and support facilities) and construct in its place a gas-fired "3-on-1" combined-cycle power plant. A copy of the application for certification is available for review in the: Office of Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and

recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local governments, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the: Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

Notice of Availability of a Statement of Estimated Regulatory Cost

The Division of Water Resource Management announces availability of a Statement of Estimated Regulatory Cost (SERC) prepared for proposed Rule 62-341.494, F.A.C.,

Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County. The Department published a Notice of Proposed Rule, which announced the future availability of a SERC, in Vol. 34, No. 53, December 31, 2008 Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Analysis of the proposed rule indicates it will affect three groups of the public. Initial costs to boaters and tourists will be primarily felt in the restriction of access to certain waterways during the time of the dredging. These costs are imposed only in the short term, while the dredging is taking place. Those costs are expected to be at least partially offset by the expected long-term improvement in usability of the waterways after the completion of the dredging. Residents of waterfront communities will have short term costs related to the decrease in boater traffic during periods of dredging. Some of these may also be offset by future increases in boater traffic and the related sales revenues. This increase is likely to most directly impact commercial interests located on or served by the improved trafficsheds and secondary channel systems.

There also may be some long term costs in the form of increased pollution and erosion from increased boat traffic after the completion of the project. However, the direct effect on the net pollution caused by this rule cannot be determined with available data. Increased vessel usage may occur with or without the project as a result of additional boater registrations as Lee County's population continues to increase. The Department believes the net pollution impacts of this rule will be offset by a decrease of pollution resulting from a reduction in the number of vessel groundings and prop dredging (both of which stir up sediments and create turbidity) as a result of improved boater access.

The Department also believes that mitigation effects of this rule can be expected, over time, to reduce or offset negative impacts to fisherpersons as a result of the establishment of the NICMZs. Specifically, the restoration and enhancement of seagrasses that is expected to result from the establishment of the NICMZs, together with reductions of seagrass impacts from vessel groundings, prop dredging, and decreased light penetrations from the resultant turbidity is expected to result in an improvement in fishery resources.

All affected parties face increased costs relating to the NICMZs in the form of restrictions in access. However, these costs are likely small and primarily offset by the benefits stemming from the newly protected marine habitat. These NICMZs also impose an enforcement cost that is borne by the local and state maritime enforcement agencies.

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.

THE PERSON TO BE CONTACTED REGARDING THE SERC IS: Micah Sanders, Florida Department of Environmental Protection, Office of General Council, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, e-mail: Micah.Sanders@dep.state.fl.us.

Further information and updates on this proposed rule also may be obtained from the Department's WebSite: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 07-0200; formerly Docket No. 05-01R)

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On February 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Michael Albert Villafana, L.P.N. license number PN 5164066. 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

AVAILABILITY OF DRAFT MANAGEMENT PLAN

The Florida Fish and Wildlife Conservation Commission at its June 2008 meeting determined that removing the peregrine falcon (*Falco peregrinus*) from the State's endangered species list was warranted, and directed staff to develop a management plan. Removing the peregrine falcon from the endangered species list will not occur until a management plan is approved by the Commission. A draft peregrine falcon management plan has been prepared, and the Commission is now requesting written comments on the plan, including those regarding conservation recommendations and expected economic and social impacts of implementing the plan. A copy of the draft management plan is available at www.MyFWC.com by clicking on the "Draft Peregrine Plan" Quick Click. Written comments should be addressed to Peregrine Falcon Management Plan, 1239 S. W. 10th Street, Ocala, Florida 34474-2797, or submitted to Peregrine@MyFWC.com. Comments will be accepted until 11:59 p.m., April 15, 2009.

Florida has a broad public records law. Your written communications, including e-mails, are public records subject to public disclosure.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with 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., March 20, 2009):

APPLICATION FOR CONVERSION

OF A NATIONAL BANK TO A STATE BANK

Applicant and Location: First National Bank & Trust, 29 Eglin Parkway, Fort Walton Beach, Okaloosa, Florida 32548
With Title: FNBT.com Bank, Inc.

Correspondent: Marklyn E. Wade, Post Office Drawer 1327, Fort Walton Beach, Florida 32549-1327

Received: February 16, 2009

EXPANDED FIELD OF MEMBERSHIP

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.fldfs.com/ofr/banking/cufm.asp>.

Name and Address of Applicant: Sun Credit Union, 4205 Hollywood Boulevard, Hollywood, Florida 33081

Expansion Includes: Select employees group

Received: February 16, 2009

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 9, 2009
 and February 13, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Cultural Affairs

1T-1.001	2/13/09	3/5/09	35/1	
1T-1.031	2/13/09	3/5/09	35/1	
1T-1.032	2/13/09	3/5/09	35/1	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

5I-4.002	2/10/09	3/2/09	34/51	
5I-4.006	2/10/09	3/2/09	34/51	

Division of Food Safety

5K-4.002	2/9/09	3/1/09	34/51	
5K-4.020	2/9/09	3/1/09	34/51	
5K-4.021	2/9/09	3/1/09	34/51	
5K-4.029	2/9/09	3/1/09	34/51	

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-70.002	2/12/09	3/4/09	34/46	
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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

Board of Accountancy

61H1-27.0041	2/11/09	3/3/09	34/46	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-285.421	2/13/09	3/15/09	34/51	
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FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

69O-137.001	2/12/09	3/4/09	34/43	
69O-138.001	2/12/09	3/4/09	34/43	
69O-197.006	2/12/09	3/4/09	34/44	35/2
69O-204.010	2/12/09	3/4/09	34/39	34/52
69O-204.020	2/12/09	3/4/09	34/39	34/52
69O-204.050	2/12/09	3/4/09	34/39	34/52

Finance

69V-40.025	2/12/09	3/4/09	34/45	
69V-40.031	2/12/09	3/4/09	34/45	
69V-40.100	2/12/09	3/4/09	34/45	
69V-40.200	2/12/09	3/4/09	34/45	
69V-40.220	2/12/09	3/4/09	34/45	
69V-40.242	2/12/09	3/4/09	34/45	