

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0014 Comprehensive Management
 Information System

PURPOSE AND EFFECT: The purpose of this rule development is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2009-2010.

RULEMAKING AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2), 1010.305(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) Each school district and the Department shall develop and implement an automated information system component which shall be part of, and compatible with, the statewide comprehensive management information system. Each information system component shall contain automated student, staff and finance information systems and shall

include procedures for the security, privacy and retention of automated records. The procedures for the security, privacy and retention of automated student records shall be in accordance with the requirements of 20 U.S.C. 1232g(b)(3), 34 C.F.R. Part 99 and Section 1002.22, F.S.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2009~~ ~~2008~~," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, ~~2009~~ ~~2008~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the 'Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) If any portion of this rule and reference materials is adversely affected by the courts, the affected portion should be considered, repealed and the rule shall be repromulgated.

Rulemaking Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History– New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07, 3-24-08, 11-26-08, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.039 Supplemental Educational Services
 in Title I Schools

PURPOSE AND EFFECT: The purpose of the rule development is to review the process for approval of providers and to establish internal complaint procedures as required by Section 1008.331, Florida Statutes, as amended. The effect will be a rule which is consistent with governing law.

SUBJECT AREA TO BE ADDRESSED: Supplemental educational services.

RULEMAKING AUTHORITY: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 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: September 7, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Florida Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Katrice Green, Program Director, Bureau of Student Assistance, 325 West Gaines Street, Tallahassee, FL 32399-0400; (850)245-9183

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0030
 RULE TITLE: Qualified School Construction Bond Program

PURPOSE AND EFFECT: The purpose of this rule development is to implement the administration of the Qualified School Construction Bond Program, which was established pursuant to the American Recovery and Reinvestment Act of 2009.

SUBJECT AREA TO BE ADDRESSED: The development of allocation and application processes for the Program, including required documentation to be provided by the education agencies.

RULEMAKING AUTHORITY: 159.845 FS.

LAW IMPLEMENTED: 159.841, 159.842, 159.843, 159.844, 159.845 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: Mr. Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Suite 1054, Tallahassee, FL 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-2.0030 Qualified School Construction Bond Program.

(1) Qualified School Construction Bonds (QSCBs). The American Recovery and Reinvestment Act of 2009 authorized the issuance of Qualified School Construction Bonds (QSCBs) to finance school construction and other eligible projects for public schools. The amount of QSCBs issued in each state is limited under federal law. This rule is created pursuant to Sections 159.841, 159.842, 159.843, 159.844, and 159.845,

Florida Statutes, which authorizes the Department of Education (the Department) to establish a program for allocating the available allocation authority in Florida. Under this program, qualified school districts, charter schools or state education agencies can borrow funds with no interest cost. A Qualified School Construction Bond is an interest-free bond issued by a state or local governmental entity, the proceeds of which are used to construct or improve certain eligible public schools, or for certain land or equipment purchases. Instead of receiving periodic interest payments from the issuer, the QSCB bondholder (potential bondholders include banks, insurance companies, and corporations actively involved in the business of lending money) receives a federal income tax credit while the bond is outstanding, in an amount equal to a percentage of the face amount of the bond. The education agency's debt service obligation is only for the principal amount of the bonds. The full faith and credit of the State of Florida is not pledged to QSCB bonds issued by agencies other than the Florida Department of Education.

(a) Eligibility Criteria.

1. All school districts, charter schools or state educational agencies are eligible to apply.

2. Eligible QSCB projects include all projects permitted to be financed with QSCBs under federal law, including:

a. New construction of a public school owned facility,

b. Rehabilitation or repair of an existing public school owned facility,

c. Land acquisition for the facility to be constructed with the QSCB proceeds, and

d. Equipment to be used in the facility that is being constructed, rehabilitated, or repaired with the proceeds of QSCBs.

NOTE: Lease payments may not be made with QSCB proceeds.

(b) Application Process.

1. Application shall be made through submission of Form OEF 411, A Qualified School Construction Bond Program Application, which is hereby incorporated by reference and may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

2. Applications must be received from the districts or charter schools on or before October 1, or such other date as established by the Department.

3. Districts or charter schools should not request more bonding authority than can be reasonably expected to be repaid, and the district or charter school must expect that the QSCBs will be issued prior to the end of the calendar year in which an application is made.

4. Applications must clearly explain the pledged revenue from which the district or charter school intends to repay the bond principal upon maturity.

5. The application must include the following documents:

a. A copy of the resolution referenced in the Certificate of Eligibility section of the application.

b. A completed project spending plan, Form OEF 412 Project Listing, which is hereby incorporated by reference and may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

6. Charter schools must submit a copy of the most current financial audit containing an auditor's opinion that the charter school with remain a "going concern" until the QSCBs mature.

(c) Allocation Process.

1. After the federally imposed state bonding authority is known for each calendar year, the school districts and charter schools will be notified by the Department.

2. The total available state volume cap limitation will be divided between two pools, the school districts pool and the charter schools pool. The pools will be established based on the ratio of the number charter schools divided by the number of students served, as compared to the total student population.

3. Applications are reviewed for eligibility and completeness. Districts or charter schools may be contacted for further information or clarification.

4. Applications from school districts must include only survey recommended projects.

5. District applications will be considered and allotments awarded based on the following factors:

a. Existing classroom funding needs for compliance with the constitutionally mandated class-size reduction requirements;

b. Increasing enrollment growth of greater than 1% per year;

c. Need to replace aging facilities, 50 years and older, based on a Department of Education approved analysis; or

d. Existing funding needs for survey recommended projects included in a current Educational Plant Survey approved by the Department of Education.

6. Charter school applications will be considered and allotments awarded based on the review and evaluation of the description of the facility; including, but not limited to, the age, condition, ownership, number of students currently being served, projected number of students to be served, and a photograph(s) of the existing facility demonstrating a need for the project to be financed with QSCB proceeds.

7. Once the Department determines the allocations to be awarded, each district or charter school will be notified in writing. Districts or charter schools whose applications have been denied and those with ineligible projects will also be notified.

8. Any allotment balance remaining after the initial allocation process will revert to a state-wide allocation pool, to which unissued/returned allotments will be added. The state-wide pool may be reallocated at a later date or retained for use by the state.

9. A final confirmation letter of the allocation will be provided upon the districts or charter schools submission of the Issuance Report (OEF Form 413).

(d) Administration. In addition to previously stated requirements, there are a number of administrative items school districts or charter schools must keep in mind:

1. Qualified School Construction Bond (QSCB) proceeds cannot be used to pay debt service or other outstanding debt obligations incurred to finance project costs.

2. Qualified School Construction Bond (QSCB) proceeds cannot be used to make lease payments.

3. The District or charter school must comply with all information requests from the Department so that federal accountability and reporting requirements can be met.

4. Each district or charter school must determine whether the purposes for which QSCBs are issued conform to state law regarding indebtedness.

5. Each district or charter school is responsible for repayment of the principal upon maturity.

6. School districts shall not use PECO or CO&DS revenues to pay QSCB debt service obligations, but may use District School Tax revenues pursuant to Section 1011.71, F.S. (often referred to as local discretionary capital outlay millage).

7. If District School Tax proceeds are proposed for repayment of QSCB debt, those proceeds shall not exceed the Certificates of Participation (COPs) limit established for Districts School Tax revenue in Section 1011.71, F.S.

8. If a district or charter school determines that its allotment will not be used, the district or charter school should notify the Department as soon as possible.

9. If the scope of one of a district's or charter school's approved projects changes, the district or charter school must receive the approval of the Department before reallocating the funds to other projects. Requests will be reviewed on a case-by-case basis.

a. The Department may allow reallocations among approved projects, as identified on the current QSCB award letter, to another current approved project.

b. The Department will disallow the reallocation of funds to new or unapproved projects.

10. Districts or charter schools must have all bonds issued by December 31 of its funding year.

11. As districts or charter schools issue QSCB bonds, an issuance report (OEF Form 413) and a copy of the cover of the official statement must be forwarded to the Department upon issuance of the bonds in order to receive a final confirmation of the volume cap allocation.

12. On December 31 of the district's or charter schools' funding year, unused allotments will revert back to the State for reallocation or retained for use by the state.

13. Allocations of the volume limitation are granted first from carried-forward balances from previous years and then from the current year balance.

(2) Required Documentation. The Application must include the following:

(a) A completed project listing in a format provided by the Office of Educational Facilities.

(b) Charter schools must submit a copy of the most current financial audit containing an auditor’s opinion that the charter school with remain a “going concern” until the QSCBs mature, or for the following 15 years.

(c) Charter school applications must include a narrative description of the existing facility; including, but not limited to, the age, condition, ownership, number of students currently being served, projected number of students to be served, and a photograph(s) of the facility.

Rulemaking Authority 159.845 FS. Law Implemented 159.841, 159.842, 159.843, 159.844 159.845 FS. History–New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0960 Florida Tax Credit Scholarship Program

PURPOSE AND EFFECT: The purpose of this rule development is to rename the program in accordance with Section 220.187, Florida Statutes, and to allow the Department the authority to conduct private school on-site inspections, as appropriate, in conjunction with a formal complaint and refer an inquiry to the Office of Inspector General with the Department at any point. The effect will be a rule which will further strengthen the Department’s administration and implementation of the program.

SUBJECT AREA TO BE ADDRESSED: Corporate Tax Credit Scholarship Program.

RULEMAKING AUTHORITY: 220.187 FS.

LAW IMPLEMENTED: 220.187 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: Laura Harrison, Director of Scholarship Programs, (850)245-0502 or laura.harrison@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0960 ~~Florida Corporate~~ Tax Credit Scholarship Program.

(1) through (9)(b) No change.

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

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

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

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

a. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the violation which it may use to reconsider its determination of student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner’s authority established pursuant to Section 220.187(10), F.S., and this rule.

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

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

(e) No change.

Rulemaking Specific Authority 220.187(9)(i), 220.187(12)(c) FS. Law Implemented 220.187 FS. History–New 2-5-07, Amended 11-26-08, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-103.005 Informal Grievance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency with changes to Form DC6-236, Inmate Request. Form DC6-236 was amended to include a box that can be checked to indicate its use as an

Informal Grievance; as a result, the proposed rule is amended to remove language specifically requiring an inmate to write this information on the form.

SUBJECT AREA TO BE ADDRESSED: Informal Grievances.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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:

33-103.005 Informal Grievance.

(1) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) ~~On top of the page, or on the same line reading as the word "Request", or on the first line of the request section the inmate shall check the box to indicate that Form DC6-236 is being used as an print the words "Informal Grievance".~~ Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236. The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(3) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-208.003

Range of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to explicitly include unauthorized use of Department weapons as a ground for disciplinary action.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Actions.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving, suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Public Employees Relations Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel Officer.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET

ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand	Written Reprimand or up to 10 day Suspension	Up to 30 days Suspension or dismissal	Dismissal
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(7) Absence Without Authorized Leave	Same	Same	Same	Same
(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(13) Negligence	Same	Same		
(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this state to recognize alcoholism as a disease. The Career Service

Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.

(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment, or Property, or Weapons	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same
(36) Failure to report for duty when instructed to do so in time of emergency or potential emergency	Same	Same

Rulemaking Specific Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History—New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, 11-13-07, _____.

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: clarify the scope of the rule; specify the type of information that should be stated on camera after a spontaneous use of force; specify the circumstances under which electronic immobilization devices may or may not be used; clarify the circumstances under which chemical agents

may be used; outline the procedures that should be followed after the use of chemical agents; and add storage, issuance, and safety provisions.

SUBJECT AREA TO BE ADDRESSED: Use of Force.

RULEMAKING 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) Except as otherwise provided by law or Department rules, employees are prohibited from using force on anyone other than an inmate, or in any manner not expressly authorized herein.

~~(2)~~ Non-deadly Force. This subsection applies only to non-deadly levels of force; use of deadly force is addressed in subsections (2) and (3). In accordance with Section 944.35, F.S., employees are authorized to apply physical force only when and to the degree that it reasonably appears necessary in order to:

(a) ~~To~~ Defend himself or another against an inmate using unlawful force;

(b) ~~To~~ Prevent the escape from a state correctional institution or facility of an inmate or aid in the recapture of an escaped inmate;

(c) ~~To~~ Prevent the escape of an inmate during transporting or while outside a correctional institution or facility;

(d) ~~To~~ Prevent damage to property;

(e) ~~To~~ Quell a disturbance;

(f) ~~To~~ Overcome an inmate's physical resistance to a lawful command;

(g) ~~To~~ Prevent an inmate from inflicting further injury to himself (suicide attempt); or

(h) ~~To~~ Restrain the inmate when ordered to allow medical treatment in accordance with the provisions of subsection (12) of this rule.

~~(3)~~ (2) Use of Deadly Force – For the purposes of this rule, deadly force refers to force that is likely to cause death or great bodily harm. A correctional officer is authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to himself or another.

~~(4)~~ (3) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. In institutions that have a double fence, where time permits, a verbal warning to halt shall be given before the inmate touches the inner fence. Time permitting, a warning shot shall then be fired before the inmate begins to pass over,

through or under the inner fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the inner fence.

2. In institutions that have a single fence, and time permitting, a verbal warning will be given to halt and a warning shot will be fired before the inmate reaches the perimeter fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the fence.

3. Warning shots are only authorized as provided in subparagraphs (3)(a)1. and 2. above. In all other instances where deadly force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. Correctional officers are considered to be in active pursuit of an inmate who has escaped from an institution or supervised work squad so long as the escape commander determines that the escape recovery efforts are active. When the inmate has refused a verbal order to stop, the correctional officer is authorized to use deadly force to stop the inmate, once the officer has clearly identified the individual as the escaped inmate and is sure of the target and what lies beyond.

2. Once the escape commander determines that immediate recapture efforts are over, recapture becomes a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

3. When an inmate fails to return from a furlough or non-supervised outside assignment or escapes from a department work release center or a contract work release center, recapture is a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. Deadly force is only authorized in accordance with paragraph (1)(c), when the officers are in immediate active pursuit of the escapee. The escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and deadly force is only authorized for self defense or to defend others against deadly use of force.

~~(5)~~ (4) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in

response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. Utilization of the custodial touch, with the hand firmly grasped around the inmate's tricep or elbow, during internal transport of restrained inmates shall not be considered a use of force when the transport hold is for the safety of the inmate and resistance is not met.

(a) All authorized use of force incidents will be video recorded.

(b)1. The administration of chemical agents on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell will also be video recorded. The video recording will include: a specific introductory statement, including the date and time, the names and ranks of the supervisor present and the camera operator, and the name and DC number of the inmate; the attempts to resolve the situation without the use of chemical agents; the final order by the supervisor; an advisement to the inmate that chemical agents will be administered if he or she continues the disruptive behavior; an additional advisement to the inmate that this warning will not be repeated prior to the application of chemical agents should he or she become disruptive again after the supervisor, camera and camera operator have left the area; and any response made by the inmate. The video recording will also include the actual application of chemical agents, the offer of a decontaminating shower and medical examination, and the inmate's return to a secure, decontaminated cell. Should the inmate refuse the shower for decontamination purposes or refuse the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded.

2. If, during the same shift, the inmate should cease the conduct creating the disturbance while the supervisor, camera and camera operator are present, but resume such conduct after the supervisor, camera and camera operator have left the area, videotaping of the actual application of the chemical agents is not required. The department will defer to the judgment of the supervisor as to whether the reintroduction of the camera and operator at the scene of the disruptive conduct to videotape the actual application of the chemical agents will be counterproductive to his or her efforts to regain control of the situation. If the determination is made to return the camera and operator to the scene, the warning that chemical agents will be administered if he or she continues the disruptive behavior and application of the chemical agents will be recorded. If the determination is made not to videotape the actual application of the chemical agents, the original video recording will resume following the final exposure to chemical agents, include a statement referring to the originating incident, and

continue from this point until the decontaminating shower and medical examination are offered and the inmate is returned to secure, decontaminated housing.

3. If a different supervisor takes command of the incident due to shift change or other circumstances in which there is a staff change, a new video recording will be initiated and the requirements in subparagraph 1. and 2. above will be repeated.

(c) All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. At the conclusion of the recording of such incidents, the shift supervisor or designee shall provide an on-camera statement including as much of the following information as is available at the time:

1. Date and time;
2. His or her name and rank;
3. The name and rank of the camera operator;
4. The inmate's name and DC number;
5. A brief summary of the events leading up to the use of force;
6. The names and ranks of all involved staff members.

(d) Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

~~(6)(5)~~ There shall be no corporal punishment of any kind. Handcuffs, leg irons and other such devices shall be used only for restraint, and not for punishment.

~~(7)(6)~~ The provisions of this rule shall be incorporated into the Department of Corrections' use of force training curriculum.

~~(8)(7)~~ The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign Form DC6-232, Authorization for Use of Force Report, either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection (22) of this rule.

~~(9)(8)~~ Whenever force is used the employee initially using force shall complete Form DC6-230, Institutions Report of Force Used, the completed form shall include a detailed written report of force used. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare Form DC6-231, Institutions Report of Force Used Staff Supplement. The report shall describe in detail the type and amount of force used by him or her. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection (22) of this rule.

~~(10)(9)~~ The Authorization for Use of Force Report and the Institutions Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return on the next calendar day. Barring such an emergency, all reports must be typed and submitted to the warden or acting warden within 1 working day (Monday through Friday) following the incident.

~~(11)(10)~~ The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Form DC1-813, Use of Force File Checklist. Form DC1-813 is incorporated by reference in subsection (22) of this rule. All inmate statements (subject and witnesses) shall be made in writing using Form DC6-112C, Witness Statement. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete, Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in subsection (22) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review Form DC1-813, Use of Force File Checklist, and shall forward the videotape(s) and

associated reports on the use of force and the warden's review to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The Use of Force Unit within the OIG, following its review, will either approve the use of force action or disapprove it. If the Use of Force Unit finds that the use of force was appropriate, the OIG's written determination of the appropriateness of the force used and the reasons therefor, shall be forwarded to the circuit administrator or warden upon completion of the review. If the Use of Force Unit finds that the use of force was inappropriate, the OIG shall conduct a complete investigation into the incident and forward the findings of fact to the appropriate regional director. The OIG shall also advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall prepare Form DC6-296, Disapproved Use of Force/Disposition Report, and forward the materials to the service center employee relations supervisor. Form DC6-296 is incorporated by reference in subsection (22) of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. Form DC2-802, Use of Force Log, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his designee shall be responsible for submitting accurate information to the personnel office in order to maintain Form DC2-802. Any use of force reports completed prior to April 15, 1998 shall remain in the file. Form DC2-802 is incorporated by reference in subsection (22) of this rule.

~~(12)(11)~~ Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign Form DC6-210, Incident Report, pursuant to Section 944.35(3)(d), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located.

~~(13)(12)~~ Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare Form

DC6-232, Authorization for Use of Force Report, documenting the reasons that force or restraint was authorized. The physician's or clinical associate's report shall be attached to Form DC6-230, Institutions Report of Force Used, when actual force is used, or Form DC6-210, Incident Report, when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign Form DC4-711A, Refusal of Health Care Services, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (22) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of Form DC6-230, Institutions Report of Force Used, or Form DC6-231, Institutions Report of Force Used Staff Supplement, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and Form DC6-210, Incident Report, will be completed. The videotape, the completed Incident Report, and the completed Form DC6-232, Authorization for Use of Force Report, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (10) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (8) above will be followed.

~~(14)(13)~~ The use of electronic immobilization devices (EIDs), batons, chemical agents, or specialty impact munitions within institutions shall be authorized only by the warden, or duty warden if the warden is not available. Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents, specialty impact munitions, or authorized ~~EIDs electronic immobilization devices~~ shall be based on which level of force

is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents, specialty impact munitions, or ~~EIDs electronic immobilization devices~~.

~~(15)(14)~~ Batons, chemical agents, ~~EIDs electronic immobilization devices~~, and specialty impact munitions shall not be used on inmates who are assigned to inpatient mental health care in an infirmary, transitional care unit, crisis stabilization unit, corrections mental health institution, or other mental health treatment facility, except when it appears reasonably necessary to:

- (a) Prevent an inmate or inmates from taking control of the health unit, or to subdue a take-over of the health unit.
- (b) Prevent an inmate or inmates from taking a hostage or to help free a hostage.
- (c) Prevent an inmate or inmates from escaping.
- (d) Stop an assault on staff or other inmates when other means of intervention are likely to be ineffective or pose a risk of injury to the intervening staff.

~~(16)(15)~~ Use of ~~EIDs electronic immobilization devices~~. EIDs shall not be used on anyone other than an inmate during an authorized use of force.

(a) ~~EIDs Electronic immobilization devices~~ authorized by the department include:

1. ~~Handheld EIDs Ultron II or Nova Sprit handheld~~, which shall be the intermediate level of force alternative, issued primarily for the purpose of transportation and supervision of inmates outside the institution;
2. ~~Electronic Ultron electronic shields~~, which shall be primarily used by force cell extraction teams; and
3. Electronic restraint belts, which are is authorized ~~for use~~ for inmate court appearances and other transports of high profile or high-risk inmates.

(b) ~~EIDs Electronic immobilization devices~~ shall only be used by officers who have successfully completed the Department of Corrections' authorized training for these devices.

(c) EIDs shall be used only in the following circumstances:

1. After all reasonable efforts and lesser levels of force, especially verbalization, have been exhausted;
2. To prevent any unauthorized individual from taking possession of an officer's firearm;
3. To prevent an inmate from physically harming himself or others;
4. To prevent an inmate from escaping;
5. To prevent an inmate from taking a hostage or to help free a hostage;
6. In cell extractions, when it is determined that less injury will result than if other force alternatives are utilized; and

7. To gain control of an inmate so that the appropriate restraint devices can be applied.

~~(d)(e)~~ EIDs ~~Electronic immobilization devices~~ shall be used in accordance with the manufacturer's specifications and limitations, and will not be:

1. Used to punish any inmate;
2. Employed into any large metal object;
3. Used in the presence of combustible materials;
4. Used if the officer's hand, the unit, or the inmate is wet;
5. Used on a female inmate who is known to be pregnant;
6. Applied to the head, genitals, female breasts (handheld unit), open wounds or stitches;
7. Used on people with known neuromuscular diseases;
8. Used on an inmate who is less than 80 pounds in weight (electronic shield);
9. Used against an inmate brandishing a handgun, firearm, or knife, except in life-threatening situations;
10. Used to threaten or gain information from an inmate;
11. Used on an inmate unless physical resistance has to be overcome;
12. Used to wake up a suspected intoxicated individual; or
13. Used as a prod.

~~(e)(4)~~ If possible, the shift supervisor shall counsel with the inmate, issue the final order, and be present when EIDs ~~electronic immobilization devices~~ are used at the institution or facility.

~~(f)(e)~~ When in a close management or confinement setting, prior to utilizing EIDs ~~electronic immobilization devices~~, the officer shall review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine whether the inmate has a medical condition which may be exacerbated by use of EIDs ~~electronic immobilization devices~~. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an EID ~~electronic immobilization device~~ dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection (22) of this rule.

~~(g)(4)~~ Handheld EIDs ~~electronic immobilization devices~~ shall be issued to the unarmed officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The chief of security, or in his absence, the shift supervisor, shall determine the number of officers who will be issued firearms and EIDs ~~electronic immobilization devices~~ during such trips.

~~(h)(e)~~ As soon as possible following each use of an EID, ~~electronic immobilization device~~ the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form

DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection (22) of this rule. Mental health staff shall evaluate the inmate not later than the next working day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. S-2 is the mental health classification denoting mild impairment in the ability to meet the ordinary demands of living within general inmate housing (which includes segregation), which impairment is associated with an Axis I disorder (excluding substance use disorders) or symptoms thereof, schizotypal personality disorder, borderline personality disorder, or mental retardation. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing, with provision of mental health services.

2. S-3 is the mental health classification denoting moderate impairment in the ability to meet the ordinary demands of living within general inmate housing, due to the presence of an Axis I disorder (excluding substance abuse disorders), borderline personality disorder, or schizotypal personality disorder. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing with provision of mental health services. Clinical management of the disorder may require at least periodic administration of psychotropic medication, of which the inmate may exercise his or her right to refuse.

~~(i)(4)~~ In any case where EIDs ~~electronic immobilization devices~~ are used, Form DC6-230, Institutions Report of Force Used, shall be prepared and shall include:

1. What precipitated the use of the device; and
2. To what extent it was used and what results were derived from its use.

~~(j)(4)~~ EIDs ~~Electronic immobilization devices~~ shall be stored and maintained in either the main arsenal or the control room mini-arsenal. The warden may authorize, in writing, the storage of one handheld unit and one shield in the confinement unit or close management unit. These devices shall be kept secured in a locked cabinet when not in use. The arsenal sergeant will be responsible for the proper documentation of the maintenance, storage, and issue of EIDs.

~~(k)(j)~~ All EIDs ~~electronic immobilization devices~~ shall be accounted for in the same manner as firearms.

~~(l)(4)~~ There shall be no attempt to alter, tamper with, or repair any EID ~~electronic immobilization device~~. If a unit malfunctions or needs repair, it shall be sent to an authorized repair station. If a unit requires attention, it shall not be issued until repaired. If a unit ~~any electronic immobilization device~~ is dropped or knocked out of the hand, it shall be immediately tested to determine if it is damaged or is operating properly. Repair will be conducted by authorized repair sources only.

~~(m)(4) EIDs Electronic immobilization devices~~ shall not be utilized after the application of any chemical agents.

~~(17)(16) Use of Chemical Agents. Chemical agents shall not be used on anyone other than an inmate during an authorized use of force.~~

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use, unless circumstances exist as outlined in subparagraph 2. below.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. OC shall not be used in conjunction with any EID electronic immobilization device.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. When documentation is available, e.g., Form DC6-230, Institutions Report of Force Used, to substantiate that the use of OC has in the past proven ineffective in controlling a specific inmate, the warden or duty warden has the option to authorize the use of CS as the initial/primary chemical agent.

c. CS is additionally authorized as the initial/primary chemical agent during in-cell applications in which the inmate has covered his person or fabricated a barrier in an effort to prevent direct contact with the chemical agent.

d. When CS is used as the initial/primary chemical agent the justification shall be listed in Section I of Form DC6-230, Institutions Report of Force Used.

e. CS shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

f. CS shall not be used in conjunction with any EID electronic immobilization device.

3. CN – Chloroacetophene – An lacrimator agent that causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

a. CN projectiles, grenades and thermal foggers shall only be used for institutional disturbances and crowd control.

b. CN shall be authorized for use as set forth in sub-subparagraph a. above only until the expiration date of current stores, at which time CN is no longer authorized for use.

c. CN shall not be used in conjunction with any EID electronic immobilization device.

(b) Chemical agents, OC, CN or CS, shall be used only after all other reasonable efforts to control a disorderly inmate or group of inmates have been exhausted. All chemical agents shall be used with caution.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden or, in his or her absence, the duty warden. Additionally, in accordance with paragraph (k) below, certified correctional staff will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) Except in cases of emergency, as determined by the warden or duty warden, chemical agents shall be employed only by persons trained in their use.

(e) Chemical agents shall never be used to punish an inmate.

(f) No inmate shall be removed from his assigned cell and placed into another cell for the purpose of administering chemical agents.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of Form DC6-230, Institutions Report of Force Used.

(h) No inmate shall be stripped of his clothing or comfort items for the explicit purpose of administering chemical agents.

(i) Chemical agents shall only be used when a use of force is necessary and when this level of force is the least likely to cause injuries to staff or inmates.

(j) All chemical agents shall be used with caution and in accordance with the manufacturer's instructions. The Material Safety Data Sheet (MSDS) for chemical agents shall be kept where chemical agents are located.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. Form DC6-216, Chemical Agent Accountability Log, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief

of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing Form DC6-216. Form DC6-216 is incorporated by reference in subsection (22) of this rule.

(1) Issuance of chemical agents.

1. Certified officers assigned to major institutions and work camps are designated by the Secretary of the Department as required to carry chemical agents and shall be issued one three or four ounce dispenser of OC pepper spray after being properly trained in chemical agent utilization. These officers are authorized to administer chemical agents in spontaneous circumstances without additional authorization for intervention in self-defense, i.e., when the officer believes that he is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers, or inmates. Certified security officers assigned to armed perimeter posts may be exempted from this requirement by the warden.

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, 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. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each chemical agent dispenser will be secured within a pouch or to a holstering device by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Form DC6-213 is incorporated by reference into subsection (22) of this rule. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and Form DC6-210, Incident Report, will be written. The arsenal sergeant shall maintain a master inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on Form DC6-216, Chemical Agent Accountability Log, and attach a new seal. Any discrepancies

in the weight of the dispenser will be reported to the chief of security, and Form DC6-210, Incident Report, shall be completed.

(m) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in Section I of Form DC6-230, Institutions Report of Force Used.

(n) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, or unruly to the point he is creating a disturbance impacting the housing unit, other inmates, or the officer's ability to provide unit security, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the confinement or close management lieutenant or shift supervisor or person of higher rank shall be contacted for further instructions

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine if the inmate has a medical condition that would be exacerbated by the use of chemical agents; as with the use of EIDS, if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. Contact the warden or, in his or her absence, the duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be counseled with by the shift supervisor concerning his behavior.

a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by the shift supervisor to cease his actions. The inmate will also be informed at this time that chemical agents will be administered if he continues his disruptive behavior.

b. If the inmate continues his disruptive behavior, approximately three minutes after the order is given, staff are authorized to administer chemical agents in the form of no more than three one-second bursts. Staff are authorized to immediately utilize chemical agents if physical injury to staff or other inmates appears imminent.

c. If after approximately five minutes from the initial exposure the inmate still continues his disruptive behavior, staff are authorized to again administer chemical agents for no more than three one-second bursts.

d. If the second administration of chemical agents fails to control the inmate's disruptive behavior, the duty warden shall again be consulted to determine the next course of action. Additional actions include:

I. Additional administration of the same type or other type of chemical agent; and

II. Other uses of force as authorized by this rule.

e. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the confinement or close management lieutenant or the shift supervisor is unavailable, he shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

(o) Medical Requirements.

1. Following the administration of chemical agents, the inmate will be monitored for any signs of respiratory distress; i.e., labored breathing, excessive or persistent coughing, or other signs of distress. The inmate will be questioned about any past history of respiratory problems such as asthma, bronchitis, emphysema, or shortness of breath. If the inmate displays or reports any of these symptoms or conditions, the inmate requires immediate attention by medical staff who have reviewed the inmate's medical record for any history of such respiratory problems.

2. In the event chemical agents are utilized on an inmate who is out of control to the degree where four (4)-point restraints are required for safety purposes, he will be constantly monitored by health services staff for signs of distress and, if distress occurs, treated to alleviate the distress. Approval from the warden or the duty warden is to be obtained prior to placing an inmate in four (4)-point restraints. Approval must also be subsequently obtained from the designated health authority.

3. Following the use of chemical agents, except as noted above, staff will avoid placing the inmate in a lying-down position, either face down or face up.

a. The inmate will be maintained in a sitting or standing position for at least forty-five (45) to sixty (60) minutes after the use of chemical agents.

b. Constant observation for the possibility of respiratory distress is required and any indication of distress will prompt immediate assessment by medical staff.

c. If symptoms of the spray persist after sixty (60) minutes, the inmate will be brought for immediate medical attention.

4. The inmate will not be held or mechanically restrained in any way that would obstruct movement of the inmate's chest or abdomen. If the inmate has been subjected to chemical agents and then personally restrained to allow security to place mechanical restraining devices on the inmate (such as handcuffs), the inmate will be moved to a sitting or standing position immediately after s/he is secured.

5. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(p) Any part of the body exposed to chemical agents, especially eyes, shall be flushed with water as soon as possible after exposure for at least five to ten minutes or until the affected inmate experiences relief. The affected area shall not be rubbed with a cloth or towel, and no oils, creams, or topical medications shall be applied unless medical staff so directs.

(q) Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal shall result in a disciplinary report and be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor; or

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement or close management. Form DC6-229 is incorporated by reference in Rule 33-602.220, F.A.C.

2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal and medical staff shall immediately report to the area to conduct a cell-front examination and to explain the importance of showering after exposure to chemical agents, except in case of emergency which shall be documented.

3. The shift supervisor shall again order the inmate to shower. If the inmate refuses again, this refusal shall also be documented in writing and witnessed by the shift supervisor and medical staff.

4. If medical staff determine that there is no immediate medical need for the inmate to shower, then for the next 2 hours the inmate shall be checked every 30 minutes and given the opportunity to shower. These checks shall be documented on Form DC6-229, Daily Record of Segregation.

5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection 33-602.210(12), F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.

(r) Upon request, appropriate health services staff shall provide the following completed forms to Department inspectors or legal staff: Form DC4-701C, Use of Force Exam; Form DC4-708, Diagram of Injury; and Form DC4-701, Chronological Record of Health Care.

~~(18)~~(17) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects and shall not be used on anyone other than an inmate during an authorized use of force.

(a) Definitions:

1. Specialty Impact Munitions – Munitions designed to incapacitate, distract, and control a subject with less likelihood of life-threatening injury.

2. Rubber Ball Rounds – Multiple pellets fired from cartridges at the lower extremities of rioters, designed to inflict pain compliance.

3. Wooden Baton Rounds – Multiple wooden baton rounds fired from a 37-mm weapon, designed to be skip fired into the lower extremities of rioters to inflict pain compliance.

4. Skip Firing – The practice of firing specialty impact munitions 5-7 feet in front of rioters, thereby deflecting the munitions into the legs of the rioters.

5. Direct Firing – The practice of firing specialty munitions directly into a group of rioters, from a distance of greater than 20 feet with a target area of the waist or below.

(b) The following specialty impact munitions have been approved for use by the department:

1. 37-mm rubber ball pellet rounds,
2. 12 gauge rubber ball pellet rounds,
3. 37-mm wooden baton rounds.
4. 40-mm direct impact – OC marking rounds.

(c) Selection and deployment of specialty impact munitions during a riot or disturbance shall be authorized by the ultimate commander and supervised by the rapid response or correctional emergency response team leader. For the purposes of this rule, the ultimate commander is the secretary or his designee at the central office level, the regional director or his designee at the regional level, or the warden or his designee at the institution level.

(d) Specialty impact munitions shall only be used after all other reasonable alternatives to regain control have been exhausted. They are generally intended to be used as an interim force response between the use of chemical agents and lethal force.

(e) Specialty impact munitions shall not be deployed in the direction of any individual at a distance of less than 10 feet, unless the threat justifies the escalation to deadly force.

(f) Storage of Specialty Impact Munitions.

1. Specialty impact munitions shall be stored and maintained in the main arsenal.

2. Specialty impact munitions shall not be mixed with lethal munitions. Weapons designated to deploy specialty impact munitions shall be marked in a manner to alert staff of their intended use.

3. All specialty impact munitions will be accounted for in the same manner as firearms and ammunition.

(g) After each use of specialty impact munitions, exposed inmates shall be examined by medical personnel.

(h) In any case where specialty impact munitions are deployed Form DC6-230, Institutions Report of Force Used, shall be filed in accordance with use of force procedures set forth in this rule.

~~(19)~~(18) Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) No employee shall, in conjunction with his job responsibilities, carry a firearm or weapon on or about his person, either concealed or unconcealed, unless it is state equipment which has been properly issued and the employee is acting within the scope of official duties with the Department of Corrections.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, duty warden, chief of security or shift supervisor by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally

discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. Escape or apprehension of an identified escapee;
2. Use of vehicle to gain unauthorized entry into or exit from a correctional institution in order to facilitate an escape;
3. To prevent injury to a person including self-defense; or
4. To quell a riot.

(c) The use of twelve gauge #6 steel turkeyshot is approved for use by the rapid response teams during riots and disturbances. It is intended to be fired from a distance in the direction of the rioters' lower extremities to inflict pain compliance to directions and orders. It is acknowledged that the #6 steel shot has the potential of inflicting a lethal injury; however, its use is considered a less lethal interim munition to be used prior to more lethal loads authorized by the department.

(d) Weapons to be used shall be designated by the person in charge.

(e) Firearms shall not be discharged:

1. In any case where there is reason to believe that the life of an innocent bystander will be endangered by discharge of the firearm;
2. From any moving vehicle unless such action is reasonably believed necessary to protect oneself or another from imminent death or great bodily harm;
3. As a warning except during escapes, unless exceptional circumstances exist which would justify the firing of a warning shot;
4. Until the employee is sure that an escape is occurring or has occurred and he is reasonably certain that the person to be fired upon is an escapee;
5. Until the employee is sure of the target and what lies beyond;
6. If an inmate is escaping and the officer is recapturing the inmate in a congested area;
7. Except after all reasonable non-lethal alternatives have been exhausted; or
8. On the mere suspicion that a crime, no matter how serious, has been committed.

(f) Any correctional employee who willfully or wantonly fires or otherwise discharges his weapon carelessly or at random may be prosecuted in accordance with Florida law.

(g) Because helicopters or other aircraft may be used during an escape or assault, the following policy shall apply:

1. When it can be done safely, actions other than firing of weapons, such as waving of arms in such a manner as to indicate disapproval to enter an area, shall be made in an attempt to cause the aircraft to leave.
2. If these attempts fail, the aircraft shall be allowed to land.

3. All inmates shall be kept away from the aircraft.

4. Secure the aircraft using armed security staff, or prevent it from being flown away by securing the flight equipment with locks and chains without causing damage to the aircraft.

5. If the landing was brought about due to an emergency, i.e., engine failure or other reason, maintain security of the aircraft and all occupants until their removal from the site.

6. Once the aircraft lands, efforts shall be directed to stop any inmate from boarding the aircraft in an attempt to escape. Staff are authorized to shoot any inmate attempting to escape in accordance with existing policy. When circumstances permit, a verbal warning to halt and a warning shot shall be fired prior to the inmate reaching the aircraft.

7. If weapons are fired from an aircraft, department personnel are authorized to return fire and use deadly force to protect the life and well being of inmates, staff and other individuals who may be on the compound.

8. If attempts to prevent inmates from boarding the aircraft fail and the aircraft leaves, the aircraft is not to be fired upon, unless the officer is returning fire as described in subparagraph 7. above. Immediate notification should be made to law enforcement personnel and the Federal Aviation Administration giving departing flight directions and any other information necessary to identify the aircraft. Additional information on the escaped inmates, possible damage to the aircraft, and weapons used by persons in the aircraft should also be reported.

9. All inmates shall receive orientation in regard to this policy. This orientation shall contain instructions indicating that should any helicopter or aircraft either attempt to land on or near the property of any Department of Corrections facility, inmates are required to move away from the aircraft. Movement toward the aircraft by an inmate shall be viewed as an escape attempt and shall subject the inmate to the use of deadly force to prevent him from escaping.

10. This policy shall be made a part of the department's orientation program at all reception centers.

(h) Use of vehicle to gain unauthorized entry into or exit from a correctional institution:

1. The institution or facility shall take steps to prevent vehicles from being used to gain unauthorized forced entry into or forced exit from its perimeter area.

2. If it becomes necessary, the following procedure should be followed:

a. Time permitting, a verbal order to halt shall be issued followed by a warning shot if the vehicle fails to stop.

b. If the vehicle continues and it is evident that it is going to ram the perimeter area and will thereby endanger lives of staff or inmates, and if there is a clear line of fire, firearms shall be used to disable the vehicle. If weapons are fired from a vehicle, staff are authorized to return fire and use deadly force to protect the lives of staff, inmates, or other individuals.

c. When possible and time permitting, any shot fired at a vehicle, shall be aimed at a tire or engine with the intent of disabling the vehicle.

(i) The employee discharging a weapon shall file a complete written report of the incident. If any correctional employee has fired a weapon during the performance of his duty, every effort shall be made to collect the empty cartridges which shall be tagged, dated, and signed for, so that accurate information and evidence are maintained for future investigation of the incident.

~~(20)(19)~~ Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management, maximum management, and death row populations. The PLS is intended for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects

(a) The secretary shall designate those institutions authorized to utilize the PLS.

(b) In controlled situations when time constraints are not an issue, the PLS can only be used if authorized by the warden or duty warden. Additionally, certified correctional staff will be designated by the warden to utilize the PLS and will be pre-authorized to administer chemical agents in instances where chemical agents must be used immediately to quell assaults and fights among inmates assigned as outlined in paragraphs (c) and (d) below.

(c) PLS is authorized for use to quell assaults and fights among inmates assigned to restricted labor squads. Authorized activation of the PLS by staff assigned to restricted labor squads does not constitute deadly force.

(d) PLS is authorized for use in designated confinement, close management and death row recreation areas to quell assaults and fights among inmates.

(e) PLS is classified as less-than-lethal at all distances, but, unless the incident necessitates otherwise, it shall be primarily utilized at a distance of five (5) feet or greater to prevent the inmate from attempting to take control of the launcher.

(f) Written authorization from the warden or acting warden shall be received prior to utilization of the PLS for situations other than those described in paragraphs (c) and (d) above. This written authorization shall detail the reasons it was necessary to utilize the PLS in addition to or in place of aerosol type chemical agents.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection (16) above shall be completed after the use of the PLS.

(h) Each assigned PLS system shall be numbered, maintained, and inventoried by the shift supervisor or designee on Form DC6-216, Chemical Agent Accountability Log.

~~(21)(20)~~ Medical Attention Following Use of Force. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible following resolution of the riot or disaster. Any treatment or follow-up action shall be documented in Section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report which shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 working day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record.

(22) No weapon shall be issued for any purpose other than the authorized use of force, or to a certified training officer for the purpose of approved training, without prior written authorization from the warden.

(23) Any officer who accidentally discharges a weapon shall complete Form DC6-210, Incident Report, by the end of his or her assigned shift.

~~(24)(24)~~ Any violations of the provisions of this section shall be subject to the penalties prescribed in Section 944.35, F.S.

~~(25)(22)~~ The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC1-813, Use of Force File Checklist, effective September 18, 2006.

(b) DC2-802, Use of Force Log, effective February 7, 2000.

(c) DC4-529, Staff Request/Referral, effective January 6, 2009.

(d) DC4-701C, Emergency Room Record, effective October 4, 2007.

(e) DC4-708, Diagram of Injury, effective October 4, 2007.

(f) DC4-711A, Refusal of Health Care Services, effective January 6, 2009.

(g) DC6-210, Incident Report, effective March 3, 2008.

(h) DC6-213, Individual Chemical Agent Dispenser Accountability Log, effective September 18, 2006.

(i) DC6-216, Chemical Agent Accountability Log, effective July 25, 2002.

(j) DC6-230, Institutions Report of Force Used, effective August 25, 2003.

(k) DC6-231, Institutions Report of Force Used Staff Supplement, effective August 25, 2003.

(l) DC6-232, Authorization for Use of Force Report, effective July 25, 2002.

(m) DC6-296, Disapproved Use of Force/Disposition Report, effective July 25, 2002.

(n) DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, effective August 4, 2008.

Rulemaking 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, 5-26-09, _____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.3020
 RULE TITLE: Content of Works of the District Development Permit Applications

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, based on staff review of the current Application for General Works of the District Development Permit. The effect of the proposed rule amendments will be to include additional content on the application form for the applicants to verify that the applicant understands certain requirements for projects within works of the District.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will include additional content on the Application for General Works of the District Development Permit, and will thereby ensure better comprehension of the subject rules.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.084, 363.085, 373.086 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, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-3.037
 RULE TITLE: Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised Appendix dated July 2009 to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District. The revised Appendix adds the Alaric Area Groundwater Plume, Helena Chemical Company and Stauffer Chemical Company Combined Superfund Sites, located in Hillsborough County, to the list of Superfund Sites to be addressed by the Agreement.

SUBJECT AREA TO BE ADDRESSED: Agreements Incorporated by Reference.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.308, 373.309, 373.324, 373.333 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: Martha A. Moore, Esq., Southwest Florida Water Management District, 2379 S. Broad St., Brooksville, FL 34606-6899, (352)796-7211, ext. 4660

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

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: 55A-3.006
 RULE TITLE: Continuing Certification

PURPOSE AND EFFECT: The proposed amendment will require Veteran Service Officers attending a training refresher course to pass an exam demonstrating mastery of the covered material.

SUBJECT AREA TO BE ADDRESSED: The current rule makes the exam optional at the descretion of FDVA.

RULEMAKING AUTHORITY: 292.05(3) FS.
 LAW IMPLEMENTED: 292.11 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: Ron Lynn, (850)487-1533
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.:	RULE TITLE:
55A-3.007	Failure to Attend Training Refresher Course

PURPOSE AND EFFECT: The proposed amendment requires county or city Veteran Service Officers who fail to attend a required refresher training course to demonstrate proficiency in the course material as a condition of continued certification.
 SUBJECT AREA TO BE ADDRESSED: The current rule gives the Department the discretion to require a demonstration of proficiency.
 RULEMAKING AUTHORITY: 292.05(3) FS.
 LAW IMPLEMENTED: 292.11 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: Ron Lynn, (850)487-1533
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.:	RULE TITLE:
55A-5.008	Supervisory Inspection Review

PURPOSE AND EFFECT: The proposed amendment requires FDVA's Bureau of State Approving Agency to suspend for 60 days an educational institution from participation in GI Bill educational programs, for noncompliance with Federal standards. At the end of the 60 day period, if FDVA finds that the institution has conformed its programs to the standards then it shall lift the suspension.

SUBJECT AREA TO BE ADDRESSED: The current rule gives FDVA the discretion to impose the penalty of suspension on an educational institution for noncompliance. The current rule also gives FDVA the discretion to lift the suspension after proof of compliance within 60 days.
 RULEMAKING AUTHORITY: 292.05(3) FS.
 LAW IMPLEMENTED: 295.124 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: Ron Lynn, (850)487-1533
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-7.021	Laboratory Licensure – Qualifications, Licensure, Operation and Application

PURPOSE AND EFFECT: The agency is proposing to amend the rule that incorporates the laboratory licensure application and identifies information needed in laboratory applications.
 SUBJECT AREA TO BE ADDRESSED: Revisions to laboratory applications that are incorporated by reference, requirements for accepting applications, requirements for notifications to the agency of laboratory changes, and the removal of language addressing licensure for Certificates of Exemption, as Certificates of Exemption licenses are no longer issued by the Agency, effective July 1, 2009, with revisions to Chapter 483, Part I, Florida Statutes.
 RULEMAKING AUTHORITY: 483.051 FS.
 LAW IMPLEMENTED: 483.051, 483.091, 483.101, 483.101(1), 483.111, 483.172, 483.181, 483.221, 483.23 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: September 8, 2009, 1:30 p.m. – 4:30 p.m.
 PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for ~~initial~~ licensure shall include the following information applicable to the laboratory operation:

(a) The application for an initial licensure, including changes of ownership and additions of speciality and subspeciality shall contain:

1.~~(a)~~ Name, mailing and street address of the laboratory.

2.~~(b)~~ Specialties and subspecialties performed.

3.~~(c)~~ A list of equipment.

4.~~(d)~~ The number of hours the director spends in the laboratory.

5.~~(e)~~ Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.

6.~~(f)~~ Name and source of proficiency testing programs.

7.~~(g)~~ Annual volume of tests anticipated to be performed.

8.~~(h)~~ Location and type of alternate-site testing in hospital facilities.

9.~~(i)~~ The name, address and ~~employee~~ employer or tax identification number of the laboratory owner.

10.~~(j)~~ ~~For a corporate applicant, the application must include~~ A a current certificate of status or authorization pursuant to Chapters Section ~~607-0128, 608, 617 or 620~~, F.S.

11.~~(k)~~ Such other information requested on AHCA Form 3170-2004B ~~3000-4~~, Initial Clinical Laboratory Licensure Application, or AHCA Form 3170-2004C, Change of Licensed Owner Application REV August 2009 ~~Nov 2002~~, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Chapter 408, Part II, Florida Statutes as applicable to the laboratory operation. AHCA Forms 3170-2004B and 3170-2004C ~~3000-4~~, ~~Initial Clinical Laboratory Licensure Application~~, REV August 2009 ~~Nov 2002~~, shall be obtained from the agency and is incorporated by reference herein and are available at: <http://ahca.myflorida.com/MCHO/Health Facility Regulation/Laboratory Licensure/applications.shtml>.

(b)~~(i)~~ Notwithstanding the requirements of paragraphs (a) through (k) above The application for renewal licensure shall contain the following information applicable to the laboratory operation:

1. Name, mailing and street address of the laboratory.

2. Specialties and subspecialties performed.

3. Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.

4. Annual volume of tests performed.

5. Location and type of alternate-site testing in hospital facilities.

6. The name and employer or tax identification number of the laboratory owner.

7. Such other information requested on AHCA Form 3170-2004A, ~~3170-2004~~, Clinical Laboratory License Renewal Application, REV August 2009 ~~Nov 2002~~, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S. and Chapter 408, Part II, Florida Statutes, as applicable to the laboratory operation. AHCA Form 3170-2004A, ~~3170-2004~~, Clinical Laboratory License Renewal Application, REV August 2009 ~~Nov 2002~~, shall be obtained from the agency and is incorporated by reference herein and are available at: <http://ahca.myflorida.com/MCHO/Health Facility Regulation/Laboratory Licensure/applications.shtml>.

(c)~~(m)~~ In addition to information required under paragraphs 59A-7.021(1)(a) and (b) through (i), F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C., must also submit:

1. Proof of current accreditation or licensure by the approved accreditation program; and

2. Proof of authorization for the approved accreditation program to submit to the agency such records or other information about the laboratory required for the agency to determine compliance with Chapter 59A-7, F.A.C. and Chapter 483, Part I, F.S.

(2) Payment for the correct amount of the licensure fee must accompany the application in order to be accepted. Applications submitted without payment will be returned to the applicant. If test volumes submitted in the application indicate the fee submitted is not the correct fee, the applicant will be notified by the Agency of any amount due. Applications where the correct fee is not timely submitted in response to the Agency's notification will be withdrawn from review as required under Section 408.806(3)(b), F.S. Laboratories seeking initial licensure that claim accreditation and therefore a reduced fee, must provide proof that the clinical laboratory is accredited. Laboratories seeking licensure renewal must provide the most recent survey inspection reports from the accrediting organization as proof of accreditation. Surveys must have been completed by the accrediting organization within the past two years to be acceptable in accordance with Rule 59A-7.033, F.A.C. Accreditation reports must be for the laboratory. Proof that the facility in which the laboratory is located is accredited will not be accepted as proof that the clinical laboratory is accredited.

(3) Separate licensure shall be required for all laboratories maintained on separate premises as defined under subsection 59A-7.020(27), F.A.C., including mobile laboratory units, even though operated under the same management. Separate licensure shall not be required for separate buildings on the same or adjoining grounds. ~~Laboratories maintained on~~

~~separate premises, operated under the same management and performing only waived tests shall be permitted to apply for a single certificate of exemption.~~

(4) Each license is valid only for the person or persons to whom it is issued and shall not be sold, assigned or transferred voluntarily or involuntarily. A license is not valid for any premises other than that for which it was originally issued. A laboratory must be re-licensed if a change of ownership, as defined in Section 408.803(5), F.S. occurs. Application for re-licensure must be made to the agency 60 days prior to the change of ownership and the effective date of the change must be included in the application. When a laboratory is leased by the owner to a second party for operation, said second party must apply to the agency for a new license. A copy of the lease agreement or signed statement showing which party is to be held responsible for the organization, operation and maintenance of the laboratory must be filed with the application.

(5) A license issued to any laboratory shall be revoked and reapplication denied by the agency in any case where the laboratory fails to sustain continued compliance with provisions of Chapter 483, Part I, F.S., or rules promulgated thereunder.

(6) A licensee shall notify the agency ~~by certified mail~~ of a change of name, operation, relocation or impending closure of the laboratory ~~a minimum of thirty (30) days~~ prior to such change or closure. A licensee shall notify the agency by ~~certified~~ mail on company letterhead of a change of director or supervisor immediately upon learning of such change.

(7) Each license shall be returned to the agency immediately upon change of ownership or classification, suspension, revocation, or voluntary cessation of operations.

(8) A license shall be valid for the period specified on the current license.

(a) ~~In no event shall a license be issued for more than a 24 month period.~~ In the event that specialties and subspecialties are added to an existing license, the expiration of the additional specialties/subspecialties shall be the expiration date of the current license.

(b) Continued operation of a clinical laboratory that has not submitted ~~an completed~~ application or the required application fee after the date of expiration of its license or after the date of sale in the event of a change of ownership shall be a criminal offense under Section 483.23, F.S., and shall result in administrative action up to and including an administrative fine charged to the laboratory in the amount of \$100.00 per day, each day constituting a separate violation as authorized under Section 483.221, F.S.

~~(9) Laboratories issued a licensure certificate of exemption must follow manufacturers' instructions for performing tests and maintain documentation of same. The manufacturers'~~

~~instructions and documentation of tests performed must be maintained by the laboratory and available for review by the agency.~~

~~(9)(40)~~ Laboratory services provided in a temporary testing location such as a patient's home or health fair, is covered under the license or federal Certificate of Waiver in the case of laboratories doing waived testing only. of the designated primary site or home base using its address provided such services are not offered on a permanent basis. Mobile laboratory units shall be considered separate entities and shall require licensure under Chapter 483, Part I, F.S., for each unit.

~~(11) A laboratory that is issued a licensure certificate and performs waived tests is subject to provisions of subsection 59A-7.021(9), F.A.C., for the waived tests.~~

~~(10)(42)~~ Laboratories are prohibited from performing testing for which they are not authorized. The performance of unauthorized testing shall result in administrative action ~~up to and including an administrative fine charged to the laboratory in the amount of 100.00 per day, each day constituting a separate violation~~ as authorized under Section 483.221, F.S., and Chapter 408, Part II, F.S.

~~(11)(43)~~ All licensed facilities must authorize the agency to submit information requested or required by the federal Centers for Medicare and Medicaid Services to the Agency Health Care Financing Administration for the purpose of determining compliance with the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.051, 483.091, 483.101, 483.101(1), 483.111, 483.172, 483.181, 483.221, 483.23 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-31.010	Design of Structures Utilizing Cold-Formed Steel Framing
61G15-31.011	Design of Aluminum Structures
61G15-31.012	Design of Temporary Support Structures

PURPOSE AND EFFECT: To add additional standards for the practice of structural engineering.

SUBJECT AREA TO BE ADDRESSED: Additional standards for the practice of structural engineering.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(g), (j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS 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 HEALTH

Board of Pharmacy

<p>RULE NO.: 64B16-26.403</p>	<p>RULE TITLE: Continuing Education Provider Application; Individual Request Application</p>
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PURPOSE AND EFFECT: The Board proposes the rule promulgation to create rule to address continuing education application process.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Provider Application; Individual Request Application.

RULEMAKING AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

<p>RULE NO.: 65G-11.001</p>	<p>RULE TITLE: DD Waiver Waitlist Prioritization</p>
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PURPOSE AND EFFECT: The purpose of the rule development is to solicit public input to be used in developing a rule for the process and procedures for prioritizing the wait list for enrollment on the Developmental Disabilities Home and Community Based Services Waiver. This rule is required to implement statutory language adopted during the 2009 Florida legislative session.

SUBJECT AREA TO BE ADDRESSED: DD/HCBS Waiver Waitlist Prioritization.

RULEMAKING AUTHORITY: 393.065(5) FS.

LAW IMPLEMENTED: 393.065(5) FS.

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

DATE AND TIME: September 3, 2009, 6:00 p.m. – 8:00 p.m., EST

PLACE: Santa Fe Community College, 3000 N.W. 83rd Street, Room R01, Gainesville, Florida 32606; ADA Contact: Donna Sparks, (352)395-5521

DATE AND TIME: September 8, 2009, 6:00 p.m. – 8:00 p.m., CST

PLACE: Hillcrest Baptist Church, 800 East Nine Mile Road, Northwest Hall, Pensacola, Florida 32514; ADA Contact: Area 1 Office, (850)595-8351

DATE AND TIME: September 14, 2009, 6:00 p.m. – 8:00 p.m., EST

PLACE: Marian Center, 15701 N.W. 37th Avenue, Auditorium/Multipurpose Building, Opa Locka, Florida 33054; ADA Contact: Area 11 Office, (305)349-1478

DATE AND TIME: September 21, 2009, 6:00 p.m. – 8:00 p.m., EST

PLACE: Gulf Coast Center, 5820 Buckingham Road, Gulf Coast Center Chapel, Ft. Myers, Florida 33905; ADA Contact: Area 8 Office, (239)338-1370

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Agency for Persons with Disabilities, Denise Arnold, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3673

A COPY OF THE DRAFT RULE LANGUAGE WILL BE AVAILABLE ON THE APD WEBSITE (apd.mylflorida.com) OR BY REQUESTING A COPY.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

<p>RULE NO.: 68-1.003</p>	<p>RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program</p>
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PURPOSE AND EFFECT: This rule development will delete the requirement in subsection 68-1.003(7), F.A.C., Derelict Vessel Removal Grant Program, to submit an FWC Derelict or Abandoned Vessel Removal form and allow local law enforcement entities to submit their agency form. Also, the Florida Boating Improvement Program referenced in subsection 68-1.003(9), F.A.C., are making changes to the Program Guidelines (January 2008) to include the requirement that applicants obtain permits prior to applying for a construction grant or they can request funding for the design, engineering, and permitting phases of project. An additional change is also being made to these Program Guidelines to add federal funding requirements to allow the Commission to use funds received from the U.S. Fish and Wildlife Service through the Sport Fish Restoration Act. Additionally, the Florida State Wildlife Grant Program referenced in subsection 68-1.003(11), F.A.C., will be updating their Program Guidelines (dated September 2008).

SUBJECT AREA TO BE ADDRESSED: Grant programs for the Florida Fish and Wildlife Conservation Commission Grants Program.

RULEMAKING AUTHORITY: 206.606, 327.04, 327.47, 379.106 FS.

LAW IMPLEMENTED: 206.606, 327.47, 328.72, 379.106 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: Derelict Vessel Removal Grant Program or Florida Boating Improvement Program: Tim Woody, FBIP Program Administrator, or Patricia Harrell, Boating Access Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399, telephone (850)410-0656, extension 17173 or 17122, or email fbip@myfwc.com. State Wildlife Grant Program: Laura Morse, State Wildlife Grants Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Room 3.08E, Tallahassee, Florida 32399, telephone (850)410-0656, extension 17285, or email laura.morse@myfwc.com

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

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.:

69W-600.0021

RULE TITLE:

Effect of Law Enforcement Records on Applications for Registration as Associated Persons

PURPOSE AND EFFECT: The proposed rule imposes disqualifying periods pursuant to which an applicant will be disqualified from eligibility for registration based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld. The rule implements the requirements of Section 517.1611(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation – Registration of Associated Persons.

RULEMAKING AUTHORITY: 517.1611(2) FS.

LAW IMPLEMENTED: 517.12, 517.161 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: Pam Epting, Chief, Bureau of Regulatory Review, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.0021 Effect of Law Enforcement Records on Applications for Registration as Associated Persons.

(1) General Procedure Regarding Law Enforcement Records. At the time of submitting an application for registration as an associated person pursuant to Rule 69W-600.002, F.A.C., the applicant shall supply the Office with the documentation, as specified in this rule, when specifically requested by the Office, relating to: 1) all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A" or "B" crime as described in this rule, 2) any pending criminal charges relating to a class "A" or "B" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. The documentation must be legible. The documentation shall include:

(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.

Evidence that documentation cannot be obtained shall consist of a certified or sworn 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.

(2) 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 on the Form U-4 is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(b) If the Office discovers the applicant's failure to disclose any part of a law enforcement record required to be disclosed on the Form U-4 after a registration has been granted, the Office will suspend or revoke each registration currently held by the applicant as follows:

1. Suspension for 12 months if, had the application been accurate, the application would have been granted, based on the statutes and rules applicable to the application at the time the Office granted registration.

2. Revocation if, had the application been accurate, the application would have been denied, based on the statutes and rules applicable to the application at the time the Office granted registration.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into two classes: A and B, as listed in subsections (14) and (15), 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) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) 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.

(4) Applicants with a Single Crime. The Office finds it necessary to implement the following standards for applicants whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before registration. All periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a registration until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted registration until 5 years have passed since the trigger date.

(5) Applicants With Multiple Crimes.

(a) The Office construes Section 517.161, F.S., to require that an applicant whose law enforcement record includes multiple class "A" or "B" crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for registration in order to assure that such applicant'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 registration can safely be granted. Accordingly, where the applicant 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 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 based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period for a Class "A" or "B" 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 of 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 registered as an associated person.

2. One year is deducted if restitution or settlement has been made for all crimes in which wherein 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 registration is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the registration decision.

(b) 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.

(7) 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 plea, e.g., 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 wherein 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) Subjective Factors. The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of registration 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 registration, 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 registration.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant registration to any 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 registration may be considered.

(10) 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, 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 an applicant will have a matter sealed or expunged after submitting his or her application, but before a registration decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant 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 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 517.161(1)(b), F.S.

(11) 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 prosequere; 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.

(12) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not register any applicant under Chapter 517, F.S., while the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not register any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or five (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 five (5) years on good behavior, before registration can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant registration to any person who at the time of application or at any time during the pendency of the application is under supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of the courts, paroling authorities, correctional agencies, or other criminal justice agencies for any felony crime or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude.

(13) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give an applicant a right to registration after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to registration remains on the applicant.

(14) Class "A" Crimes include felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. 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.

(15) Class "B" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(16) 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.

(17) Form U-4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History—New _____.

REQUESTS FOR A RULE DEVELOPMENT WORKSHOP SHOULD BE SUBMITTED BY: September 4, 2009.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

Office of Information Security

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 71A-1.001 Purpose; Definitions; Applicability; Exceptions, 71A-1.002 Agency Information Security Program, 71A-1.003 Agency Information Technology Management, 71A-1.004 Agency Contracts, Providers, and Partners, 71A-1.005 Confidential and Exempt Information, 71A-1.006 Minimum Security Requirements for Information and Information Technology Resources

PURPOSE AND EFFECT: To consider development of a new rule chapter to be the Florida Information Technology Resource Security Policies and Standards to:

- 1. Document a framework of information security policies and practices for state agencies in order to safeguard the confidentiality, integrity, and availability of Florida government data and information technology resources.
2. Define minimum standards to be used by state agencies to categorize information and information technology resources based on the objectives of providing appropriate levels of information security according to risk levels.
3. Define minimum management, operational and technical security controls to be used by state agencies to secure information and information technology resources.

SUBJECT AREA TO BE ADDRESSED: Information Security Policies and Standards.

RULEMAKING AUTHORITY: 282.318(5) FS.

LAW IMPLEMENTED: 282.318(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: Jean-Maree Phillips at (850)922-7502

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

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-91.007
RULE TITLE: Selection and Award Process
PURPOSE AND EFFECT: A new subsection (9) is added to Rule 14-91.007, F.A.C., to clarify the compensation of short-listed design-build firms.

SUMMARY: A new subsection(9) is being added to Rule 14-91.007, F.A.C.

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

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

RULEMAKING AUTHORITY: 334.044(2), 337.11(7)(b), 337.11(8) FS.

LAW IMPLEMENTED: 337.025, 337.11(7), 337.11(8) 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-91.007 Selection and Award Process.

(1) through (8) No change.

(9) The Department shall pay short-listed design-build firms submitting fully responsive proposals that are not selected a lump sum amount, stipend, as determined by the solicitation in order to stimulate competition and for the work product contained in the firm's responsive proposals. The Department will not pay the selected design-build firm a stipend. An unselected short list design-build firm that submits a responsive proposal in response to and in accordance with the Department request for detailed proposals will receive a stipend in exchange for the work product contained in that proposal. The Department reserves the right to use any of the

concepts, ideas, technologies, techniques, methods, processes, and information that are contained within the proposals without any further compensation therefore.

(a) In order to receive the stipend, the unselected short listed design-build firms must enter into a contract with the Department immediately after short listing. The contract is required to document the terms and conditions for the stipend. The Department shall issue the stipend contract on the Department's Design/Build Stipend Agreement, Form No. 700-011-14, incorporated herein by reference.

(b) The Department's criteria to determine the stipend amount shall include the following: complexity of the project, technical expertise, time and resources required for the proposal, and value of work product contained in the technical proposal. The intent to compensate and the stipulated amount of the stipend will be set forth in the request for proposals package.

(c) A stipend is not intended to compensate the design-build firms for the total cost of preparing the proposal.

Rulemaking Specific Authority 334.044(2), 337.11(7)(b), 337.11(8) FS. Law Implemented 337.025, 337.11(7), 337.11(8) FS. History—New 3-13-88, Amended 6-13-90, 2-20-96, 9-3-96, 10-18-00, 5-3-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian Blanchard, Director, Office of Construction
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

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

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
19B-4.001 Application

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application and the Florida Prepaid College Plan Master Covenant.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(1), 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: September 14, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida at (850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2009-10a~~ ~~2009-10~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB ~~2009-02a~~ ~~2009-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: September 14, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, FL 32308 at (850)488-3555. If you are 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.
 (1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2009-10a~~ ~~2009-10~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07 11-18-08, 1-28-09, 4-5-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.: 40B-1.703
 RULE TITLES: Procedures for Consideration of Permit Applications
 40B-1.709 Suspension, Revocation, and Modification of District Permits

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise the above sections of Chapter 40B-1, F.A.C., so that they are consistent with changes being proposed to Chapter 40B-2, F.A.C.

SUMMARY: This proposed rule will revise existing rule language for consistency with Chapter 40B-2, F.A.C., to include a new type of water use permit – a general permit by rule. The proposed rule also revises permit suspension, revocation, and modification language for consistency with Chapter 120, Florida Statutes, and Rule 28-106.2015, F.A.C., of the Uniform Rules of Procedure.

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

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

RULEMAKING AUTHORITY: 373.044, 383.083, 373.113, 373.118, 373.171, 373.4141 FS.

LAW IMPLEMENTED: 120.53, 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.119, 373.229, 373.313, 373.413, 373.416, 373.426, 373.429 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: Linda Welch, Rules Coordinator, 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 RULES IS:

40B-1.703 Procedures for Consideration of Permit Applications.

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

(d) Minor use permits by rule, as defined in Rule 40B-2.041, F.A.C., are a category of general permits for activities which have established standards and conditions for issuance of permits in district rules. A permit application is not required for any use that meets the requirements of Rule 40B-4.041, F.A.C., and is thereby considered to be an existing legal user of water.

(2) through (3) No change.

Rulemaking Specific Authority 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 FS. History--New 6-16-88, Amended 12-22-92, 10-3-95, 1-29-01, 12-10-07,_____.

40B-1.709 Suspension, Revocation, and Modification of District Permits.

~~(1) The District may suspend or revoke a permit, in whole or in part, when it determines that the permittee or his agent has:~~

~~(a) Submitted false or inaccurate information on his application or operational report.~~

~~(b) Violated Chapter 373, Florida Statutes, and the rules promulgated thereunder, or any other provision of Florida law related to the operation of the District.~~

~~(c) Failed to comply with an administrative order issued pursuant to Section 373.119, Florida Statutes.~~

~~(d) Violated a condition of the permit.~~

~~(e) Failed to permit inspection of the subject property.~~

~~(2) The District may modify the terms and conditions of the permit when it determines that the modification is necessary to protect the public health, safety, and welfare, prevent a public or private nuisance, or when the continued utilization of the permit becomes inconsistent with the objective of the District. In such instances, due consideration shall be given to the extent to which the permittee has detrimentally relied upon the permit.~~

~~(1)(3) The Executive Director shall initiate proceedings to suspend, revoke, or modify a permit or other authorization by serving a written nNotice rights ofIntention upon the permittee by certified mail or by service of process, or by newspaper~~

publication as provided in Section 120.65(5), F.S. The administrative complaint which shall include all of the information required by subsection 28-106.2015(4), F.A.C., of the Uniform Rules of Procedure state the nature of the intended action, and those findings of fact and conclusions of law which support the action.

~~(2)(4) The permittee may request an administrative hearing pursuant to Sections 120.569 and Section 120.57, Florida Statutes, by filing a petition for an administrative hearing with the District within 14 days of receipt of the District's complaint Notice of Intention. Petitions are deemed filed upon receipt by the District Clerk. The petition must contain all of the following information required by subsection 28-106.2015(5), F.A.C., of the Uniform Rules of Procedure::~~

~~(a) Name and address of the party making the request;~~

~~(b) A reference to the case number of the Notice of Intention; and~~

~~(c) A statement as to whether the party is requesting a formal subsection 120.57(1), Florida Statutes, or informal subsection 120.57(2), Florida Statutes, hearing.~~

~~(d) When a formal hearing is requested, the permittee shall admit or deny each finding of fact contained in the Notice of Intention or state that the permittee is without knowledge as to the same, which shall be deemed to be a denial. The District may decline to hold a formal hearing when there are no disputed issues of material fact.~~

~~(3)(5) Failure to comply with the provisions of subsection (2)(4), shall constitute a waiver of the right to a Section 120.69 or Section 120.57, Florida Statutes, administrative hearing. In such event, the administrative complaint shall become a final order of the District and all findings of fact and conclusions of law contained therein in the Notice of Intention shall be deemed uncontested and true in any further judicial or administrative proceedings.~~

~~(4)(6) The Board shall consider any timely filed the Notice of Intention for which a valid petition for a Sections 120.569 and 120.57, Florida Statutes, hearing has not been timely filed at the next available regulatory meeting following the expiration of the 14-day time period mentioned in subsection (2)(4). The permittee or other affected persons may state their objections to or comment in favor of the intended action, but the appearance shall not constitute grounds for an administrative appeal pursuant to Chapter 120, Florida Statutes.~~

~~(5)(7) In the case of an emergency, the District may take any action necessary to protect the public interest in accordance with Section 120.60(6), F.S. Executive Director may enter an order which suspends or revokes a permit, in whole or in part, or modifies the terms and conditions of the permit. The permittee shall take immediate whatever action is necessary to achieve cause immediate compliance with the~~

emergency order, but shall have the right to request an administrative hearing in accordance with appeal, subject to the provisions of subsections (2)(4) through (4)(7) above.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.53(1)(b), (c), 120.60(2), 373.119, 373.429 FS. History—New 9-15-81, Repromulgated 3-17-88, Amended 12-21-88, _____.

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: August 11, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2008 and July 2, 2009

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-2.011	Policy and Purpose
40B-2.021	Definitions
40B-2.025	Processing of Water Use Permit Applications
40B-2.041	Permits Required
40B-2.051	Exemptions
40B-2.101	Content of Application
40B-2.201	Permit Fees
40B-2.301	Conditions for Issuance of Permits
40B-2.311	Competing Applications
40B-2.321	Duration of Permits
40B-2.331	Modification of Permits
40B-2.341	Revocation of Permits
40B-2.351	Transfer of Permits
40B-2.361	Renewal of Permits
40B-2.381	Limiting Conditions
40B-2.441	Temporary Water Use Permits
40B-2.451	Emergency Authorization for Withdrawal or Diversion
40B-2.501	Classification of Permits
40B-2.751	Investigation, Enforcement, and Penalties
40B-2.781	Enforcement

PURPOSE AND EFFECT: The purpose of the proposed rule is to comprehensively update Chapter 40B-2, F.A.C., for consistency with Part II, Chapter 373, F.S., and current state water policy. The proposed rule also incorporates by reference a Water Use Permitting Guide.

The effect of the proposed rule is to provide a permitting program that results in more efficient water uses and specifically includes in Rule 40B-2.041, F.A.C., water

conservation measures for qualifying landscape irrigation uses that are consistent with the current requirements of the St. Johns River and Southwest Florida water management districts.

SUMMARY: Consistent with Chapter 373, F.S., the proposed rule substantively revises the definitions of terms used in Chapter 40B-2, F.A.C.; adds a section regarding the application process; creates a minor permit by rule for certain landscape irrigation activities; creates a new exemption by rule for groundwater remediation activities authorized by FDEP; revises the application information requirements; provides more detailed conditions for issuance and incorporates a permitting guide by reference; adds a permit duration provision; provides more detailed permit modification, revocation, transfer, and renewal provisions; revises the limiting conditions by incorporating by reference new standard and special limiting conditions; adds a section regarding temporary permits; provides more detailed water use classifications; and adds a section regarding enforcement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: All persons, including local governments, proposing to use water for any purpose other than domestic household purposes will be required to comply with the proposed rule, however, the vast majority of persons will not be required to apply for a permit. Currently, there are 2,905 District-issued water use permits for existing legal uses. Some of the proposed amendments will eventually affect all 2,905 permittees, depending upon whether and when a permit renewal or modification is sought, as well as all new permit applicants. Other proposed changes will affect a smaller subset of permit applicants. For several of the proposed amendments, the District is not able to anticipate the number of persons likely to be affected. The proposed rule is not expected to result in any effect on state or local revenues. A number of the proposed amendments are non substantive in that they merely clarify existing rule language and, therefore, will not result in any increase or decrease in costs. These include changes to the Policy and Purpose, Permit Fees, Competing Applications, and Enforcement provisions. Other proposed amendments are substantive but will not result in any increase or decrease in costs. These include changes to the Definitions, Implementation, and Classification of Permits provisions. Due to a lack of existing data and the uniqueness of each permit application, the majority of the cost increases associated with the proposed rule are difficult to quantify. Therefore, in those instances, the costs have been qualitatively assessed in terms of whether it is a minor, moderate, or major increase. Proposed amendments to the Processing of Water Use Applications, Permits Required, and Modification of Permits provisions are expected to result in minor to moderate cost savings to the District and permit applicants. Proposed amendments to the Exemptions, Duration of Permits, Transfer of Permits, and Temporary Water Use Permits provisions are expected to result in minor cost increases to the District and permit

applicants. Proposed amendments to the Content of Application, Conditions for Issuance, Modification of Permits, Revocation of Permits, and Limiting Conditions provisions are expected to result in moderate cost increases for the District and minor to major cost increases for permit applicants. In the case of permit applicants, most of these costs are transactional costs, as defined in Section 120.541, F.S. The impact of the proposed rule will be the same on small businesses and small cities and counties as it will be for any other similarly situated water user or permit applicant.

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

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.083, 373.113, 373.116, 373.118, 373.119, 373.129, 373.136, 373.171, 373.219(2) FS.

LAW IMPLEMENTED: 120.60, 373.016, 373.019, 373.023, 373.042, 373.044, 373.0421, 373.083, 373.103, 373.109, 373.116, 373.117, 373.1175, 373.118, 373.129, 373.136, 373.216, 373.219, 373.223, 373.226, 373.227, 373.229, 373.232, 373.233, 373.236, 373.239, 373.243, 373.244, 373.246, 373.250 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: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULES IS:

PERMITTING OF CONSUMPTIVE USES OF WATER USE

40B-2.011 Policy and Purpose.

(1) The Suwannee River Water Management District (District) regulates all water uses within its boundaries pursuant to the provisions of Chapter 373, F.S., Part II, Florida Statutes in a manner consistent with Chapter 62-40, F.A.C. State Water Policy, and with the overall policies, goals and objectives of the Suwannee River Water Management District and Chapter 373, Florida Statutes, Water Resources Act.

(2) This chapter implements the comprehensive water use permit system contemplated in Part II of Chapter 373, F.S.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.016, 373.023, 373.103(+), 373.203, 373.216, 373.219-249 FS. History—New 10-1-82, Amended 5-1-83, _____.

(Substantial rewording of Rule 40B-2.021 follows. See Florida Administrative Code for present text.)

40B-2.021 Definitions.

(1) "Aesthetic Use" means the use of water to augment fountains, waterfalls, and landscape lakes and ponds where such features are entirely ornamental or decorative.

(2) "Agricultural Use" means the use of water for crop production or the growing of farm products including vegetables, pasture, sod, or other cash crops, waste management or water or washing livestock. It includes soil flooding for pest control or soil preservation, and freeze protection and product washing.

(3) "Alternative Water Supplies" means saltwater; brackish surface and ground water; surface water captured primarily during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground water; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; storm water and any other water supply sources that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan.

(4) "Aquaculture Use" means the use of water for the spawning, cultivating, harvesting, or marketing of fin-fish, shellfish, crustaceans, alligators, or other aquatic organisms that have economic value.

(5) "Augmentation Use" means the addition of water to artificially maintain the level of natural or artificial water bodies to either protect habitat for fish and wildlife or to provide for recreational uses.

(6) "Average Daily Rate of Withdrawal (ADR)" means the volume of water withdrawn during 365 consecutive days divided by 365, expressed in million gallons per day. The total volume may be calculated using historical data or projected based on the best available information.

(7) "Basin," as used in the context of interbasin transfer, means those major river basin areas delineated on Map Series Number 72, published by the Florida Department of Natural Resources, Bureau of Geology, 1975, down to the accounting unit level of recognition. The best information available shall be used to precisely define basin boundaries.

(8) "Bottled Water" means all water which is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water, as defined in Section 500.03(1)(d), F.S.

(9) "Change in ownership" means transfer of title to real property from the permittee to another person.

(10) "Dewatering" means the removal of ground or surface water to allow construction, excavation, or backfill to be conducted in a dry condition.

(11) "Domestic Use" means the use of water for the individual personal household purposes of drinking, bathing, cooking, and sanitation. All other uses shall not be considered domestic.

(12) “Essential Use” means the use of water for fire-fighting purposes, health and medical purposes, and to satisfy Federal, State, or local public health, safety and welfare requirements.

(13) “Existing Legal Use” means all uses of water which are exempt under Chapter 373, F.S. or Chapter 40B-2, F.A.C., or which have a valid Chapter 373, Part II, F.S., permit.

(14) “Golf Course Use” means water used to irrigate an establishment designed and used for playing golf.

(15) “Landscape Irrigation Use” means outside watering or sprinkling of flora which are not in a commercial nursery or irrigated agricultural crop environment. This use class includes the watering of lawns, shrubs, private gardens, and trees in such diverse settings as residential landscaping, public or commercial recreation areas, or public and commercial business establishments.

(16) “Maximum Daily Rate of Withdrawal (MDR)” means the volume of water which can be withdrawn during a 24-hour period expressed in million gallons per day.

(17) “Minimum Flows and Levels” means the minimum flow for a watercourse or the minimum water level for ground water in an aquifer or the minimum water level for a surfacewater body is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. These levels have been established by the District for designated water bodies in Chapter 40B-8, F.A.C.

(18) “Nursery Use” means the use of water on-premises on or in which nursery stock is grown, propagated, or held for sale, distribution, or sold or reshipped.

(19) “Other Outside Uses” means the use of water outdoors for the maintenance, cleaning, or washing of structures and mobile equipment including automobiles, and the washing of streets, driveways, sidewalks, and similar areas.

(20) “Power Production Use” means the use of water for steam generation, cooling, and replenishment of cooling reservoirs.

(21) “Public Interest” means those broad-based interests and concerns that are collectively shared by members of a community or residents of the District or the State.

(22) “Reasonable-beneficial Use” means the use of water in such quantity as is necessary for economic and efficient consumption for a purpose and in a manner which is both reasonable and consistent with the public interest.

(23) “Self-Supplied Residential Use” means any water use associated with the maintenance of a private residence.

(24) “Water” or “Waters in the State” means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

(25) “Water-Based Recreation Use” means water used for public and private swimming and wading pools including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.

(26) “Water Use” means any use of water which reduces the supply from which it is withdrawn or diverted.

(27) “Water Utility Use” means water used for withdrawal, treatment, transmission, and distribution by potable water systems. Water utility uses include community and non-community public water systems as defined in Chapter 62-550, Florida Administrative Code.

(28) All definitions in Section 373.019, F.S., shall apply to this chapter.

Rulemaking Specific Authority 120.54(1)(a), 373.044, 373.113, 373.171 FS. Law Implemented 120.53(1)(a), 373.019, 373.216 Part II FS. History--New 10-1-82, Amended 5-1-83, _____.

40B-2.025 Processing of Water Use Permit Applications.

Water use permit applications will be processed pursuant to Section 120.60, F.S. and Chapter 28-107, F.A.C., Part II of Chapter 373, F.S., and this chapter, and Part VII of Chapter 40B-1, F.A.C.

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

40B-2.041 Permits Required.

(1) A water use permit is required prior to the withdrawal or diversion of water for any water consumptive use except those expressly exempted by law or District rule.

(2) The District issues three types of water use permits: minor water use permit by rule, general water use permit, and individual water use permit.

Minor Water Use Permit by Rule

Form 40B-2.041A: Water Use Permit Status Form is hereby incorporated by reference. This form is available at District headquarters and on the District’s website.

(a) Except as provided in paragraphs (b), (c) and (d) below, a minor water use permit by rule is hereby granted for the following withdrawal classes of water uses as referenced in paragraphs 40B-2.501(3)(a) through (e), F.A.C.: ~~agriculture, aquacultural, augmentation, commercial, golf course, landscape irrigation, nursery, power production, water-based recreation, water utility uses, and other outside uses,~~ potable water supply, and augmentation and other uses, provided they meet the criteria specified below:

1. The average daily use is less than 100,000 gallons per day and the maximum daily use is less than 250,000 gallons per day.

2. The water will be either withdrawn from a single well with a uniform casing diameter of four inches or less or from a single withdrawal point with a pipe diameter of four inches or less.

3. The water is not transported across water management district boundaries.

4. All uses shall employ standard water conservation practices for the use type, such as the District's water conservation requirements in the Water Use Permitting Guide.

5. In the event of a water shortage as declared by the Board, the permittee shall adhere to all limitations on withdrawal or use ordered by the District pursuant to Chapter 40B-21, F.A.C.

6. The permittee shall allow District personnel access at reasonable times and at District expense, or with District equipment, to monitor withdrawal rates and volumes authorized by this permit.

(b) Except as provided in paragraphs (d) and (e) below, a minor permit by rule is hereby granted for landscape irrigation uses, provided they meet the criteria specified below:

1. The average daily use is less than 100,000 gallons per day and the maximum daily use is less than 250,000 gallons per day.

2. The source of water will be:

a. Withdrawn from a single groundwater well with a uniform casing diameter of four inches or less; or

b. Withdrawn from a single withdrawal point with a pipe diameter of four inches or less from surface waters; or

c. Withdrawn from a water utility.

d. Irrigation of new landscape is allowed on Sunday through Sunday at any time of day for the initial 30 days following installation and every other day for the following 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

e. Irrigation of established landscape during Eastern Standard Time shall not occur more than 1 day per week and not between the hours of 10:00 a.m. and 4:00 p.m., at a rate of no more than 3/4 inch application on such irrigation days. Irrigation of established landscape during Daylight Savings Time shall not occur more than 2 days per week and not between the hours of 10:00 a.m. and 4:00 p.m., at a rate of no more application than 3/4 inch of water on such irrigation days. Any landscape irrigation uses that deviate from these criteria shall be required to obtain a permit in accordance with paragraphs (d) and (e) below.

(c)(b) Except as provided in paragraphs (d)(e) and (e)(d) below, a minor water use permit by rule is hereby granted for hydrostatic testing, provided:

1. The permittee provides written notice to the District at least ten (10) business days prior to each hydrostatic test. The written notice shall include a location map showing the pipeline to be tested, volume of water to be pumped, which shall be no greater than two million gallons, test duration and discharge point(s).

2. The water is not transported across water management district boundaries, by the pipeline being tested.

3. The permittee allows District personnel access at reasonable times and at District expense, or with District equipment, to monitor the test.

4. In the event of a water shortage as declared by the Board, the permittee adheres to all limitations on withdrawal or use ordered by the District pursuant to Chapter 40B-21, F.A.C.

5. In the event the use interferes with any existing legal use, the permittee shall obtain a general or individual water use permit.

General Water Use Permit.

(d)(e) Except as provided in paragraphs (a) and (b) above or (d) below, a general water use permit is required under the general permit procedures in paragraph 40B-1.703(1)(c), F.A.C., for all withdrawals or diversions which are less than ten million gallons per day maximum daily rate of withdrawal and less than one two million gallons per day average daily rate of withdrawal. Either the Executive Director, the Assistant Executive Director, or the Deputy Executive Director shall approve general permit applications under this paragraph without a hearing, except that any application recommended for denial shall be presented to the Governing Board for final agency action.

Individual Water Use Permit

(e)(d) An individual water use permit is required under the individual permit procedures in subsection 40B-1.703(2), F.A.C., for all withdrawals or diversions which exceed the limits established in paragraph 40B-2.041(2)(d)(+)(b), F.A.C., and for all bottled water uses regardless of the quantity of the withdrawal or diversion.

(3) In the event the proposed water use is associated with a project that requires a water well permit under Chapter 373, Part III, F.S., and District rules, the water well application will be deemed part of the water use application and processed as one application under the WUP procedures.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.103, 373.118, 373.219, 373.226, 373.244 FS. History—New 10-1-82, Amended 5-1-83, 6-16-88, 4-14-08, _____.

40B-2.051 Exemptions.

(+) The following activities are exempt from the requirements of obtaining water use permits specified in Rule 40B-4.041, F.A.C. No permit is shall be required for:

(1)(a) Domestic Withdrawal for domestic uses as defined in subsection s. 373.019(6), F.S.; Florida Statutes,

(2)(b) Water Withdrawals of water used strictly for fire -fighting purposes;-

(3)(e) Withdrawals made for dewatering activities for a total period not to exceed 180 consecutive days; and

(4)(d) Withdrawals or diversions from ~~artificial manmade~~ retention structures when the withdrawal or diversion is needed to facilitate repair or maintenance of the retention structure; and

(5) Groundwater remediation authorized by the Florida Department of Environmental Protection pursuant to Chapter 403, F.S., and Title 62, F.A.C.

~~(e) Withdrawals for self-supplied residential uses.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219 FS. History–New 10-1-82, Amended 5-1-83,_____.~~

(Substantial rewording of Rule 40B-2.101 follows. See Florida Administrative Code for present text.)

40B-2.101 Content of Application.

Applications for permits required by this chapter shall be filed with the District and shall contain the following:

(1) The information specified in Section 373.229, F.S.;

(2) The appropriate application form hereby incorporated by reference, available at District headquarters and on the District’s website, as follows:

(a) 40B-2.101A Application for Water Use Permit Agricultural Use (DATE);

(b) 40B-2.101B Application for Water Use Permit Augmentation/Other Use (DATE);

(c) 40B-2.101C Application for Water Use Permit Commercial Use (DATE); and

(d) 40B-2.101D Application for Water Use Permit Potable Water Supply Use (DATE).

(3) Best available technical and other supporting information sufficient to demonstrate that the use meets the conditions for issuance as specified in Section 373.223(1), F.S., and Rule 40B-2.301, F.A.C.

(4) Any supporting information or calculations required to be prepared by a profession regulated under Florida law shall bear the certification of such professional.

(5) The relevant information required by section 2.0, Water Use Permitting Guide.

~~Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 420.60, 373.103, 373.116, 373.117, 373.1175, 373.219, 373.223, 373.229 FS. History–New 10-1-82, Amended _____.~~

40B-2.201 Permit Fees.

Fees for permits required by this chapter shall be as specified listed in Rule s: 40B-1.706, F.A.C.

~~Rulemaking Specific Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109 FS. History–New 10-1-82, Amended 5-1-83, 6-16-88,_____.~~

(Substantial rewording of Rule 40B-2.301 follows. See Florida Administrative Code for present text.)

40B-2.301 Conditions for Issuance of Permits.

(1) To obtain a water use permit, renewal, or modification pursuant to the provisions of this chapter, the applicant must provide reasonable assurances that the proposed use of water:

(a) Is a reasonable-beneficial use;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(2) Reasonable assurances must be provided that the following criteria are met in order for a use to be considered reasonable-beneficial:

(a) The use must be in such quantity and quality as is necessary for economic and efficient use.

(b) The use must be for a purpose that is both reasonable and consistent with the public interest.

(c) The source of the water must be capable of producing the requested amounts and appropriate quality of water.

(d) The use will not degrade the source from which it is withdrawn.

(e) The use will not cause or contribute to flooding.

(f) The use will not harm offsite land uses.

(g) The use will not cause harm to wetlands or other surface waters. Harm to wetlands or other surface waters must be mitigated after completion of reduction or elimination of harm in accordance with sections 3.1.8. through 3.1.10. of the Water Use Permitting Guide.

(h) The use will not cause or contribute to a violation of either minimum flows or levels.

(i) The use will not cause or contribute to a violation of state water quality standards in waters of the state as set forth in Chapters 62-301, 62-302, 62-520, and 62-550, F.A.C.

(j) The use is otherwise a reasonable-beneficial use as defined in Section 373.019(2), F.S., with consideration given to the factors set forth in subsection 62-40.410(2), F.A.C.

(k) A permit applicant’s proposed reasonable-beneficial use of an alternative water supply is presumed to be in the public interest.

(3) The standards and criteria set forth in the Water Use Permitting Guide, hereby published by reference and incorporated into this chapter, must be used to provide the reasonable assurances required in this section. A current version of this document is available on the District’s website and at its headquarters.

~~Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.236, 373.227, 373.229, 373.232, 373.236, 373.239, 373.250 FS. History–New 10-1-82, Amended 5-1-83,_____.~~

40B-2.311 Competing Applications.

Consideration of two or more competing applications shall be made in accordance with Section s: 373.233 and subsection 373.236(4), F.S., Florida Statutes.

Rulemaking Specific Authority 373.044, 373.113, 373.171, ~~373.216~~
FS. Law Implemented 373.233, 373.236 FS. History—New 10-1-82,
Amended _____.

40B-2.321 Duration of Permits.

(1) Unless revoked, modified, or specifically identified as a limiting condition pursuant to Section paragraph 40B-2.381(2)(d), the duration of permits shall be as provided in s. 373.236, Florida Statutes, the District shall issue permits with 20-year durations when the applicant requests a 20-year duration as part of its permit application and provides reasonable assurance that the District's conditions for permit issuance will be met for 20 years. The Legislature has established four exceptions to the 20-year maximum permit duration:

(a) The District may issue permits with up to a 50-year duration to a municipality or other governmental body, or to a public works or public service corporation, when required to provide for the retirement of bonds for the construction of waterworks or waste disposal facilities.

(b) The District shall issue permits with at least a 20-year duration when the permit is approved for the development of alternative water supplies.

(c) When a private, rural landowner makes an extraordinary contribution of land or construction funding to enable the expeditious implementation of an alternative water supply development project, the District may issue permits with up to a 50-year duration to a municipality, county, special district, regional water supply authority, multi-jurisdictional water supply entity, and public or private utilities. However, this provision does not apply to public or private utilities created for or by a private landowner after April 1, 2008. An applicant that requests a longer duration permit under this paragraph must have an agreement with the landowner to efficiently pursue an alternative public water supply development project identified in the District's regional water supply plan and meeting the water demands of both the applicant and the landowner. In addition, reasonable assurances must be provided that the District's conditions for issuance will be met for the duration of the permit. All such permits will require submittal of a compliance report every five years to maintain reasonable assurance that the conditions for permit issuance applicable at the time of review of the compliance report are met, following which the Governing Board may modify the permit as necessary to ensure that the use meets the conditions for issuance.

(d) The District shall issue permits with at least a 25-year duration when the permit is approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production of renewable energy, as defined in Section 366.91(2)(d), F.S. The duration shall be based on the facility's anticipated life provided reasonable assurances are provided that the conditions for issuance will be met for that time period.

Otherwise, the permit will be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided.

(2) The Governing Board shall require five-year compliance reports for permits with 20-year or longer durations issued pursuant to paragraph (1)(a), (b) or (d) above when necessary to maintain reasonable assurance that the initial conditions for permit issuance will continue to be met for the 20-year or longer duration.

(3) All other permits shall have shorter durations based upon the period of time for which reasonable assurances are provided that the District's conditions for permit issuance are met.

(4) Additional information including the data requirements for the five-year compliance reports and special duration factors are contained in the District's Water Use Permitting Guide.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History—New 10-1-82, Amended _____.

40B-2.331 Modification of Permits.

(1) A permittee may seek modification of any terms of any terms of an unexpired permit as follows and consistent with Rule 40B-1.709, F.A.C.:

(1) A permittee may apply for modification by letter to the District:

(a) If the proposed modification involves an increase of water use of less than 100,000 gallons per day provided that the type of permit required does not change, and such modification does not change the water use class; or

(b) if the proposed modification would result in a more efficient use of water than is possible under the existing permit; or

(c) if the proposed modification is for replacement of the source with an alternative water supply source, and

(d) If the expiration date of the permit is not changed and the location of the withdrawal is not changed pursuant to Section 373.239, Florida Statutes.

Either the Executive Director, the Assistant Executive Director, or the Deputy Executive Director shall approve qualifying proposed letter modifications under this subsection without a hearing, except that any request for modification recommended for denial shall be presented to the Governing Board for final agency action.

(2) All other permit modification applications shall comply with the requirements of Section 373.229, F.S., and shall contain all of the information required by the permit conditions and by Rule 40B-2.101, F.A.C. This shall include all permits that have been previously considered by the Governing Board for issuance.

(3) All requests to modify the terms of an unexpired permit shall be evaluated under the criteria of Rule 40B-2.301, F.A.C., and subject to the limiting conditions in Rule 40B-2.381, F.A.C.

(4) Following the District's review of a five-year compliance report, the Governing Board may modify the permit to ensure that the use meets the conditions for permit issuance.

(5) The Governing Board may issue an order to modify an existing use when conditions warrant such action in order to obtain the most beneficial use of the water resources of the state and to protect the public health, safety, and welfare and the interests of the water users affected. Such order must include a finding by the Governing Board that the use proposed to be modified is detrimental to other water users or to the water resources of the state.

~~(2) The Board may at any time during which a permit is valid modify a permit or delete or modify any limiting conditions on a permit to insure the continued reasonable and beneficial use of water. Such action may be taken only after proper notice to the permittee and notice of the proposed modification pursuant to Section 120.60(7), Florida Statutes.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.175, 373.216, 373.219, 373.246 FS. Law Implemented 120.60, 373.083, 373.171, 373.219, 373.223, 373.229, 373.239, 373.246 FS. History--New 10-1-82, Amended 5-1-83, _____.~~

40B-2.341 Revocation of Permits.

(1) The Governing Board may revoke a permit in whole or in part, permanently or for a lesser period, as provided in Sections 373.243(1), (2) and (3), F.S., for any material false statement, a willful violation of a permit condition, or a violation of any provision of this chapter.

(2) The Governing Board may revoke a permit permanently and in whole for non-use of the water for a period of two years or more, unless the permittee can prove that the non-use was due to extreme hardship caused by factors beyond the permittee's control, unless the permit is for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production of renewable energy, as defined in subsection 366.91(2)(d), F.S., in which case the Governing Board may only revoke the permit for non-use of the water for a period of four or more years.

(3) The permittee may formally request, in writing, the Governing Board to revoke the permit permanently and in whole.

(4) The Governing Board may revoke a permit when it finds that the water use has ceased to be reasonable or beneficial as the use is detrimental to other water users or to the water resources of the state.

~~The Board may, at any time after notice and hearing, revoke a permit, in whole or in part, temporarily or permanently pursuant to the provisions of Sections 373.243 and 120.60(7), Florida Statutes.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 120.60, 373.171, 373.243 FS. History--New 10-1-82, Amended _____.~~

(Substantial rewording of Rule 40B-2.351 follows. See Florida Administrative Code for present text.)

40B-2.351 Transfer of Permits.

Form 40B-2.351A: Water Use Permit Transfer Form is hereby incorporated by reference. This form is available at District headquarters and on the District's website.

(1) Persons who wish to continue a permitted water use and who have acquired ownership of the land on which facilities are located, shall apply to the District within 90 days of acquiring ownership of such land, to transfer the permit. The applicant shall request such transfer by letter or submittal of the above-referenced form and shall reference the permit number in the letter. The District shall transfer the permit provided the previously permitted use remains the same.

(2) Notwithstanding the provisions of subsection (1) above, the District will notify the current owner in writing of the need to transfer the permit in order to continue the water use upon discovery of a change in property ownership. The owner must request permit transfer within 90 days of receipt of notification from the District. The permit will be transferred in accordance with this section.

(3) Persons who apply to transfer a permit under subsection (1) above and propose to change the source, use, or withdrawal quantity or source quality from those specified in the permit, must follow the procedures for modification in Rule 40B-2.331, F.A.C.

(4) All water use under a transferred permit must comply with the terms and conditions of that permit.

(5) A permit not transferred as prescribed herein shall be void without any further action by the District.

~~Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.239 FS. History--New 10-1-82, Amended _____.~~

40B-2.361 Renewal of Permits.

(1) An application Applications for permit renewal of permits may be made at any time within one year during the last year of the term of the expiration date, unless an unexpired permit and at such other time as the permittee can show good cause for earlier consideration. All permit renewal applications should be submitted to the District at least 90 days prior to the expiration date.

(2) All permit renewal applications shall be processed ~~reated~~ in the same manner as the original initial application and shall contain reasonable assurances that the proposed water use meets all of the conditions for issuance in Rule 40B-2.301, F.A.C., and the Water Use Permitting Guide.

(3) If an application and appropriate fee for renewal are not received either prior to or by the permit expiration date, the permit shall expire without any action by the District.

Rulemaking Specific Authority 373.044, 373.113, 373.171, ~~373.216~~ FS. Law Implemented 373.219, 373.223, 373.229, 373.239 FS. History–New 10-1-82, Amended _____.

(Substantial rewording of Rule 40B-2.381 follows. See Florida Administrative Code for present text.)

40B-2.381 Limiting Conditions.

(1) The Governing Board may impose such reasonable conditions upon any water use permit as are necessary to assure that the proposed use of water is consistent with the overall objectives, policy, and purpose of the District and will not be harmful to the water resources of the District.

(2) Standard limiting conditions that will be placed on every water use permit are contained in section 3.6.1., Water Use Permitting Guide.

(3) Special limiting conditions for each water use class designated in Rule 40B-2.501, F.A.C., are contained in section 3.6.2., Water Use Permitting Guide.

Rulemaking Specific Authority 373.044, 373.113, 373.171, ~~373.216, 373.219~~ FS. Law Implemented 373.116, 373.216, 373.219, 373.223, 373.227, 373.236, 373.250 FS. History–New 10-1-82, Amended 5-1-83, _____.

40B-2.441 Temporary Water Use Permits.

(1) In order for a temporary permit to be necessary prior to final action on the application, there must exist a serious set of unforeseen or unforeseeable circumstances. Temporary permits expire on the day following the next regular meeting of the Governing Board.

(2) The Governing Board hereby delegates to the Executive Director the authority to issue temporary permits in accordance with Section 373.244, Florida Statutes, provided that:

- (a) An application for a water use permit is pending;
- (b) The proposed use appears reasonable-beneficial based on information submitted by the applicant at the time of the request for the temporary water use permit; and
- (c) A temporary permit is necessary prior to final action on the application.

(3) In accordance with Section 373.244, F.S., the Governing Board shall consider the following in determining whether to either extend, modify or terminate a temporary permit:

- (a) The water use appears reasonable-beneficial; or

(b) Adverse effects are occurring as a result of the water use; or

(c) The water use is no longer an emergency.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229, 373.244 FS. History–New _____.

40B-2.451 Emergency Authorization for Withdrawal or Diversion.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 120.60(5), 373.113, 373.219, 373.223, 373.229, 373.244 FS. History–New 10-1-82, Repealed _____.

40B-2.501 Classification of Permits.

Each permit Permits for water use at the time of issuance shall be assigned one or more to a classifications according to the source(s) of supply, method(s) of withdrawal extraction, and use(s) of the water. The classifications shall be as follows:

(1) Source of Supply Classes.

(a) Surface Water. Withdrawals from surfacewater bodies shall be classified by the basin or subbasin as specified by rule or the Board. ~~The Board may further classify the permit~~ by the specific surfacewater source.

(b) Ground Water. Withdrawals from groundwater aquifers shall be classified as by the source aquifer either Confined Floridan Aquifer, Unconfined Floridan Aquifer, Secondary Artesian Aquifer, or Surficial Water Table Aquifer as appropriate. ~~Further, the classification for withdrawals from the Floridan Aquifer shall include a reference to the confined or unconfined condition of the aquifer.~~

(c) Alternative Water Supplies.

(2) Method of Withdrawal Classes ~~Extraction.~~

(a) Pumped

(b) Diverted

~~Unless otherwise noted in the permit classification, the method of extraction shall be considered mechanical extraction by use of pumps.~~

(3) Water Use Classes and Subclasses. ~~Each water use permit shall be assigned to one or more of the following use classes or subclasses where appropriate:~~

(a) Agriculture ~~Essential Use~~

1. Livestock

2. Aquaculture

3. Nursery

4. Crops, Fruits, and Vegetables

5. Forage, Pasture, and Sod

(b) Commercial ~~Self-supplied Residential Use~~

1. Industrial

2. Mining

3. Power Plant

4. Hydrostatic Testing

5. Golf Course

- 6. Recreation
- 7. Landscape
- 8. Bottled Water
- 9. Other Commercial
 - (c) Potable Water Supply ~~Climate Control Use~~
 - 1. Public Supply
 - 2. Private Utility
 - 3. Non-Community Water Supply
 - (d) Augmentation ~~Water Utility Use~~
 - (e) Other ~~Power Production Use~~
 - (f) Commercial/Industrial Use
 - (g) Landscape Irrigation Use
 - (h) Golf Course Use
 - (i) Agricultural Use
 - (j) Nursery Use
 - (k) Aquacultural Use
 - (l) Water-based Recreation Use
 - (m) Aesthetic Use
 - (n) Other Outside Uses
 - (o) Augmentation Use

These classifications do not establish either reasonable-beneficial use, or any priority ranking of source, withdrawal method, or water use classes.

Rulemaking Specific Authority 373.044, 373.113, 373.171, ~~373.219~~ FS. Law Implemented 373.216, 373.216, ~~373.036, 373.113~~, 373.246 FS. History–New 10-1-82, Amended 5-1-83, _____.

40B-2.751 Investigation, Enforcement, and Penalties.

Rulemaking Specific Authority 373.044, 373.129, 373.219(2) FS. Law Implemented 373.043, 373.044 FS. History–New 10-1-82, Repealed _____.

40B-2.781 Enforcement.

The District is authorized to file an administrative complaint for corrective action or seek an injunction or other relief in the courts of this state when it appears there is either a violation of Chapter 373, F.S., District rules, or permit conditions. The District is further authorized to seek civil penalties and recovery of its investigative costs, court costs, and reasonable attorney’s fees. The Governing Board hereby delegates to the Executive Director the authority to initiate the above described judicial enforcement proceedings, provided the Executive Director reports these actions to the Governing Board at its next regularly scheduled meeting.

Rulemaking Authority 373.044, 373.083, 373.119, 373.129, 373.136, 373.219(2) FS. Law Implemented 373.044, 373.119, 373.129, 373.136, 373.243 FS. History–New _____.

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: August 11, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008 and May 1, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.139	Americans With Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures

PURPOSE AND EFFECT: The rule is being repealed because it is not necessary for the District to implement its compliance with the referenced federal programs by rule.

SUMMARY: The District adopted by rule a public grievance process under the Americans with Disabilities Act (ADA) and another for the Rehabilitation Act of 1973. The District is repealing the current rule because it is required to comply with the referenced federal laws and rulemaking is not required. The District will meet the requirements of the federal programs by including the processes in the District’s Statement of Agency Organization and Operation, which is required under Rule 28-101.001, F.A.C.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 286.26, 373.083 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.Tetreault@watermatters.org or Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4659

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.139 Americans With Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 286.26, 373.083 FS. History–New 7-29-93, Amended 11-2-93, Formerly 40D-1.202, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lori Tetreault, Senior Attorney, Office of General Counsel,
2379 Broad Street, Brooksville, FL 34604-6899,
(352)796-7211, extension 4659

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

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 14, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.607 RULE TITLE: Permit Processing Fee

PURPOSE AND EFFECT: To increase each permit application fee authorized under Part IV of Chapter 373, Florida Statutes, (F.S.), to require a minimum fee of \$250 for a Noticed General Permit or Individual permit, to require a minimum fee of \$100 for verification that an activity is exempt from regulation under Section 403.813, F.S. or Part IV of Chapter 373, F.S., and to provide for the periodic adjustment of those fees, in accordance with the requirements of Section 373.109, F.S.

SUMMARY: Legislation enacted in 2008 amended Section 373.109, F.S., requiring certain minimum fees, the adjustment of application fees and the periodic adjustment of those fees authorized under Part IV of Chapter 373, F.S.

Full implementation of the new provisions required the Department of Environmental Protection (DEP) to delegate its authority under the new provisions to the water management districts. The Department’s amended rules delegating its authority under 373.109, F.S., and revising its fees became effective April 21, 2009. The proposed revisions to the fees were developed using the Consumer Price Index for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor based on the date each of the fees were originally established or last amended. The proposed rule includes these fees, as well as the new \$250.00 minimum fee for Noticed General Permits and the new \$100.00 minimum fee for verification that an activity is exempt from permitting. The proposed rule language also establishes the inflation index used for the revisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule implements application fee increases for Environmental Resource Permit (ERP) applications mandated by the legislature. The Southwest Florida Water Management District (District) processes approximately 3,200 ERP applications per year that require the payment of an application fee. In order of application frequency, the activities covered by the permits are: commercial and industrial buildings; single family residential

and residential subdivisions; county, state and city projects; and multi-family residential. The increased fees will have no significant impact to costs to the District. State and local governments will not incur any costs in implementing or enforcing the proposed rule but will incur the costs of the fee increases for projects they undertake requiring ERP applications. Current application fees range from \$0 to \$2,500. Proposed fees range from \$100 to \$4,550. Small businesses, small counties and small cities will incur the increased costs of the applications fees. Approximately 99% of businesses in the District are small businesses. Small counties and small cities may apply for application fee reductions. No impacts to state or local revenues are anticipated.

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

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

LAW IMPLEMENTED: 373.109, 373.421(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: Karen.West@watermatters.org, or Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

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

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

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

1. Application for Conceptual Permit	\$2,500.00	\$4,550.00
2. Application for Conceptual Permit Modification	\$1,250.00	\$2,275.00
3. Application for Individual Permit	\$2,500.00	\$4,550.00

4. Application for Individual Permit and General Permit for Incidental Site Activities	<u>\$3,861.00</u>	\$3300.00
5. Application for Individual Permit Modification	<u>\$2,275.00</u>	\$1250.00
6. Application for General Permit pursuant to Chapter 40D-40, F.A.C.	<u>\$2,912.00</u>	\$1600.00
7. Application for General Permit Modification	<u>\$1,456.00</u>	\$800.00
8. Application for General Permit for Minor Surface Water Systems	<u>\$364.00</u>	\$200.00
9. Application for General Permit for Minor Surface Water System Modification	<u>\$182.00</u>	\$100.00
10. Application for General Permit for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters	<u>\$1,456.00</u>	\$800.00
11. Application for permit modification for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters	<u>\$728.00</u>	\$400.00
12. Application for general permit for a public highway project which has less than 10 acres of project area and has less than two acres of new impervious surface area	<u>\$316.00</u>	\$200.00
13. Application for permit modification for a public highway project which has less than 10 acres of project area and has less than two acres of new impervious surface area	<u>\$158.00</u>	\$100.00
14. Application for a noticed general permit pursuant to Chapter 40D-400, F.A.C.	<u>\$250.00</u>	\$100.00

(b) The fees for permit applications concerning the establishment and operation of a mitigation bank under Chapter 40D-4, F.A.C., are as follows:

1. Individual Mitigation Bank Permit	<u>\$3,632.00</u>	\$2500.00
2. Individual Mitigation Bank Permit Modification	<u>\$1,816.00</u>	\$1250.00
3. Mitigation Bank Conceptual Permit	<u>\$3,632.00</u>	\$2500.00
4. Mitigation Bank Conceptual Permit Modification	<u>\$1,816.00</u>	\$1250.00
(c) Transfer of Permit to another entity	<u>\$91.00</u>	\$50.00
(d) Verification that an activity is exempt from regulation under Part IV of Chapter 373, F.S. or Section 403.813, F.S.	<u>\$100.00</u>	

(2) Application fees for proprietary authorization under Chapters 253 and 258, F.S., are in accordance with the fee schedule provided in Chapter 18-21, F.A.C.

(3) The following types of applications are exempt from the fees identified in subsection (1):

(a) APPLICATIONS FOR PERMITS OR PERMIT MODIFICATIONS WHICH INVOLVE:

1. Less than one-half acre of new project area for non-agricultural projects or less than ten acres of new project area for agricultural projects; and

2. No new impacts to wetlands or surface waters or new impacts only to those wetlands less than one-half acre in size, unless such wetlands are regulated pursuant to Chapter 40D-4, 40D-40 or 40D-400, F.A.C.

(b) PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-4.331(2)(b) or subsection 40D-40.331(2), F.A.C.

(c) RESUBMITTALS: Any resubmittal of an application that was denied or withdrawn within the preceding twelve months, provided the same type of application with a substantially similar design is resubmitted.

(d) CONCURRENTLY SUBMITTED APPLICATIONS: Any construction permit application submitted concurrently with a conceptual permit application, where the construction application represents a portion of the conceptual permit application.

(e) SINGLE FAMILY DWELLING UNITS: Applications for Chapter 40D-40, F.A.C., General or paragraph 40D-400.475(1)(f), F.A.C., Noticed General Permits for construction of a single family dwelling unit involving wetlands that is not part of a larger common plan of development or sale proposed by the applicant.

(f) OPERATION PERMITS: Applications for operation permits submitted in conjunction with a construction permit for the same surface water management system.

(4) For projects grandfathered pursuant to Section 373.414, F.S., the conceptual, individual or general surface water management permit application fee shall be the same as the conceptual, individual or general environmental resource permit application fees listed in this subsection.

(5) For projects grandfathered pursuant to Section 373.414, F.S., the wetland resource (dredge and fill) permit application fee shall be as follows:

(a) Dredge and fill construction projects up to and including 5 years:

1. Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to Rule 62-312.070, F.A.C. \$6,138.00 ~~\$4000.00~~
2. Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to paragraph 62-312.070(2)(a), F.A.C. \$767.00 ~~\$500.00~~

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

a. 0-2 new boat slips	\$460.00	\$300.00
b. 3-9 new boat slips	\$767.00	\$500.00
(b) Dredge and fill construction permits in excess of 5 years:		
1. Short form permits from 6 years up to and including 10 years	\$4,604.00	\$3000.00
2. Standard form permits for 6 years	\$9,208.00	\$6000.00
3. Standard form permits for 7 years	\$10,742.00	\$7000.00
4. Standard form permits for 8 years	\$12,277.00	\$8000.00
5. Standard form permits for 9 years	\$13,811.00	\$9000.00
6. Standard form permits for 10 years	\$15,346.00	\$10,000.00
7. Standard form permits for 11 years	\$16,880.00	\$11,000.00
8. Standard form permits for 12 years	\$18,415.00	\$12,000.00
9. Standard form permits for 13 years	\$19,950.00	\$13,000.00
10. Standard form permits for 14 years	\$21,484.00	\$14,000.00
11. Standard form permits for 15 years	\$23,019.00	\$15,000.00
12. Standard form permits for 16 years	\$24,553.00	\$16,000.00
13. Standard form permits for 17 years	\$26,088.00	\$17,000.00
14. Standard form permits for 18 years	\$27,623.00	\$18,000.00
15. Standard form permits for 19 years	\$29,157.00	\$19,000.00
16. Standard form permits for 20 years	\$30,692.00	\$20,000.00
17. Standard form permits for 21 years	\$32,226.00	\$21,000.00
18. Standard form permits for 22 years	\$33,761.00	\$22,000.00
19. Standard form permits for 23 years	\$35,296.00	\$23,000.00
20. Standard form permits for 24 years	\$36,830.00	\$24,000.00
21. Standard form permits for 25 years	\$38,365.00	\$25,000.00

(c) For the purposes of determining the fee for wetland resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

(d) For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.

(e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application:

1. Variances from the prohibition of Rule 62-312.080, F.A.C.	\$153.00	\$400.00
2. Other variances	\$767.00	\$500.00

(f) A single additional fee of ~~\$767.00~~ ~~\$500.00~~ shall be required for projects in which monitoring and evaluation to determine the success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee will be due at this time. If it is determined after the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time

period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(g) General Permits ~~\$153.00~~ ~~\$100.00~~

(h) Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with paragraph 62-4.050(4)(s), F.A.C., do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:

1. That consist of transfers of permits or time extensions	\$77.00	\$50.00
2. Involving minor technical changes when the existing permit fee is less than \$300.00, except for modifications to permits issued pursuant to Section 403.816, F.S.	\$77.00	\$50.00
3. Involving minor technical changes when the existing permit fee is more than or equal to \$300.00.	\$384.00	\$250.00

(6) Petition for Formal Determination of Wetlands and Other Surface Waters.

(a) The fees for Petitions for Formal Determination of Wetlands and Other Surface Waters are as follows, for:

1. Property less than or equal to 1 acre	\$353.00	\$250.00
2. Property greater than 1 acre but less than or equal to 10 acres	\$777.00	\$550.00
3. Property greater than 10 acres but less than or equal to 40 acres	\$1,060.00	\$750.00
4. Property greater than 40 acres but less than or equal to 120 acres	\$2,119.00	\$1,500.00
5. Property greater than 120 acres	\$2,119.00	\$1,500.00
For each additional 100 acres or portion thereof	\$283.00	\$200.00
6. Renewal of formal wetland determinations	\$353.00	\$250.00

~~(b) For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed above.~~

~~(b)(e)~~ Any resubmittal of a petition for formal determination of wetlands and other surface waters that was denied or withdrawn within the preceding twelve months, provided it is substantially similar to the denied or withdrawn petition, is exempt from the fees identified in paragraph (a).

(7) Water use permit application fees shall be as follows:

(a) Chapter 40D-2, F.A.C., individual permit new	\$1,000.00
(b) Chapter 40D-2, F.A.C., individual permit renewal	\$750.00
(c) Chapter 40D-2, F.A.C., individual permit modification	\$300.00
(d) Chapter 40D-2, F.A.C., individual permit temporary	\$200.00
(e) Chapter 40D-2, F.A.C., general permit new	\$250.00
(f) Chapter 40D-2, F.A.C., general permit renewal	\$185.00
(g) Chapter 40D-2, F.A.C., general permit modification	\$75.00

(h) Chapter 40D-2, F.A.C., general permit temporary	\$50.00
(i) Chapter 40D-2, F.A.C., Small General Permit new	\$50.00
(j) Chapter 40D-2, F.A.C., Small General Permit renewal	\$35.00
(k) Chapter 40D-2, F.A.C., Small General Permit modification	\$15.00

(l) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (k) above.

(8) The following types of applications are exempt from the fees identified in subsection (7):

(a) **PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM:** Applications for permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.

(b) **RESUBMITTALS:** Any resubmittal of an application that was denied or withdrawn within the preceding twelve months, provided the same type of application with substantially similar quantities is resubmitted.

(9) Permit application fees for water well construction or repair shall be as follows:

(a) Chapter 40D-3, F.A.C., non-public supply water wells	\$50.00
(b) Chapter 40D-3, F.A.C., public supply water wells or other wells constructed to public supply standards	\$130.00
(c) Chapter 40D-3, F.A.C., non-public supply potable water wells in Chapter 62-524, F.A.C., delineated areas	\$100.00
(d) Chapter 40D-3, F.A.C., public supply water wells in Chapter 62-524, F.A.C., delineated areas	\$500.00

(10) The following type of application is exempt from the fees identified in subsection (9): **ABANDONMENT PERMIT APPLICATIONS:** Applications for permits to abandon water wells.

(11) Chapter 40D-40, F.A.C., general site conditions assessment permit:

(a) Within a contiguous project area of 100 acres or more, and/or with more than one acre of wetlands on site, basic fee	\$1250.00	\$1,715.00
(b) Within a contiguous project area of less than 100 acres, and with one acre or less of wetlands on site, basic fee	\$800.00	\$1,098.00

(c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, extension, or conversion to Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:

1. For adjustment, expansion, transfer or extension of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;

2. Modification to convert to Chapter 40D-4 or 40D-40, F.A.C., construction permit:

a. When the construction permit applicant is the original permittee for a valid site conditions assessment permit, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., general construction permit, as applicable; if a construction permit is issued, a credit equal to the basic fee amount paid in connection with the site conditions assessment permit shall be reimbursed after submittal of the project Statement of Completion and as-built information by the original permittee, and operation approval by the District.

b. When the construction permit applicant is not the original permittee, and the applicant has a valid site conditions assessment permit that was transferred, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., general construction permit, as applicable; but the permit application processing fee credit in sub-subparagraph 2.a. shall not apply.

(12) The District will use the Consumer Price Index for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

SPACE FLORIDA

RULE NOS.:	RULE TITLES:
57-50.001	General
57-50.002	Approval of Travel and Entertainment Expenses
57-50.003	Authority of the President to Make Advance Payments for Travel

PURPOSE AND EFFECT: To promulgate rules regarding Space Florida's travel and entertainment expense policies.

SUMMARY: Providing for Space Florida’s travel and entertainment expense policies

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

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

RULEMAKING AUTHORITY: 331.310(1)(j), (2)(a), (d), 331.3101 FS.

LAW IMPLEMENTED: 331.310(1)(j), (2)(a), (d), 331.3101 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Desiree Mayfield, Space Florida (321)730-5301. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Desiree Mayfield

THE FULL TEXT OF THE PROPOSED RULES IS:

TRAVEL AND ENTERTAINMENT EXPENSE REIMBURSEMENT

57-50.001 General.

This chapter establishes the rules regarding the reimbursement of business clients, guests, and authorized persons as defined in Section 112.061(2)(e), Florida Statutes, and direct payments to third-party vendors:

(1) For travel expenses of such business clients, guests, and authorized persons incurred in connection with the performance of Space Florida’s statutory duties, and for travel expenses incurred by Space Florida officers, as defined in Section 112.061(2)(c), Florida Statutes, and Space Florida employees, as defined in Section 112.061(2)(d), Florida Statutes, while accompanying such business clients, guests, or authorized persons or when authorized by the Board of Directors or its designee.

(2) For entertainment expenses of such guests, business clients, and authorized persons incurred in connection with the performance of Space Florida’s statutory duties.

Rulemaking Authority 331.310(1)(j), (2)(a), (d), 331.3101 FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101 FS. History–New _____.

57-50.002 Approval of Travel and Entertainment Expenses.

(1) All travel and entertainment expenses must be authorized and approved by the President, Chief Financial Officer of Space Florida, or their designees. Paid receipts, or copies thereof, must be attached to the request for reimbursement

(2) Travel and entertainment expenses of guests, business clients, and authorized persons shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by Space Florida.

(3) The reimbursement policy for travel and entertainment expenses shall be in accordance with Sections 112.061 and 331.3101, Florida Statutes.

Rulemaking Authority 331.310(1)(j), (2)(a), (d), 331.3101 FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101 FS. History–New _____.

57-50.003 Authority of the President to Make Advance Payments for Travel.

The President, Chief Financial Officer of Space Florida, or their designees, may make, or authorize the making of, advances to cover anticipated costs of travel to guests, business clients, and authorized persons. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the guests, business clients, and authorized persons in the performance of public purpose authorized by law to be performed by Space Florida. The guest, business client, or authorized person shall refund any unused portion of the advancement within 15 days after the expense is incurred or the travel is completed. If the advancement is made solely for travel expenses, paid receipts shall be submitted and any unused portion of the advancement shall be refunded within 30 days after completion of the travel.

Rulemaking Authority 331.310(1)(j), (2)(a), (d), 331.3101 FS. Law Implemented 331.310(1)(j), (2)(a), (d), 331.3101 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Desiree Mayfield

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank DiBello

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-20.0085 Licensure Standards

PURPOSE AND EFFECT: The Agency proposes to repeal Rule 59A-20.0085, F.A.C., Licensure Standards. The statutory authority for this rule, Section 455.239, F.S., was repealed and no statutory authority exists for licensing of Radiation Therapy Centers. This rule was inadvertently omitted from the earlier repeal of the other rules in Chapter 59A-20, F.A.C.

SUMMARY: The proposed repeal will remove the only remaining rule in Chapter 59A-20, F.A.C.

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

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

RULEMAKING AUTHORITY: 455.239, 455.25(2) FS.

LAW IMPLEMENTED: 455.236, 455.239, 455.241, 455.25 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: September 15, 2009, 2:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kaylyn Boles, Bureau of Health Facility Regulation, Building 1, MS 28A, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-0791. If you are 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: Bill McCort, Bureau of Health Facility Regulation, Building 1, MS 28A, 2727 Mahan Drive, Tallahassee, FL 32308, (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-20.0085 Licensure Standards.

Rulemaking Specific Authority 455.239, 455.25(2) FS. Law Implemented 455.236, 455.239, 455.241, 455.25 FS. History—New 3-10-94, Amended 9-15-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Bill McCort

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: RULE TITLES:

59G-11.001 Purpose

59G-11.003 Agency Certification Process and Requirements

59G-11.004 Revocation of a 211 Number

PURPOSE AND EFFECT: To repeal Chapter 59G-11, F.A.C., Florida 211 Network Provider Certification requirements, that is obsolete. AHCA no longer has regulatory responsibility of these rules.

SUMMARY: The proposed repeal eliminates an obsolete rule. The rule reflects an obsolete program.

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

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

RULEMAKING AUTHORITY: 409.918 FS.

LAW IMPLEMENTED: 409.918 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: Stephen Bradley, Medicaid Quality Management Bureau, 2727 Mahan Drive, Mail Stop 48, Tallahassee, Florida 32308-5407, (850)414-6606

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-11.001 Purpose.

~~The purpose of this rule is to develop certification criteria for entities to become certified by the Agency as Florida 211 Network Providers as directed in subsection (2) of Section 408.918, Florida Statutes.~~

Rulemaking Specific Authority 408.918 FS. Law Implemented 408.918 FS. History—New 4-24-03, Repealed.

59G-11.003 Agency Certification Process and Requirements.

~~(1) The Agency shall certify a single Florida 211 Network Provider for each county. This shall not preclude the Florida 211 Network Provider from serving multiple counties. To ensure the maximum use of the 211 number for information~~

and referral services, the certified Florida 211 Network Provider shall be required to coordinate with all other information and referral services and the telecommunications companies within the designated county or counties. If the Agency receives more than one application for Florida 211 Network Provider certification from organizations representing the same county, the Agency will notify the organizations by certified mail that the Agency shall only accept one collaborative designation application per county.

(2) In order to become a Florida 211 Network Provider candidates shall submit to the Agency a Florida 211 Network Provider Certification Application Form 5700-0001 dated September 2002, which is incorporated herein by reference. Candidates shall also provide the Agency with written documentation verifying that the organization meets the following criteria:

(a) Provides 24 hour coverage, 7 days a week either on-site or through written arrangements with organizations for after hours coverage, that shall be provided by personnel monitoring the 211 phone line and shall not be answered through an answering service or answering machine;

(b) Adheres to the Alliance of Information and Referral Systems, Incorporated *Standards for Professional Information and Referral*, 4th edition, revised October, 2002, which is incorporated herein by reference, and is AIRS accredited, or has initiated the written application process and shall become accredited within three years;

(c) Has 25 percent or more of eligible staff with AIRS certification as information and referral specialists or resource specialists;

(d) Works collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elder help lines, homeless coalitions, designated emergency management systems, 911 and 311 systems;

(e) Has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and average call length;

(f) Maintains a computerized information and referral system database that has up-to-date information and resource data and the capacity to collect caller information;

(g) Uses the Alliance of Information and Referral Systems and AIRS/INFO LINE Taxonomy and has incorporated the taxonomy into its resource data base;

(h) Publicizes 211 services through a written public awareness, marketing, advertising, and education plan to inform the public regarding available services;

(i) Provides teletyping (TTY) services for speech and hearing impaired individuals and multi lingual accessibility either on-site, or through access to translators;

(j) Has formal agreements with clearinghouse agencies that provide volunteer or donation management services;

(k) Ensures quality of service and caller and customer satisfaction through follow up and written outcome evaluations;

(l) Shares resource database information with other Florida 211 Network Providers;

(m) Tracks information on inquirer needs, unmet needs, and barriers to services and shares this data with other Florida 211 Network Providers, and local and state organizations;

(n) Uses a method common to all Florida 211 Network Providers to measure and evaluate outcomes for the operation of a 211 call center;

(o) Submits to the Agency an annual report documenting the information and referral services provided. The annual report shall include: geographical areas served, call volume, number of abandoned calls, average speed of answering, average call length, information on inquirer needs, unmet needs, and barriers to services. This report shall cover the previous year's activities and shall follow the state's fiscal year from July 1st through June 30th. The report shall be due to the Division of Medicaid in the Agency on or before August 1st of each year; and

(p) Adheres to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(3) Candidates with AIRS accreditation that submit a Florida 211 Network Provider Certification Application Form 5700-0001 dated September 2002, with accompanying written documentation that verifies compliance with the Agency's certification criteria shall be certified for three years as a Florida 211 Network Provider.

(4) Candidates that have applied for, but have not yet received AIRS accreditation and that submit a Florida 211 Network Provider Certification Application Form 5700-0001 dated September 2002, with accompanying written documentation that verifies compliance with the Agency's certification criteria, shall be certified by the Agency for one year as a Florida 211 Network Provider. Prior to certifying a candidate who does not have AIRS accreditation, the Agency shall conduct an on-site visit to review the candidate's compliance with the Agency's certification criteria.

(5) Within 45 days of the receipt of the initial Florida 211 Network Provider Certification Application Form 5700-0001 dated September 2002, the Agency shall notify a candidate of whether the candidate is in compliance with the Agency's certification requirements. Such notification shall include a statement of deficiencies for candidates that are determined not in compliance with the certification requirements. Candidates determined by the Agency to not be in compliance with the certification requirements, shall submit a plan of correction to the Agency within 21 calendar days of receipt of the statement of deficiencies. The plan of correction shall include a list of corrective actions the candidate will take to remedy identified deficiencies and shall include the date by which each action shall be completed. Plans of correction shall be reviewed by

the Agency for approval. The Agency shall notify candidates by certified mail of whether their plan of corrections has been approved. Candidates shall conform to the certification criteria within 45 days of receipt of the Agency's notification of approval of the plan of correction, or shall be ineligible for certification by the Agency. Candidates that fail to submit and adhere to an approved plan of correction shall not be certified by the Agency as a Florida 211 Network Provider. Candidates shall be eligible to re-apply for Agency certification after one year from the date of notification by the Agency.

(6) If a Florida 211 Network Provider loses AIRS accreditation, yet is in compliance with the Agency's certification criteria, the provider shall be granted a one year provisional certification by the Agency as a Florida 211 Network Provider, if after consulting with AIRS it is deemed that the provider is eligible to reapply for re accreditation. The Agency shall notify the provider by certified mail that it has one year from the date of loss of accreditation by AIRS to obtain re accreditation. Within 45 days of notification, the provider shall submit to the Agency for approval a plan to secure AIRS accreditation within the provisional time frame.

(7) If the Agency determines that a Florida 211 Network Provider is not in compliance with the Agency's certification criteria, the provider shall be notified by certified mail that it shall conform to the standards within 45 calendar days of receipt of the certified letter or lose certification by the Agency.

(8) If the Agency receives a written complaint that a Florida 211 Network Provider is in violation of the Agency's certification criteria, the Agency shall initiate an investigation of the complaint within 21 calendar days of notification.

(9) The Agency shall renew a Florida 211 Network Provider's certification which has AIRS accreditation for an additional 3 years, if the provider submits a new Florida 211 Network Provider Certification Application Form 5700-0001 dated September 2002, with accompanying written documentation that verifies compliance with the Agency's certification criteria 60 days prior to the termination of the certification.

(10) The Agency shall renew the certification of a Florida 211 Network Provider which does not have AIRS accreditation, if the provider submits the following by at least 60 calendar days prior to the termination of the certification period: a new 211 Florida Network Provider Certification Application Form 5700-0001 dated September 2002; written documentation that verifies compliance with the remainder of the Agency's certification criteria; and a written plan of how the provider intends to obtain AIRS accreditation. Prior to re-certifying a provider who does not have AIRS accreditation, the Agency shall conduct an on-site visit to review the provider's compliance with the Agency's certification criteria. The Agency shall renew certification for 1 year for a provider that does not have AIRS accreditation if the Agency finds that

the provider is in compliance with the certification criteria subsequent to an on-site visit. Subsequent to the on-site visit the Agency shall notify a provider by certified mail if it is in violation of the Agency's certification criteria. The provider shall have 45 days from receipt of the notification to become compliant. Providers who become compliant with the certification criteria within 45 days shall be granted an additional year of certification.

(11) Dispute resolution. Any dispute related to the Agency's certification of a Florida 211 Network Provider shall be resolved pursuant to Chapter 120, Florida Statutes.

Rulemaking Specific Authority 408.918 FS. Law Implemented 408.918 FS. History-New 4-24-03, Repealed _____.

59G-11.004 Revocation of a 211 Number.

The Agency shall request the Federal Communications Commission to direct the local exchange company to revoke the use of the 211 dialing code from any entity that leases a 211 number from a local exchange company but is not certified by the Agency. Prior to requesting revocation by the Federal Communications Commission and the local exchange company, the Agency shall notify the entity leasing the 211 number by certified mail that it has 30 days from receipt of the notification to submit the Florida 211 Network Provider Certification Application Form 5700-0001 dated September 2002, and accompanying documentation. If the entity leasing the 211 number fails either to submit a completed application and certification form within 30 days of receipt of the certified letter or become certified by the Agency, the Agency shall, after consultation with the local exchange company and the Public Service Commission, request that the Federal Communications Commission direct the local exchange company to revoke use of the 211 number.

Rulemaking Specific Authority 408.918 FS. Law Implemented 408.918 FS. History-New 4-24-03, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen Bradley, Medicaid Quality Management Bureau
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-19.010
RULE TITLE: Criteria for Investigators and Consultants

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the criteria for investigators and consultants.

SUMMARY: The criteria for investigators and consultants 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.

RULEMAKING AUTHORITY: 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida.

LAW IMPLEMENTED: 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida.

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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-19.010 Criteria for Investigators and Consultants.

Except for investigation of non-technical matters, all investigators and consultants hired by the Department of ~~Business and Professional Regulation~~ who undertake the investigation of certified public accountants ~~Florida CPA's~~ shall be active Florida certified public accountants with a minimum of five (5) years of active licensure in the area of public accountancy. Non-technical matters are defined as those not encompassing the technical proficiency of a certified public accountant ~~licensee~~ in the practice of public accountancy.

Rulemaking Specific Authority 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida. Law Implemented 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida. History—New 11-2-81, Formerly 21A-19.10, 21A-19.010, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-20.003	Client
61H1-20.004	Enterprise
61H1-20.0051	Assembled Financial Statements
61H1-20.0052	Offer to Perform or Perform Services Involving Assembled Financial Statements
61H1-20.0053	Standards for Assembled Financial Statements
61H1-20.007	Generally Accepted Accounting Principles
61H1-20.008	Generally Accepted Auditing Standards
61H1-20.009	Standards for Accounting and Review Services
61H1-20.0092	Government Auditing Standards
61H1-20.0093	Rules of the Auditor General
61H1-20.0095	Standards for Consulting Services
61H1-20.0096	Services for Tax Practice
61H1-20.0097	Standards for Personal Financial Planning
61H1-20.0099	Standards for Attestation Engagements
61H1-20.010	Engagement
61H1-20.013	Employee
61H1-20.016	Non-CPA Shareholders, Partners, and Members

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the definitions of client and enterprise; to provide the correct citation for “assembled financial statements;” to update language concerning the certified public accountant; to clarify and edit punctuation errors; to update generally accepted accounting principles from the GASB to the FASB; to update the auditing standards; to provide a website by which to obtain the Standards for Accounting and Review Services; to provide a website by which to obtain the Government Auditing Standards; to update the effective dates and rules of the Auditor General; to update the standards for consulting services; to update the standards for tax practice by providing the updated standards; to provide the updated standards for personal financial planning and to provide the updated standards for attestation engagements.

SUMMARY: The definitions of client and enterprise will be clarified; the correct citation for “assembled financial statements” will be provided; language concerning the certified public accountant will be updated; punctuation errors will be edited and clarified; generally accepted accounting principles will be updated from the GASB to the FASB; auditing standards will be updated; a website by which to obtain the Standards for Accounting and Review Services will be

provided; the effective dates and rules of the Auditor General will be updated; the standards for consulting services will be updated; the standards for tax practice will be updated; and the updated standards for personal financial planning and attestation engagements will be provided.

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.

RULEMAKING AUTHORITY: 455.203(8), 473.304, 473.314, 473.315, 473.317, 473.323 FS., Ch. 81-302, § 27, §1, Ch. 97-35, Laws of Florida.

LAW IMPLEMENTED: 455.203(8), 473.302, 473.304, 473.309(1)(b), 473.314, 473.315, 473.317, 473.318, 473.319, 473.322, 473.3101 FS., Ch. 81-302, § 27, §1, 12, Ch. 98-340, §1, Ch. 97-35, Laws of Florida.

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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-20.003 Client.

“Client” shall be deemed and construed to mean the person(s) or entity which retains a certified public accountant or firm licensee for the performance of public accounting services.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.317, 473.318, 473.319 FS. History–New 12-4-79, Formerly 21A-20.03, 21A-20.003, Amended _____.

61H1-20.004 Enterprise.

“Enterprise” shall be deemed and construed to mean any person(s) or entity, whether organized for profit or not, for which a certified public accountant or firm licensee provides public accounting services.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Formerly 21A-20.04, 21A-20.004, Amended _____.

61H1-20.0051 Assembled Financial Statements.

(1) No change.

(2) The term “assembled financial statements” refers to any financial statements included in Section 473.302(8)(7)(c), F.S.

(3) No change.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented ss. 1, 12, Ch. 98-340, Laws of Florida. History–New 10-28-98, Amended _____.

61H1-20.0052 Offer to Perform or Perform Services Involving Assembled Financial Statements.

The term “offer to perform or perform services involving assembled financial statements” as used in Rule 61H1-20.0053, F.A.C., applies to an actively licensed certified public accountant who performs one or more types of services involving the preparation of assembled financial statements including:

(1) through (3) No change.

(4) Being the only certified public accountant licensee involved with providing services involved in the preparation of financial statements.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented ss. 1, 12, Ch. 98-340, Laws of Florida. History–New 10-28-98, Amended _____.

61H1-20.0053 Standards for Assembled Financial Statements.

A certified public accountant holding an active license may offer to perform or perform services involving assembled financial statements so long as the certified public accountant complies with the standards for assembled financial statements, which are as follows:

(1) Understanding with the Entity – The certified public accountant shall establish a written understanding with the entity regarding the services to be performed. This written understanding shall include a description of the nature and limitations of the services to be performed. The understanding shall also provide:

(a) No change.

(b) Disclose whether or not the entity preparing the financial statement is or is not licensed by the Florida Board of Accountancy. An example engagement letter is provided for illustrative purposes:

(Appropriate Salutation)

This letter is to confirm our understanding of the terms and objectives of our engagement to provide accounting services during (date), the output of which will be in the form of (monthly/quarterly/other frequency) assembled financial statements.

- We will perform the following services (selected illustrations):
- Assist you in recording transactions on a (monthly/quarterly/other frequency) basis.
- Prepare a trial balance from your accounts and journals.
- Assemble that information in the form of financial statements.
- Provide comments of a business advisory nature.

We do not undertake to, and will not, provide any opinion or form of assurance on the financial statements we assemble in connection with these services and, accordingly, we do not undertake to make inquiries or perform other procedures to verify, corroborate, or review information supplied by you. In addition, those statements may (will) contain departures from generally accepted accounting principles or another comprehensive basis of accounting.

Our engagement to assemble financial statements cannot be relied upon to disclose errors, fraud, or illegal acts, including fraud or defalcations that may exist. These assembled financial statements are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

Our fees for these services. . . .

We shall be pleased to discuss this letter with you at any time.

If the foregoing is in accordance with your understanding, please sign the copy of this letter in the space provided and return it to us.

Sincerely yours,

(Signature of Certified Public Accountant)

Accepted and agreed to:
XYZ Company

President

Date

(2) Any certified public accountant who offers to perform or performs assembled financial statements must comply with the provisions of Rule 61H1-22.001, F.A.C.

(3) Language or style similar to that used in reports as defined in Rule 61H1-20.009, F.A.C., shall be avoided to reduce any possible risk of misunderstanding.

(4) Assembled financial statements are not prepared with an expression of any form of opinion or assurance.

(5) Assembled financial statements shall be accompanied by a transmittal letter. See example standard transmittal letter following subsection (12) below.

(6) Before issuing the transmittal letter, the certified public accountant shall read the assembled financial statements and consider whether such financial statements appear to be free from obvious material errors. In this context, the term error refers to mistakes in the assembly of financial statements, including arithmetical or clerical mistakes.

(7) The date of completion of the assembled financial statement(s) shall be used as the date of the transmittal letter.

(8) The transmittal letter shall include the name and license number of the certified public accountant who offers to perform or performs services involving assembled financial statements. If more than one certified public

accountant offers to perform or performs such services, then the name and license number of the certified public accountant who assumes responsibility for the statements shall be included. If a Licensed Audit Firm or Public Accounting Firm offers to perform or performs such services, the name and license number of the firm may be utilized instead of the name and license number of an individual certified public accountant.

(9) The following language shall be included in the transmittal letter and on each page of the assembled financial statements: These assembled financial statements are not prepared with an expression of any form of opinion or assurance and they are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

(10) If the Licensed Audit Firm, certified public accountant or the certified public accountant employer's is not independent, as defined in Rule 61H1-20.001, F.A.C., the transmittal letter shall disclose the lack of independence.

(11) Transmittal letters may include comments of a business advisory nature to which the certified public accountant wishes to draw the client's attention.

(12) An example standard transmittal letter is provided for illustrative purposes:

(Date)

These assembled financial statements for XYZ Company as of (date) are prepared without an expression of any form of opinion or assurance and they are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

(Comments of a business advisory nature may be included in a separate paragraph(s).

(Signature of Licensed Audit Firm), or

(Signature of Active Certified Public Accountant) Licensee

(State of Issuance and License Number)

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.302, 473.322 FS. History—New 10-28-98, Amended 9-20-00, 8-28-06,_____.

61H1-20.007 Generally Accepted Accounting Principles. Non-governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Financial Accounting Standards Board (FASB) Accounting Standards CodificationTM, published on July 1, 2009 and effective for interim and annual periods ending after September 15, 2009. The FASB Accounting Standards Codification TM, is available from FASB at 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, telephone (203)847-0700 or at its website at <http://asc.fasb.org/>.

Governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Governmental Accounting Standards Board (GASB) Summary of Statement No. 55

The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments (Issued 03/09) and available from GASB at 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06850-5116, telephone: (203)847-0700 or at its website at <http://www.gasb.org/>, for state and local governments or the principles and standards as promulgated by the Federal Accounting Standards Advisory Board (FASAB), available from FASAB, 750 First Street, Suite 1001, Washington, D.C. 20002, telephone (202)512-7350 or at its website at <http://www.fasab.gov/index.html> for federal governmental entities.

~~“Generally Accepted Accounting Principles” shall be deemed and construed to mean accounting principles generally accepted in the United States of America in effect as of June 30, 2002, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial Accounting Standards Board (FASB), the Governmental Accounting Standards Board (GASB) and the Federal Accounting Standards Advisory Board (FASAB). The FASB materials are entitled Original Pronouncements 2001/2002 Edition, vols. I, II, & III, dated 12/31/00, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856 5116, 1(888)777 7077, <http://www.cpa2biz.com>. The GASB materials are entitled Governmental Accounting and Financial Reporting Standards, (Statement 34 Edition), available from GASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06850 5116. The FASAB materials are entitled FASAB Statements 1 22, dated 12/31/00, and are available from FASAB, 750 First Street, Suite 1001, Washington, D.C. 20002, (202)512-7350.~~

~~Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 2-3-81, 3-16-81, 1-25-82, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.07, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.007, Amended 10-19-94, 9-30-97, 9-29-02, _____.~~

61H1-20.008 Generally Accepted Auditing Standards.

Non-issuer (non-issuers are (1) all entities who are not issuers as that term is defined by the Sarbanes-Oxley Act of 2002, and (2) entities whose audits are not required by Securities & Exchange Commission (SEC) rules to be conducted in accordance with the standards of the Public Company Accounting Oversight Board (PCAOB)) “Generally Accepted Auditing Standards” shall be deemed and construed to mean auditing standards generally accepted in the United States of America in effect as of June 30, 2009,

including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA); ~~as amended by the AICPA Auditing Standard Board (ASB) and standards promulgated by the ASB in the form of Statements on Auditing Standards (entitled Codification of Statements on Auditing Standards, (including Statements on Standards for Attestation Engagements) Numbers 1 to 93, dated 2001, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at call 1(888)777-7077).~~

Issuer (issuer means an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), the securities of which are registered under section 12 of that Act (15 U.S.C. 78l), or that is required to file reports under section 15(d) (15 U.S.C. 78o(d)), or that files or has filed a registration statement that has not yet become effective under the Securities Act of 1933 (15 U.S.C. 77a et seq.), and that it has not withdrawn), generally accepted auditing standards shall be deemed and construed to mean auditing and attest standards generally accepted in the United States of America in effect as of July 1, 2009 as published by the PCAOB and available at its website at www.pcaob.org.

~~Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 3-16-81, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.08, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.008, Amended 10-19-94, 9-30-97, 9-29-02, _____.~~

61H1-20.009 Standards for Accounting and Review Services.

“Standards for Accounting and Review Services” shall be deemed and construed to mean Statements on Standards for Accounting and Review Services published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, 2. (Entitled Codification of Statements on Standards for Accounting and Review Services, Numbers 1 8, dated 1/4/02, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at call 1(888)777-7077).

~~Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 3-16-81, 1-25-82, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.09, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.009, Amended 10-19-94, 9-30-97, 9-29-02, _____.~~

61H1-20.0092 Government Auditing Standards.

“Government Auditing Standards” shall be deemed and construed to mean Government Audit Standards issued by the Comptroller General of the United States, in effect as of July 2007 June 30, 2002. (Entitled Government Auditing Standards, July 2007 Revision (GAO-07-731G)) 1994 Revision, and its Amendments entitled Government Auditing Standards Amendment No. 1, Documentation Requirements When

~~Assessing Control Risk at Maximum for Controls Significantly Dependent Upon Computerized Information Systems, GAO/A-GAGAS-1, revised May 1999, and Amendment No. 2, Auditor Communication, GAO/A-GAGAS-2, revised July 1999, available from the United States General Accounting Office, Washington, D.C. 20548-0001} or from its website at <http://www.gao.gov/govaud/ybk01.htm>.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.304, 473.315 FS. History–New 10-28-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0092, Amended 10-19-94, 9-30-97, 9-29-02,_____.

61H1-20.0093 Rules of the Auditor General.

“Rules of the Auditor General” shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida (~~effective 9-30-01~~), in effect as follows of June 30, 2002:

Chapter 10.550	Title Local Government Entity Audits, <u>effective 9/30/2007</u>
10.650	State Single Audits Non-profit and For-profit Organizations, <u>effective 9/30/2007</u>
10.700	<u>Audits of Certain Nonprofit Organizations, effective 6/30/2008</u> Audits of Direct Support Organizations and Citizen Support Organizations
10.800	District School Board Audits, <u>effective 6/30/2008</u>
10.850	Charter School Audits, <u>effective 6/30/2008</u>

These rules are available from the State of Florida, Auditor General’s Office or from the website <http://www.state.fl.us/audgen>, under the Rules and Guidelines section.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 10-22-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0093, Amended 9-30-97, 9-29-02,_____.

61H1-20.0095 Standards for Consulting Services.

“Standards for Consulting Services” shall be deemed and construed to mean ~~Statements on Standards for Consulting Services, aka CS Section 100, Consulting Services: Definitions and Standards from the AICPA Professional Standards the Statement on Standards for Consulting Services No. 1, as published by the AICPA, American Institute of Certified Public Accountants~~ in effect as of June 30, 2002, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at call 1(888)777-7077.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 5-20-91, Formerly 21A-20.0095, Amended 9-30-97, 9-29-02,_____.

61H1-20.0096 Services for Tax Practice.

“Standards for Tax Services” shall be deemed and construed to mean ~~Statements on Standards for Tax Services, dated August 2000~~, as published by the American Institute of Certified

Public Accountants, and in effect as of December 31, 2003, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077 ~~June 30, 2002~~.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 5-20-91, Formerly 21A-20.0096, Amended 9-30-97, 9-29-02,_____.

61H1-20.0097 Standards for Personal Financial Planning.

“Standards for Personal Financial Planning” shall be deemed and construed to mean Basic Personal Financial Planning Engagement Functions and Responsibilities First Issued October 1992; Revised January 1996, aka Statements on Responsibilities in Personal Financial Planning Practice, as published by the American Institute of Certified Public Accountants, ~~in effect as of June 30, 2002~~, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request call at 1(888)777-7077.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 11-8-95, Amended 9-30-97, 9-29-02,_____.

61H1-20.0099 Standards for Attestation Engagements.

“Standards for Attestation Engagements” shall be deemed and construed to mean Statements on Standards for Attestation Engagements published by the American Institute of Certified Public Accountants, (entitled Codification of Statements on Standards for Attestation Engagements, Numbers 1 to 14), dated December 2006 ~~January 1, 2002~~, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at call 1(888)777-7077, ~~in effect as of June 30, 2002~~.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 9-29-96, Amended 6-22-98, 9-29-02,_____.

61H1-20.010 Engagement.

“Engagement” shall be deemed and construed to mean the association between a client and a certified public accountant or firm licensee relative to the performance of public accounting services by the certified public accountant or firm licensee for the client.

Rulemaking Specific Authority 473.304, 473.314, 473.315, 473.317 FS. Law Implemented 473.314, 473.315, 473.317 FS. History–New 12-4-79, Formerly 21A-20.10, 21A-20.010, Amended_____.

61H1-20.013 Employee.

A certified public accountant licensee would be considered an employee of a CPA firm for purposes of Chapter 473 if the certified public accountant licensee has the status of an employee under the usual common law rules applicable in determining the employer-employee relationship. A certified public accountant licensee may be leased ~~licensed~~ to a CPA firm through an employee leasing company as defined in

Section 443.036(16), F.S., as long as the CPA firm has the power to hire and fire, has complete supervision and control over the certified public accountant's licensee's work product, and accepts the certified public accountant licensee as its responsibility for purposes of complying with Rule 61H1-26.002, F.A.C.

Rulemaking Specific Authority 473.304, FS. Law Implemented 473.302, 473.309(1)(b), 473.3101 FS. History--New 10-17-90, Formerly 21A-20.013, Amended.

61H1-20.016 Non-CPA Shareholders, Partners and Members.

(1) No change.

(2) Non-CPA shareholders, partners, and members shall not hold themselves out as ~~certified public accountants or public accountants~~.

Rulemaking Specific Authority 473.304 FS., s. 1, Chapter 97-35, Laws of Florida. Law Implemented s. 1, Chapter 97-35, Laws of Florida. History--New 2-5-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-21.001	Independence
61H1-21.002	Integrity and Objectivity
61H1-21.005	Contingent Fees
61H1-21.006	Communication with Client of Another Certified Public Accountant

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.315, 473.319 FS., s. 2, Chapter 97-35, Laws of Florida.

LAW IMPLEMENTED: 473.315 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-21.001 Independence.

(1) A ~~licensed~~ firm shall not express an opinion on financial statements (as that term is defined in the Standards for Independence) of an enterprise or on the reliability of an assertion by one party for use by another (third) party unless the firm is active licensed and independent with respect to such enterprise or the party making the assertion. A licensed firm is also precluded from expressing such an opinion if the firm is aware that an individual in the firm is not independent and that individual is a covered certified public accountant licensee or is otherwise required to be independent. A certified public accountant licensed individual shall not express such an opinion unless the certified public accountant individual is independent with respect to such enterprise or the party making the assertion. A certified public accountant licensed individual is also precluded from expressing such an opinion if he or she is aware that an individual in the firm is not independent and that individual is a covered certified public accountant licensee or is otherwise required to be independent. All covered certified public accountants licensees and all other individuals who are required to be independent are required to disclose to the firm that they are not independent prior to the issuance of such an opinion; failure to do so is a violation of this rule. All firms are required to adopt appropriate policies to implement the disclosure requirement and to monitor compliance therewith.

(2) In order to delineate the standards against which a certified public accountant's licensee's independence or lack thereof is to be judged, the Board has created a document entitled "Standards for Determining Independence in the Practice of Public Accountancy for CPAs Practicing Public Accountancy in the State of Florida" (effective 5-1-2003, revised 12-31-2004) (hereinafter "Standards for Independence") which document is hereby incorporated by reference in this Rule. The standards contained in the "Standards for Independence" are similar to those contained in the Code of Professional Conduct promulgated by the American Institute of Certified Public Accountants.

(3) In order to be considered independent a certified public accountant licensee must comply with the requirements set out in the "Standards for Independence" and the requirements of this rule.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Amended 2-3-81, 10-28-85, Formerly 21A-21.01, Amended 10-20-86, Formerly 21A-21.001, Amended 5-21-03, 1-31-05, _____.

61H1-21.002 Integrity and Objectivity.

A certified public accountant shall not knowingly misrepresent facts, and, when engaged in the practice of public accounting, shall not subordinate his/her judgment to others including but not limited to clients, employers or other third parties. In tax practice, a certified public accountant licensee may resolve doubt in favor of his/her client as long as there is reasonable support for his/her position.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Formerly 21A-21.02, Amended 6-4-86, Formerly 21A-21.02, 21A-21.002, Amended _____.

61H1-21.005 Contingent Fees.

(1) No certified public accountant or firm A licensee shall ~~not~~ accept a fee contingent upon the findings or results of such services if the service is of the type for which a commission or referral fee could not be accepted (See Rule 61H1-21.003, F.A.C.).

(2) No certified public accountant or firm A licensee shall ~~not~~ accept a contingent fee for tax filings with the federal, state, or local government unless the findings are those of the tax authorities and not those of the certified public accountant or firm licensee. Unless the certified public accountant or firm licensee has specific reason to know that the filing will be reviewed in detail by the taxing authorities, the findings will be presumed to be those of the certified public accountant or firm licensee and a contingent fee is not permissible. An original or amended federal tax return or a claim for refund cannot be prepared for a contingent fee since the findings are not considered to be those of the taxing authority. If the taxing authority has begun an audit, any findings will be considered those of the taxing authority and a contingent fee may be accepted. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, shall not be regarded as contingent fees for the purposes of this rule. However, a certified public accountant's or firm's licensee's fee may vary depending, for example, on the complexity of the service rendered.

Rulemaking Specific Authority 473.304, 473.319 FS., s. 2, Chapter 97-35, Laws of Florida. Law Implemented 473.319 FS., s. 2, Chapter 97-35, Laws of Florida. History--New 12-4-79, Formerly 21A-21.05, 21A-21.005, Amended 11-30-93, 2-23-98, _____.

61H1-21.006 Communication with Client of Another Certified Public Accountant Licensee.

If a client of one certified public accountant or firm licensee requests a second certified public accountant or firm licensee to provide professional advice on accounting or auditing matters in connection with an expression of opinion, the second certified public accountant or firm licensee must consult with the first certified public accountant or firm licensee, after obtaining the client's consent, to make certain that the (the second certified public accountant or firm licensee) is aware of all the relevant facts.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Amended 2-3-81, Formerly 21A-21.06, 21A-21.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-23.002
RULE TITLE: Records Disposition Responsibility
PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315, 473.318 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-23.002 Records Disposition Responsibility.

(1) A certified public accountant licensee shall furnish to a client or former client within a reasonable time after request of the document the following if they are in the certified public accountant's licensee's possession or control at the time of the request: Any accounting or other records belonging to the client which the certified public accountant licensee may have had occasion to remove from client's premises, or to receive for the client's account, including records prepared as part of the service to the client which would be needed to reconcile to the financial statements or tax return prepared and issued by the certified public accountant. If the tax return or financial statement has not been issued, the certified public accountant must only return records received from the client, but this shall not preclude the certified public accountant licensee from making copies of such documents when same form the basis of work done by the certified public accountant licensee.

(2) This rule shall not preclude a certified public accountant licensee from making reasonable charges for costs incurred. A certified public accountant licensee shall not withhold those items contemplated above under any circumstances following a demand for same from the client.

(3) Provisions of this rule apply to Licensed Audit Firms and to all Certified Public Accountants practicing public accounting.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315, 473.318 FS. History--New 12-4-79, Amended 12-11-83, Formerly 21A-23.02, Amended 9-1-87, Formerly 21A-23.002, Amended 10-28-98,_____ .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-24.001	Advertising
61H1-24.002	Solicitation

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.315, 473.323 FS.

LAW IMPLEMENTED: 473.315, 473.318, 473.323 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-24.001 Advertising.

(1) No certified public accountant licensee shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading, if it, among other things:

- (a) Contains a misrepresentation of facts; or
- (b) Makes only a partial disclosure of relevant facts; or
- (c) Creates false or unjustified expectations of beneficial assistance; or
- (d) Appeals primarily to a layperson's fears, ignorance, or anxieties regarding his state of financial well-being; or
- (e) Contains any representation or claims, as to which the certified public accountant licensee, referred to in the advertising, does not expect to perform; or
- (f) Contains any other representation, statement, or claim which misleads or deceives; or
- (g) In the event that a certified public accountant licensee uses the term "specialty" or "specialist" or any other term tending to indicate an advanced standing in any aspect of the practice of public accountancy, in any advertisement or offering to the public, the advertisement must state that the use of the term is a self-designation and is not sanctioned by the state or federal government. This requirement shall not apply to any statement indicating the certified public accountant licensee has received any bona fide formal recognition or attainment; or
- (h) Represents that professional services can or will be competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or

(2) As used in Section 473.302(6), F.S., and the rules of the Board, the terms “advertisement,” “advertising” and “advertising as a part of a certified public accountant’s licensee’s business activities” shall mean:

(a) Any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of selling public accounting services, or offering to perform public accounting services, or including members of the public to enter into any obligation relating to such public accounting services. For purposes of this rule, oral or written statements include:

1. Business cards;
2. Letterhead;
3. Signs;
4. Listings in telephone and other media or communication directories;
5. Display of certificate or license from this or any other state;
6. Business reports;
7. Transmittal letters or other written communication issued or associated with accompanying financial statements;
8. Brochures;
9. Forms filed with state and federal regulatory agencies;
10. Press releases;
11. Paid promotional listing in any media;
12. Display of membership in CPA associations;
13. Listings in professional directories;
14. Presentation during court proceedings;
15. Website, e-mail, or any other electronic communication.

(b) “Advertisement,” “advertising” and “advertising as a part of a certified public accountant’s licensee’s business activities” as defined terms by this rule does not include:

1. Verbal statements in a social context
2. Use of the designation by faculty members in an educational institution when functioning in the capacity of a faculty member, and
3. Use of the designation by authors when used only for identification as authors of books, articles or other publications, provided that such publications, do not offer the performance of services or the sale of products (other than books, articles or other publications).

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.323(1)(f) FS. History–New 12-4-79, Amended 2-3-81, 12-29-83, Formerly 21A-24.01, Amended 5-20-91, Formerly 21A-24.001, Amended 2-12-95, 5-7-96, 10-8-97, 11-18-07,_____.

61H1-24.002 Solicitation.

(1) A certified public accountant licensee may respond to any request for a proposal to provide public accounting services and may provide such services to those requesting same.

(2) A certified public accountant licensee may solicit an engagement to perform public accounting services provided the certified public accountant licensee complies with Rule 61H1-24.001, F.A.C., and provided the certified public accountant licensee does not use coercion, duress, compulsion, intimidation, threats, or conduct that is overreaching, or vexatious or harassing.

(3) No change.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.323 FS. History–New 12-4-79, Amended 2-3-81, Formerly 21A-24.02, 21A-24.002, Amended 11-30-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-25.001 RULE TITLE: Responsibility for Other Persons

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.322, 473.323 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-25.001 Responsibility for Other Persons.

A certified public accountant licensee shall not permit others to carry out on his/her behalf, either with or without compensation, acts which, if carried out by the certified public accountant licensee would place him/her in violation of Chapters 455 and 473, F.S., or rules promulgated thereto.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.322, 473.323 FS. History--New 12-4-79, Formerly 21A-25.01, 21A-25.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.005 RULE TITLE: Educational Advisory Committee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 120.53(1), 473.304 FS.

LAW IMPLEMENTED: 120.53(1), 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.005 Educational Advisory Committee.

The Board shall appoint an Educational Advisory Committee which shall be composed of one (1) member of the Board, two (2) Florida certified public accountants licensees in public practice, and four (4) academicians on faculties of universities within the State of Florida. The Board member shall be appointed by the Chairman and serve at his or her pleasure. The other members of the Committee will be selected by the Chairman of the Committee for terms of two (2) years, with the potential for reappointment for one (1) additional two (2) year term. Any member appointed to fill a vacated, partial term, can serve two (2) full terms. In addition, the Committee shall consist of expert staff retained by the Department of Business and Professional Regulation. Said staff shall be individuals who have knowledge and experience with educational curricula and national accreditation standards for accounting and business programs. The Educational Advisory Committee shall assist the Board and Board staff with any educational matters or issues brought to the Committee, including but not limited to questions regarding academic qualification for applications for examination and licensure by endorsement. The Committee may also bring educational issues it deems of importance to the Board.

Rulemaking Specific Authority 120.53(1), 473.304 FS. Law Implemented 120.53(1), 473.306 FS. History--New 7-7-85, Formerly 21A-27.05, Amended 12-2-92, Formerly 21A-27.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-28.0011 RULE TITLE: Examinations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove outdated language and update the requirements for the CPA examination.

SUMMARY: Outdated language will be removed from the rule. The requirements for the CPA examination will be updated.

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.

RULEMAKING AUTHORITY: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(1), 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-28.0011 Examinations.

(1) The Board adopts the Uniform CPA Examination "CPA Examination" prepared by the Board of Examiners of the American Institute of Certified Public Accountants ~~and the examination approved by the Board on Chapters 455 and 473, F.S., and the related administrative rules "Law and Rules Examination"~~ as its licensure examinations.

(2) As used in Chapter 61H1-28, F.A.C., ~~the following terms are hereby defined:~~

~~(a)~~ "Examination window" means a three-month period in which candidates have an opportunity to take the CPA Examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus candidates will be able to test two out of the three months within each examination window.

~~(b)~~ "Special examination window" means the period from April 5, 2004 to September 30, 2004 during which a candidate may have the opportunity to take the CPA Examination and during which the examination may be available for a period of time more than two months due to the unique circumstances surrounding the initial administration of the CPA Examination. ~~The special examination window shall count as one examination window. During the special examination window a candidate may retake a failed section(s) one time.~~

(3) For purposes of the ~~Uniform~~ CPA Examination:

(a) A first-time candidate is defined as a candidate who is required to file an application in order to qualify to sit for all sections of an examination.

(b) A re-examination candidate is defined as a candidate who has not received credit for all sections within the time frame allotted, as set out in Rule 61H1-28.0052, F.A.C.

(c) Candidates cannot retake a failed test section(s) in the same examination window.

Rulemaking Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History–New 1-1-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-29.005 CPA Education/CPE Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.3101, 473.323(2) FS.

LAW IMPLEMENTED: 473.311, 473.312 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.005 CPA Education/CPE Credit.

The CPE reestablishment period for new Florida certified public accountants ~~licensees~~ begins on the date of certification, which is printed on the license. Only courses completed after that date may be used for CPE credit. Accordingly, no courses which count as education for obtaining the CPA license may be used for CPE credit.

Rulemaking Specific Authority 473.304, 473.3101, 473.323(2) FS. Law Implemented 473.311, 473.312 FS. History–New 11-2-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 31, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-33.002	Organization and Administration
61H1-33.0031	Continuing Professional Education/Ethics
61H1-33.0033	Obligations of CPA Ethics Course Continuing Education Providers
61H1-33.0065	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant and to update the requirements for ethics continuing professional education.

SUMMARY: Language concerning the certified public accountant will be clarified and the requirements for ethics continuing professional education will be updated.

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.

RULEMAKING AUTHORITY: 120.55(1)(a)4., 455.02(2), 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.02(2), 455.213(6), 455.2178, 455.2179, 473.312 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-33.002 Organization and Administration.

There is created the Committee on Continuing Professional Education. Subject to the approval of the Board, said Committee shall:

(1) Evaluate and determine, either prospectively or retrospectively, whether specific courses, programs, education and training qualify as formal programs of learning which contribute directly to professional competency of an individual following licensure to practice public accounting, and the credit to be granted therefore;

(2) Determine in individual cases whether professional knowledge and competency have been reestablished by virtue of the completion of such programs; and

(3) Audit the continuing professional education records of Florida certified public accountants licensees on a sample basis from time to time.

Rulemaking Specific Authority 473.304, 473.312 FS. Law Implemented 473.312 FS. History–New 12-4-79, Amended 2-3-81, 7-2-85, Formerly 21A-33.02, 21A-33.002, Amended _____.

61H1-33.0031 Continuing Professional Education/Ethics. ~~Effective with the CPE reporting period ending June 30, 2006:~~

(1) A Florida certified public accountant licensee must complete no less than four of the total hours required for any reestablishment period in ethics from a provider approved pursuant to Rule 61H1-33.0032, F.A.C.

~~(2) Licensees shall attain a certificate of course completion prior to completing the exam requirements in Rule 61H1-28.007, F.A.C.~~

~~(2)(3)~~ In the event the four hours course is completed ~~taken~~ in two modules, Florida certified public accountants licensees must complete the four-hour requirement with the same provider.

Rulemaking Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History–New 5-18-05, Amended _____.

61H1-33.0033 Obligations of CPA Ethics Course Continuing Education Providers.

To maintain an approved status as an ethics course continuing education provider, the provider must:

(1) Retain documentation that the course instructor is a certified public accountant ~~licensed by a state or territory of the United States~~ who has practiced in a public accounting firm for five of the last ten years, whose background, training, education or experience makes it appropriate for the person to teach the course.

(2) Require each Florida certified public accountant licensee to complete the entire four-hour certified public accountant ethics course requirement in order to receive a certificate of attendance. Offer the four-hour certified public accountant ethics course in one module of four credit hours or two modules of two credit hours.

(3) No change.

(4) Ensure that all promotional material for courses or seminars offered to Florida certified public accountant licensee for credit contain the certified public accountant ethics course provider number and course title.

(5) through (6) No change.

(7) Provide a written examination to each participating Florida certified public accountant licensee in correspondence study courses. In order to complete the course, the Florida certified public accountant licensee must sign and date the examination and receive a minimum grade of eighty percent (80%). If a Florida certified public accountant licensee fails the examination, the Florida certified public accountant licensee will be permitted to take the examination again in order to achieve a passing grade.

(8) through (10) No change.

Rulemaking Specific Authority 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History–New 5-18-05, Amended _____.

61H1-33.0065 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

A Florida certified public accountant licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The Florida certified public accountant licensee must show proof to the Board of the absence and the spouse’s military status.

Rulemaking Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New 7-13-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.001
RULE TITLE: Biennial Licensing

PURPOSE AND EFFECT: The purpose and effect would be to repeal a portion of the rule that is difficult to administer.

SUMMARY: The Department is removing from the rule a requirement that licensees not be allowed to renew their licenses to practice if they owe money or have outstanding obligations to the department. These licensees will continue to be referred to the department’s enforcement section.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The agency has determined that this 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.

RULEMAKING AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.001 Biennial Licensing.

(1) through (5) No change.

~~(6) Renewal:~~

~~(a) Licensees who renew to an active status license and are subsequently found to be out of compliance with the requirements for that renewal or the requirements set forth in a citation final order shall not be permitted to renew during the subsequent renewal cycle or thereafter until they have:~~

~~1. Satisfied any deficiencies in continuing education requirements, financial responsibility requirements, and any other conditions for renewal set forth in statute or rule; and~~

~~2. Paid any money owed for a citation in which a final order has been issued.~~

~~(b) A licensee who disputes the continuing existence of a deficiency in fact or as a matter of law may request a Section 120.57, F.S., hearing within 21 days of receipt of notification of denial of the renewal application.~~

Rulemaking Authority 456.004(1) FS. Law Implemented 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 FS. History–New 11-5-00, Amended 11-24-05, 11-8-07, 7-30-08, 7-19-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lola Pouncey
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 11, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 1, 2009

Additionally, interested parties may participate by dialing 1(888)808-6959. When prompted, enter Conference Code 3884197 followed by the # key.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329; telephone number: (850)488-4197

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-37.002	Definitions
67-37.005	Local Housing Assistance Plans
67-37.006	Review of Local Housing Assistance Plans and Amendments
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.010	Local Affordable Housing Advisory Committees and Incentive Strategies
67-37.019	Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds

THE FULL TEXT OF THE PROPOSED RULES IS:

67-37.002 Definitions.

As used in this rule chapter, the following definitions shall apply:

(1) No change.

(2) “Annual Gross Income” means Annual Gross Income as defined in Section 420.9071(4), F.S.

(3)(2) “Annual Report” or “Form SHIP AR/07” means a report required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(10), F.S. Form SHIP AR/07 is adopted and incorporated herein by reference with an effective date of 4-24-08. A copy of Form SHIP AR/07 may be obtained at <http://www.floridahousing.org/Home/HousingPartners/LocalGovernments/>.

(4) “Assisted Housing” or “Assisted Housing Development” means Assisted Housing as defined in Section 420.9071(29), F.S.

(5)(3) “Catalyst” means the Affordable Housing Catalyst Program as described in Section 420.531, F.S.

(6)(4) “Debt Service” means the amount required in any fiscal year to pay the principal of, redemption premium, if any, and interest on bonds and any amounts required by the terms of the documents authorizing, securing, or providing liquidity for bonds necessary to maintain in effect any such liquidity or security arrangements.

(7)(5) “Default” means the failure to make required payments on a financial loan secured by a first mortgage which may lead to foreclosure and loss of property ownership.

(8)(6) “Deferred Payment Loan” means Funds provided to a borrower under terms that calls for repayment to be delayed for a certain length of time, until certain circumstances change, or a certain threshold is met.

(9) “Eligible Housing” means as defined in Section 420.9071(8), F.S.

(10)(7) “Encumbered” means that deposits made to the local affordable housing trust fund have been committed by contract, or purchase order, letter of commitment or award in a manner that obligates the county, eligible municipality, or interlocal entity to expend the amount upon delivery of goods, the rendering of services, or the conveyance of real property by a vendor, supplier, contractor, or owner.

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to Local Governments as an incentive to create Partnerships to produce and preserve affordable housing.

SUMMARY: Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

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

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

RULEMAKING AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9079 FS.

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

DATE AND TIME: September 15, 2009, 11:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

~~(11)(8)~~ “Essential Service Personnel” means pursuant to Chapter 2006-69, Laws of Florida, persons in need of affordable housing who are employed in occupations or professions in which they are considered essential service personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S.

~~(12)(9)~~ “Expended” or “Spent” means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity.

~~(13)(10)~~ “Extremely Low Income Household” or “ELI” means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

~~(14)(11)~~ “Foreclosure” means the legal action by a mortgage holder to require repayment of a Loan through the sale of the subject property.

~~(15)(12)~~ “Forgivable Loan” means a loan with no repayment obligation if program requirements are met for a specified period of time.

~~(16)(13)~~ “Grant” means Grant as defined in Section 420.9071(12), F.S.

~~(17)(14)~~ “Home Ownership Activities” means the use of the local affordable housing trust fund moneys for the purpose of providing owner-occupied housing. Such uses include construction, rehabilitation, purchase, and lease-purchase financing where the primary purpose is the eventual purchase of the housing by the occupant within twenty-four months from initial execution of a lease agreement or within twenty-four (24) months of the applicable fiscal year, whichever occurs first, to meet the requirement of subsection (8).

~~(18)(15)~~ “Interlocal Entity” means an entity created pursuant to the provisions of Chapter 163, Part I, F.S., for the purpose of establishing a joint local housing assistance plan pursuant to the provisions of Section 420.9072(5), F.S.

~~(19)(16)~~ “Loan” means Loan as defined in Section 420.9071(13), F.S.

~~(20)~~ “Local Housing Incentive Strategies” means Local Housing Incentive Strategies as defined in Section 420.9071(16), F.S.

~~(21)~~ “Persons Who Have Special Housing Needs” means individuals who have incomes not exceeding moderate-income and, because of particular social, economic, or health-related circumstances, have greater difficulty acquiring or maintaining affordable housing. Such persons include: those who have encountered resistance to their residing in particular communities; suffered increased housing costs resulting from

their unique needs and high risk of institutionalization; persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (“AIDS”) and Human Immunodeficiency Virus (“HIV”) disease; runaways and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

~~(22)~~ “Preservation” means Preservation as defined in Section 420.9071(30), F.S.

~~(23)~~ “Recaptured Funds” means Recaptured Funds as defined in Section 420.9071(25), F.S.

~~(24)(17)~~ “Rehabilitation” means repairs or improvements which are needed for safe or sanitary habitation, correction of substantial code violations, or the creation of additional living space.

~~(25)(18)~~ “Review Committee” means the committee established pursuant to Section 420.9072(3)(a), F.S.

~~(26)(19)~~ “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-.9079, F.S.

~~(27)(20)~~ “State” means the State of Florida.

~~(28)(21)~~ “Sub Recipient” means a person or non-state organization contracted by a SHIP eligible local government and compensated with SHIP funds to provide administration of any portion of the SHIP program.

~~(29)(22)~~ “Welfare Transition Program” means a program pursuant to the provisions of Section 445.006, F.S.

Rulemaking Specific Authority 420.9072(9) FS., Ch. 2000-69, Laws of Florida. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.002, Amended 12-26-99, 9-22-03, 1-30-05, 11-5-06, 2-24-08,_____.

67-37.005 Local Housing Assistance Plans.

(1) To be eligible for SHIP funding for a state fiscal year, a county or eligible municipality shall submit and receive approval of its local housing assistance plan and amendments thereto as provided in Rule 67-37.006, F.A.C. Plans must be submitted to the Corporation by May 2 preceding the end of the fiscal year in which the current plan expires. New Plans must be submitted utilizing the LHAP Template 2009 (6-06), adopted and incorporated herein by reference with an effective date of 11/09 11-5-06. A copy of the LHAP Template 2009 (6-06) may be obtained at <http://www.floridahousing.org/Home/HousingPartners/LocalGovernments/>. In the case of new eligible municipalities, plans must be submitted to the Corporation by May 2 of the state fiscal year prior to the state fiscal year they are eligible for funding. No SHIP local housing distribution funds shall be distributed in any fiscal year to any county or eligible municipality unless and until an approved plan is in place with respect to such fiscal year.

(2) through (5) No change.

(a) through (c) No change.

(d) The maximum sales price of new and existing units. For community land trust purposes the value of the land is not included in the purchase price. The information required for paragraphs (a) through (d) shall be included on the "Housing Delivery Goals Chart #2002," and is adopted and incorporated herein by reference with an effective date of 9-22-03, which is required to be completed for each fiscal year. A copy of the "Housing Delivery Goals Chart #2002 may be obtained at www.floridahousing.org. Click on: Housing Partners; then Local Governments (SHIP); then on Local Housing Assistance Plans <http://www.floridahousing.org/Home/HousingPartners/LocalGovernments/>;

(e) The statement that monthly rents or monthly mortgage payments, including taxes and insurance, do not exceed 30 percent of an amount representing the percentage of the area's median ~~Annual~~ Gross ~~Income~~ for the household as indicated in Section 420.9071(19), (20) or (28), F.S. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing. Housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size established by the Corporation;

(f) through (i) No change.

(6)(b)2. No change.

3. A description of the selection criteria for each strategy; ~~or~~

4. The maximum housing value limitation for each strategy; ~~or~~

5. ~~A statement that SHIP local housing distribution may not be used to purchase, rehabilitate, or repair mobile homes.~~

(c) through (d) No change.

(e) Certifies that the staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility throughout the 15 year compliance period as described at subsection 67-37.007(11)(10), F.A.C.

(f) No change.

(g) Has established a procedure for the tracking and expenditure of program income and ~~Recaptured~~ Funds from loan repayments, reimbursements, Foreclosures or other repayments, and interest earnings on the local housing distribution funds. Such provision shall evidence compliance with the provisions of Rule 67-37.007, F.A.C.;

(h) through (i) No change.

(7) through (10) No change.

(11) Each county and eligible municipality may develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of Essential Service

Personnel pursuant to Section 420.9075(3)(b), F.S. If a county or eligible municipality creates a strategy as referenced above before the current plan expires, an amendment shall be submitted to the Corporation in underline and strikethrough format as provided in subsection 67-37.005(17)(9), F.A.C.

(12) A county or eligible municipality may use SHIP funds for persons or families whose total annual household income does not exceed one hundred forty percent of the area median income, adjusted for family size; ~~or one hundred and fifty percent of the area median income, adjusted for family size, in areas designated as areas of critical concern, when the funds are allocated to a development that has been awarded funds under the Community Workforce Housing Innovation Pilot Program.~~ This use of funds does not relieve the local government from meeting the requirements of Section 420.9075(5)(d), (2), F.S.

(13) No change.

(14) Each county and eligible municipality shall include initiatives in the local housing assistance plan identifying current and emerging green building and design techniques and explain how these techniques are to be integrated into its housing strategies both for sustainability and promote greater affordability pursuant to Section 420.9075(3)(d), F.S.

(15) Each county and eligible municipality may develop a strategy within its local housing assistance plan for the Preservation of assisted rental housing.

(16) A county or eligible municipality may develop a strategy within its local housing assistance plan to provide a one-time relocation Grant up to \$5,000 to eligible households who are subject to eviction from rental property due to foreclosure of the rental property. At the time of application, eligible households must submit a notice of eviction; and proof that rent was paid at least 3 months before the date of eviction, including the month the eviction notice was served. This subsection expires July 1, 2010.

~~(17)(14)~~ For plans adopted prior to the effective date of this rule, the Corporation shall not require submission of an amendment to include a strategy for Essential Service Personnel unit such time as the current plan expires. If a county or eligibility municipality creates a strategy as referenced above before the current plan expires, an amendment must be submitted to the Corporation in underline and strikethrough format as provided in subsection 67-37.005(18)(15), F.A.C.

~~(18)(15)~~ A copy of the local housing assistance plan shall be submitted to the Corporation, via electronic submission. The local housing assistance plan's certification and resolution pages shall be mailed to the Corporation and shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official's designee and a certification that the document being submitted is the county's, eligible municipality's or interlocal entity's local housing assistance plan and that all provisions of the plan conform to the

requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C. Each local housing assistance plan shall contain a table of contents or checklist, which specifies exactly where in the documentation required items shall be located. Each local housing assistance plan amendment shall be written with text which is being deleted shown in strikethrough format and text which is being added shown in underlined format. Within two weeks after receipt of final approval letter, the local government shall provide to the Corporation, via electronic submission, a complete clean copy (no strike through or underline) for Corporation files.

~~(19)(16)~~ Any recently hired staff or new entity employed or contracted to administer any portion of the SHIP program having no previous experience with the SHIP program shall receive on site, telephonic and e-mail training through the Catalyst program.

Rulemaking Specific Authority 420.9072(9) FS., Ch. 2006-69, Laws of Florida. Law Implemented 420.9072(2), 420.9075 FS. History—New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.005, Amended 12-26-99, 9-22-03, 1-30-05, 11-5-06, 2-24-08, _____.

67-37.006 Review of Local Housing Assistance Plans and Amendments.

(1) Local housing assistance plans and amendments shall be reviewed and approved by a Review Committee appointed by the Executive Director. In the event that a quorum is not convened for the review of a plan or an amendment to a plan, action can be taken with a simple majority vote of those members present for the review.

(2) through (4) No change.

Rulemaking Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2) FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.006, Amended 12-26-99, 9-22-03, 2-24-08, _____.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(1) SHIP local housing distribution funds shall be used to implement the local housing assistance plan. The benefit of assistance provided through the SHIP program must accrue to eligible persons occupying Eligible Housing. This provision shall not be construed to prohibit use of the local housing distribution deposited into the local housing assistance trust fund for a mixed-income rental development. SHIP local housing distribution funds may be used:

(a) through (e) No change.

(2) No change.

(3) At least seventy-five percent of a local government's SHIP local housing distributions must be used for construction, rehabilitation or emergency repairs of affordable, Eligible Housing. Construction, rehabilitation, or emergency repairs must be completed either within one year immediately

preceding the date of conveyance of title (i.e., closing) or within 24 months of the close of the applicable State fiscal year to satisfy this requirement, unless otherwise extended as provided at paragraph 67-37.005002(6)(i), F.A.C. The expenditure of program income is exempt from this requirement. For purposes of this rule, SHIP recipients may rely on the following expenditures to be considered construction, rehabilitation or emergency repair costs:

(a) through (f) No change.

(4) A county or eligible municipality may spend up to 20 percent of the funds made available in each county and eligible municipality from the local housing distribution for manufactured housing as referenced in Section 420.9075(5)(c), F.S.

(a) through (f) No change.

~~(5)(4)~~ The Corporation shall review and approve expenditures for the following categories as Administrative Expenditures:

~~(6)(5)~~ The balance of the local housing distribution funds and other funds deposited into the local housing assistance trust fund must be used for housing production and finance activities, including: financing preconstruction activities, financing the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

~~(7)(6)~~ The sales price or value of new or existing homes which are sold or rehabilitated under the SHIP Program shall not exceed 90 percent of the average area purchase price in the statistical area in which the housing is located. The local government at its discretion may set the sales price or value below the 90 percent benchmark. The maximum area purchase price shall not exceed the limit established by the United States Department of Treasury or that calculated in accordance with Section 420.9075(5)(d)~~(e)~~, F.S.

~~(8)(7)~~ Loans issued using local housing distribution funds deposited to the local housing assistance trust fund may not have terms exceeding 30 years, except for Deferred Payment Loans or Forgivable Loans that extend beyond 30 years which continue to serve eligible persons.

~~(9)(8)~~ All units constructed, rehabilitated, or otherwise assisted with local housing distributions provided from the local housing assistance trust fund must be occupied by eligible persons as required by Section 420.9075(4)(c)~~1(d)2.~~, F.S. The remainder may be reserved for eligible persons or eligible sponsors that will serve eligible persons.

~~(10)(9)~~ Monthly mortgage payments, including taxes and insurance, and monthly rental payments must be affordable for very low-, low- and moderate-income persons and households.

~~(11)(10)~~ Rental units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund must be monitored at least annually for 15 years or the term of assistance, whichever is longer, for compliance with tenant

income and affordability requirements, except as referenced in Section 420.9075(4)(e), F.S. In determining the maximum allowable rents, 30 percent of the applicable income category divided by 12 months shall be used based on the number of bedrooms. A one-person household shall be used for an efficiency unit, and for units with separate bedrooms, one and one-half persons per bedroom shall be used. A rental limit chart based on the above calculation adjusted for bedroom size will be provided to the local governments by the Corporation annually.

~~(12)(11)~~ All Loans and Grants for houses constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund shall be subject to recapture requirements as described by the county or eligibility municipality in its local housing assistance plan. Any strategy proposed that will award funds as a Grant without any recapture requirements shall be submitted to the Corporation denoted as a Grant as part of the local housing assistance plan for approval by the Review Committee.

~~(13)(12)~~ Developers receiving assistance from both SHIP and the Low-Income Rental Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability and other LIHTC requirements. Similarly, any units receiving assistance from SHIP and other federal, State or local programs shall be required to comply with any requirements specified by the other program in addition to SHIP program requirements. In the event both programs have restrictions on the same issue, the more restrictive regulation shall take precedence. If one program is silent on an issue, the program with a regulation on the issue shall apply.

~~(14)(13)~~ The local government may require that housing units receiving assistance from local housing distribution funds deposited to the local housing assistance trust fund be located within the boundaries of the local government's jurisdiction which has been approved for receipt of local housing distribution funds.

~~(15)(14)~~ Local housing distribution funds deposited to the local housing assistance trust fund shall not be used as a pledge of the debt service on bonds or as rent subsidies.

~~(16)~~ Pursuant to Section 420.9073(5), F.S. in the event of a disaster declared by an Executive Order of the Governor, counties and eligible municipalities may request funding for activities described in its local housing assistance plan or under the disaster strategy. Requests for additional funds shall be submitted in writing and shall include the name of the local government and amount of funds requested and a schedule of when the funds being requested are to be expended. The request shall also include the number of households to be assisted, addresses, damage assessment performed by FEMA, the Department of Emergency Management, or other local agency performing disaster assessments and dollar estimate of repairs. Disaster funds shall be disbursed to local governments based on demonstrated need on a first come, first-served basis

pending availability of funds. Counties and eligible municipalities receiving additional funds for disaster that have unencumbered funds shall expend the unencumbered funds before requesting disaster funds. Disaster activities shall be included in the Annual Report submitted by local jurisdictions by September 15 following the close of the fiscal year.

(17) Pursuant to Section 420.9073(6), F.S. counties and eligible municipalities may request funds to be used for the purchase of properties subject to a SHIP lien on which foreclosure proceedings have been initiated. Counties and eligible municipalities receiving these funds shall repay these funds to the Corporation no later than the expenditure deadline for the fiscal year in which the funds were expended. Any funds not repaid shall be withheld from the subsequent year's distribution. Requests for these funds shall be submitted in writing and shall include the name of the local government, amount of funds requested, address of property(ies) being acquired, cost of purchase, amount of existing SHIP subsidy and a schedule of when the funds being requested are to be expended. These funds will be disbursed to local governments on a first come, first served basis pending availability of funds.

Rulemaking Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History--New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.007, Amended 12-26-99, 9-22-03, 11-5-06, 2-24-08,_____.

67-37.008 Local Housing Assistance Trust Fund.

(1) through (3) No change.

(a) No change.

(b) Administrative Expenditures separately stated for the costs of the local government and any Sub Recipients administering the program.

(c) Total Recaptured Funds and program income separately stated for event type (Foreclosure, sale of property, refinance).

(d) No change.

(e) Tracking of persons with disabilities and any other additional program information needed by the Corporation.

(f) Annual reports shall be submitted to the Corporation via the internet using "Form SHIP AR/2009". "Form SHIP AR/2009" is adopted and incorporated herein by reference with an effective date of 11/2009. A copy of "Form SHIP AR/2009" may be obtained at www.floridahousing.org. Click on Housing Partners; then Local Governments (SHIP); then click on SHIP Annual Reports.

(4) through (5) No change.

Rulemaking Specific Authority 420.9072(9) FS. Law Implemented 420.9075(5) FS. History--New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 9I-37.008, Repromulgated 12-26-99, Amended 9-22-03, 1-30-05, 11-5-06, 2-24-08,_____.

67-37.010 Local Affordable Housing Advisory Committees and Incentive Strategies.

(1) The affordable housing advisory committee, as established in Section 420.9076(3)(2), F.S., must approve the local affordable housing incentive strategy recommendations at a public hearing by affirmative vote of a majority of the membership of the advisory committee.

(2) through (5) No change.

Rulemaking Specific Authority 420.9072(9) FS. Law Implemented 420.907, 420.9076 FS. History--New 2-9-94, 1-6-98, Formerly 9I-37.010, Amended 12-26-99, Repromulgated 9-22-03, Amended 2-24-08, _____.

67-37.019 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

(1) No change.

(2) The combined household Annual Gross Income of an applicant who is applying as an owner/occupant of a residence shall be verified and certified by the SHIP program administrator or designee using one of the following methods:

(a) through (c) No change.

(3) Income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination. Whichever income verification and certification method is used, the Annual Gross Income, as defined in Section 420.9071(4), F.S., must be used and the SHIP Program income limits cannot be exceeded. SHIP funds Expended on households that are determined to not be income qualified through a compliance monitoring or audit shall be repaid in full to the local housing trust fund from non-SHIP funds to be reallocated to an eligible SHIP activity. In this circumstance, the local government or administrative entity may be required to receive technical assistance through the Affordable Housing Catalyst Program.

(4) through (11) No change.

Rulemaking Specific Authority 420.9072(9) FS. Law Implemented 420.907, 420.9075(3)(e) FS. History--New 2-24-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker, SHIP Program Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Robert Dearduff, SHIP Program Administrator

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.002	Definitions
67-38.0026	General Program Requirements and Restrictions
67-38.003	Application Submission Procedures
67-38.004	Incomplete Applications and Rejection Criteria
67-38.005	Application Evaluation and Award Guidelines
67-38.007	Terms of the PLP Loan
67-38.008	Eligible Uses for the Loan
67-38.010	Credit Underwriting Procedures
67-38.011	Fees
67-38.014	Disbursement Procedures

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38, Florida Administrative Code (F.A.C.) is to establish the procedures by which the Florida Housing Finance Corporation shall administer the Predevelopment Loan Program (PLP) which helps to fund the initial and up front costs associated with the building or rehabilitation of affordable housing. These funds may be requested by any unit of government, public housing authority established pursuant to Chapter 421, F.S., community-based or not-for-profit organization, for-profit entity wholly owned by one or more qualified not-for-profit organizations, or limited partnership with the community-based or not-for-profit organization that holds at least 51% of the ownership not owned by a for-profit entity and must materially participate in the development and operation of the Development. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness for program service delivery and will provide greater clarification of the program.

SUMMARY: The Corporation reviewed the contents of this rule chapter to ensure that the language contained herein is still in line with the Statute, current goals of the Corporation and reflects any material changes that have taken place within the structure or application process of the Predevelopment Loan Program.

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

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

RULEMAKING AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-.529 FS.

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

DATE AND TIME: September 17, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, Formal Conference Room, Fifth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

Additionally, interested parties may participate by dialing 1(888)808-6959. When prompted, enter Conference Code 3884197 followed by the # key.

Pursuant to the provisions of 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: Robert Dearduff, Special Programs Administrator, (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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Dearduff, Special Programs Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-38.002 Definitions.

(1) through (4) No change.

(5) "Application Package" means the forms and instructions obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or from the Corporation's Website, which shall be completed and submitted to the Corporation in order to apply for a specific Florida Housing program. With respect to PLP, Form PLP 1115 (Rev 11/09 ~~10/07~~) is hereby adopted and incorporated herein by reference. Copies of such may be obtained by contacting the Special Programs Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(6) through (15) No change.

(16) "Development Plan" or "Form TAP 1215" (Rev 11/09 ~~02/05~~) means the written description of the proposed Development submitted to the Corporation by the Technical Assistance Provider, with the concurrence of the Applicant, in the form created and approved by Corporation. Form TAP 1215 is hereby adopted and incorporated herein by reference. Copies of such may be obtained by contacting the Special Programs Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(17) through (36) No change.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History--New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07,_____.

67-38.0026 General Program Requirements and Restrictions.

(1) No change.

(a) through (d) No change.

(e) A limited liability company or limited partnership if its managing member or general partner is a Community-Based or Not-For-Profit Organization that holds at least 51% of the ownership interest in the Development held by the managing member or general partner entity. The Not-For-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the Compliance Period as stated in the Land Use Restriction Agreement.

(2) In order to close on the PLP Loan, the Applicant entity approved by the Board shall have site control and the ability to secure the loan through a mortgage or other collateral.

(3)(2) PLP Loans shall be limited to eligible predevelopment and site acquisition costs approved for the Development by the TAP and the Corporation and are limited to:

(a) \$500,000 ~~when no funds are being requested~~ for ~~non-site acquisition; and~~ ~~or~~

(b) ~~\$500,000~~ \$750,000 ~~when funds are being requested~~ for site acquisition ~~of which funds for the site acquisition cost~~ (including good faith deposits applied to the sales price). The total PLP Loan amount shall not exceed \$750,000. ~~shall be limited to \$500,000~~

(4)(3) All funds from the PLP loan shall be expended on the eligible expenses outlined in Rule 67-38.008, F.A.C.

(5)(4) Site acquisition cost shall be subject to approval of an assigned Credit Underwriter.

(6)(5) The Corporation shall limit the PLP Loan to an amount which can be secured through a mortgage on the Development Site, the pledging of capital fund finance program funds as approved by HUD or other collateral approved by the Corporation. Such determination shall require written recommendation by the TAP or Credit Underwriter and be based on the following: mortgages, liens, or both currently on the Development Site, and shall be based on the ~~or~~ value of the Development Site as determined by appraisal dated within 12 months of receipt of the Application.

(7)(6) For rental Developments:

(a) The Applicant must commit to Set-Aside a minimum of 20% ~~60%~~ of the completed rental units to be rented to persons or households whose income does not exceed 50% ~~60%~~ of the area median income, as determined by HUD and adjusted by household size, for the metropolitan statistical area or county in which the Development is located, and

(b) No change.

(8)(7) For home ownership Developments:

(a) through (b) No change.

(9)(8) Applicants are required to work with a Technical Assistance Provider (TAP) as assigned and directed by the Corporation until repayment of the PLP Loan, withdrawal of

the Application, de-obligation of the PLP Loan, or termination from the PLP. The Corporation shall pay all fees required by the TAP.

~~(10)(9)~~ If the Applicant is utilizing PLP funds to purchase the PLP Development Site, including good faith deposits applied to the sales price of the land, Credit Underwriting will be required by a Credit Underwriter assigned by the Corporation. The Applicant is responsible for paying all the Credit Underwriting fees, which is an eligible PLP expense.

~~(11)(10)~~ If awarded a PLP Loan, the proceeds of such may only be used for PLP eligible expenses as outlined in Rule 67-38.008, F.A.C.

~~(12)(11)~~ The Development must be consistent with the purposes of the Predevelopment Loan Program and conform to the requirements specified in the Act or this rule chapter.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07,_____.

67-38.003 Application Submission Procedures.

(1) through (4) No change.

(5) Applications shall be accompanied by the non-refundable Application fee as set forth in the Application Package. Applications shall be submitted on the forms provided in the Application Package and shall be bound in three ring binders and shall have tabs for each form and exhibit. Exhibits shall be placed behind the form to which they refer. Failure to comply with any of the requirements set forth in this rule chapter shall result in the determination that the Application has not met Threshold Requirements.

(6) No change.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07,_____.

67-38.004 Incomplete Applications and Rejection Criteria.

(1) through (2)(b)(v) No change.

(vi) Application is submitted for a Development which an application has previously been submitted and not withdrawn.

(vii) Application is submitted for an ineligible purpose.

(3) through (4) No change.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07,_____.

67-38.005 Application Evaluation and Award Guidelines.

(1) through (6) No change.

(7) The Technical Assistance Provider shall work with the Applicant to formulate a Development Plan and PLP budget. The Development Plan and PLP budget shall clearly set forth in detail the Applicant's anticipated predevelopment tasks and

activities, timeline, itemized budget, sources to fund all anticipated predevelopment expenses, including those in excess of the amounts to be requested under the Predevelopment Loan Program, and the anticipated sources and uses of construction and permanent financing. The anticipated activities and expenses shall be those necessary prior to closing on construction or permanent financing for the Development. The Development Plan shall also set forth the exact number of units to be set aside, including the number of units set-aside for Farmworkers if priority was given for meeting the Farmworker Set-Aside.

(8) The Applicant shall be given up to six months from the Technical Assistance Provider's date of assignment ~~Applicant's date of execution of the Invitation to Participate letter~~ to complete and submit the Development Plan and PLP budget unless prior written approval of an extension is received from the Corporation. The Invitation to Participate letter shall be canceled if the Development Plan and PLP budget are is not submitted within the six-month period. All PLP Loan documents, if any, shall be cancelled. Any commitment fees paid shall be retained by the Corporation. With the prior approval of the TAP, the Applicant may request an extension for submitting the Development Plan and PLP budget in writing to the Corporation at least 30 calendar days prior to the end of the original six-month period.

(9) No change.

(10) Following the TAP and Corporation staff's approval of the Development Plan and PLP budget, the PLP Loan request shall be submitted to the Board for approval. Amendments to the Development Plan and PLP budget shall be allowed upon a favorable recommendation of the Technical Assistance Provider. Board approval shall not be required on PLP budget line item adjustments that do not exceed 10% of the approved non-site acquisition costs.

(11) If an increase to the PLP Loan is requested or an Applicant name change is requested, Board approval is required. Any increase to the PLP Loan amount must comply with limits set forth in subsection 67-38.0026(3), F.A.C.

(12) If an Applicant or Developer change is requested after the Board approves a PLP Loan, the change shall be approved by the Board. Development name changes do not require Board approval.

~~(13)(11)~~ Following approval of the PLP Loan, the Applicant will receive written notice of such approval in the form of a commitment letter issued by the Corporation. The Applicant shall submit the final commitment fee and return the executed acceptance of commitment to the Corporation within 20 calendar days from the date of the commitment letter.

~~(14)(12)~~ If the Board does not approve the PLP Loan request, no funds shall be disbursed other than for expenses incurred for services of the Technical Assistance Provider. Any commitment fees paid by the Applicant shall be retained by the Corporation.

~~(15)(13)~~ In the event the Development Plan receives approval and the Applicant is unable to proceed to completion of Predevelopment Loan Program activities or obtain permanent or construction financing, any commitment fees paid shall be retained by the Corporation.

~~(16)(14)~~ Following receipt of the final commitment fee, the Applicant shall be given up to six months from the date of the Commitment letter to execute such loan documents, as appropriate for such circumstances, including a mortgage, loan agreement, promissory note, LURA and any other customary loan documentation as may be required by the Corporation and will be provided to the Applicant. With the prior written approval of the Technical Assistance Provider, the Applicant may request a written extension on the loan closing to the Corporation at least 30 calendar days prior to the end of the original six-month period. The loan must close in the name of the entity that has site control of the Development. Upon execution of all loan documents by both the Applicant and the Corporation, funds will be available for disbursement for eligible predevelopment activities as specified in this rule chapter.

~~(17)(15)~~ A positive Credit Underwriting Report is required for closing on any portion of the PLP Loan that has been approved by the Board for site acquisition costs including good faith deposits applied to the sales price. The Applicant shall be given up to six months from the date of the second Commitment letter to execute a mortgage, loan agreement, promissory note, LURA and any other customary loan documentation provided to the Applicant. With the prior written approval of the Technical Assistance Provider, the Applicant may request a written extension on the site acquisition closing to the Corporation at least 30 calendar days prior to the end of the original six-month period. Upon execution of all loan documents by both the Applicant and the Corporation, funds will be available for disbursement for site acquisition activities as specified in this rule chapter.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07, _____.

67-38.007 Terms of the PLP Loan.

~~(1) If the Applicant entity is comprised of a 100% ownership interest by a Not For Profit Organization or a for profit entity wholly owned by one or more Not For Profit Organizations, or if the Applicant is a Public Housing Authority, the PLP Loan shall bear an interest rate of 1%. Otherwise, the PLP Loan shall bear an interest rate of 3%.~~

(2) The PLP Loan shall be secured by such customary documents and collateral as are necessary to ensure repayment in accordance with the terms and conditions approved by the Corporation.

(3) through (4) No change.

(5) With respect to rental Developments, the PLP Loan's Maturity Date shall be on the earlier of:

(a) The date of closing on the first source of permanent or construction loan for the Development; or

~~(b) The date of closing on the tax credit partnership and receipt of the initial disbursement; or~~

~~(c)(b)~~ Three years from the date of execution of the loan documents by the Corporation or other such extended loan Maturity Date approved by the Board.

(6) through (10) No change.

(11) The Applicant shall submit electronic progress reports evidencing successful completion of the requisite tasks and activities set forth in the Development Plan to the Technical Assistance Provider twice annually on not more than a quarterly basis as determined by the Corporation. The Technical Assistance Provider shall submit the reports to the Corporation. Reports are due to the Corporation by the 15th ~~10th~~ day of ~~April, July, October,~~ and January for so long as funds are outstanding.

(12) through (16) No change.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07, _____.

67-38.008 Eligible Uses for the Loan.

(1) No change.

(2) The Corporation shall monitor all predevelopment activity expenditures through the designated Technical Assistance Provider and shall deny disbursements which have not been approved by the Technical Assistance Provider prior to submission to the Corporation. Draw requests shall not be processed without the Technical Assistance Provider's written approval. All draw requests are submitted by the TAP to the Corporation.

(3) No change.

(a) through (c) No change.

~~(d) Legal fees, except those associated with application preparation and submissions;~~

(e) No change.

(f) Administrative expenses such as phone charges, travel related to the Development, copying, printing, and postage fees. Other expenses requested under this subsection shall be pre-approved by the Corporation. ~~Salaries of employees of the applicant are not an eligible expense.~~

(g) Development consultant fees. Consultant fees incurred in connection with the submission or preparation of the PLP Application or for any other activities which can be provided by the Technical Assistance Provider shall not be eligible predevelopment expenses. The consultant shall demonstrate appropriate experience in affordable housing Development projects and shall be approved by the TAP. No person,

corporation, partnership, or entity having an identity of interest in the Development, or the Applicant, or any employee of such may act as a third party consultant;

(h) through (t) No change.

(u) Capital needs assessment;

(w)(~~u~~) Other fees as approved by Florida Housing.

(4) through (5) No change.

(6) An applicant that applies for a PLP Loan for the acquisition and preservation of an affordable housing development shall:

(a) Be allowed to access PLP funding, not to exceed \$20,000 per Development, for the purpose of conducting a capital needs assessment (CNA) to determine the feasibility of preserving the Development after the Board has approved the Development plan and PLP budget. The CNA funding shall be secured by a loan agreement.

(b) Be required to repay the funds, according to this Rule chapter, if the CNA determines that the Development is feasible for preservation. If the Applicant pursues the remainder of the approved PLP loan, the funding for the CNA shall be included in the Loan agreement for the non site acquisition portion of the loan and be secured by a mortgage or other collateral.

(c) Be eligible to have the CNA funds forgiven if the results of the CNA determine that the Development is not feasible for preservation. If this occurs, no additional PLP funds will be made available for the Development.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07, _____.

67-38.010 Credit Underwriting Procedures.

(1) If an Applicant requests funds for site acquisition or if the Corporation deems Credit Underwriting necessary to determine the feasibility of a development or the eligibility of the Applicant or its' Affiliates on a Development that does not include a request for acquisition funds, or requests an extension of the term of the PLP Loan, the Corporation will assign a Credit Underwriter to perform the Credit Underwriting Report.

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

(e) Make a determination as to the eligibility and competence of the Applicant entity and all Principals of the Applicant.

(3) through (6) No change.

(7) It is the responsibility of the Applicant with the assistance of the Technical Assistance Provider to comply with each part of this rule chapter and to request in writing and provide evidence acceptable to the Corporation of extenuating circumstances for any requested waiver or extension. A failure to comply with any part of this rule chapter without the prior written approval of the TAP and written permission of the

Corporation shall result in the disqualification of the Development, loan de-obligated or application withdrawn by the Corporation.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07, _____.

67-38.011 Fees.

(1) No change.

(a) No change.

(b) If PLP funds are to be used for site acquisition and the Applicant requests an extension of the PLP Loan Maturity Date, a credit underwriting fee pursuant to the contract between the Corporation and the Credit Underwriter shall be paid. If a Development involves scattered sites, a single credit underwriting fee shall be charged for the first site. This fee may be paid from the PLP Loan proceeds;

(c) No change.

(d) Following approval an additional commitment fee shall be paid within 20 calendar days of written notice to the Applicant that the Development Plan has been approved. In the event the Development Plan does not receive approval, the commitment fee paid at the time of acceptance of the Invitation to Participate letter shall be retained by the Corporation. In the event the Applicant successfully completes the Predevelopment Loan Program activities and obtains permanent or construction financing, the Applicant's PLP Loan repayment amount will be reduced by the full commitment fees paid provided the Applicant is in compliance with the PLP Rule;

(e) through (f) No change.

(2) through (3) No change.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07, _____.

67-38.014 Disbursement Procedures.

After the PLP Loan has successfully closed, the PLP Loan shall be disbursed in partial payments by the Corporation to the Applicant, title company or third party contractors subsequent to compliance with the following conditions for either home ownership or rental Developments:

(1) No change.

(2) All draw ~~Any disbursement~~ requests shall set forth the Predevelopment activities and expenses which have been paid or will be paid to the contractors, sub-contractors, professionals, and consultants. Draw requests ~~amount requested by the Applicant~~ and shall be accompanied by invoices, cancelled checks or other such documentation to evidence the amount of the draw request and eligible Predevelopment activities, ~~kind of work or labor that has been~~

~~or is to be performed; the value of the same; the identification of the portion of the Development Site on which the work has been performed; and that such contractors, sub-contractors, material men, laborers, professionals, consultants and all persons employed by the Applicant to work on the Development have been paid for work performed or will be paid. Lien waivers or receipts for work or labor which has been completed shall be submitted along with requests for disbursement. Lien waivers or receipts for work which will be paid from the requested disbursement shall be submitted prior to receiving. Additional draw requests shall not be processed until all required documentation on previous draw disbursements is received by the Corporation;~~

(3) through (4) No change.

(5) In the event that the Applicant receives PLP funding ~~for site acquisition~~, the Applicant shall ~~must~~ provide a Mortgage on the Development Site as collateral for the loan subject only to such encumbrances approved by the Corporation; however, if the Applicant is offering a subordinate Mortgage or other collateral for the PLP Loan, the same shall be subject to a favorable recommendation of the Credit Underwriter and the approval of the Corporation.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-.529 FS. History--New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, 2-3-05, 11-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Dearduff, Special Programs Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Nancy Muller, Policy Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-39.002	Definitions
1A-39.003	Grant Funding
1A-39.004	Grant Programs
1A-39.005	Non-Allowable Costs
1A-39.007	Application Procedures

1A-39.008	Application Review
1A-39.009	Grant Award Agreement
1A-39.010	Reporting Requirements
1A-39.011	Restrictive Covenant
1A-39.012	Preservation Agreement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

Copies of the proposed rule incorporating these changes may be obtained by contacting David Ferro by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by phone at (800)847-7278, or by email at dferro@dos.state.fl.us.

Paragraph 1A-39.002(41) is amended to read:

(41) “Religious Property” means any real property and associated improvements owned by a religious institution (examples include churches, schools, meeting halls and parish houses) and any real property, regardless of ownership, that is used as a place of worship a building or portion of a building used as a place of worship. School facilities and residential buildings owned by religious institutions, except those portions of such buildings that may be used as places of worship, are not religious properties for the purpose of state funded grant awards

The last sentence in paragraph 1A-39.002(46) is amended to read:

For the purpose of this grant program, historic significance is evaluated on the basis of the Criteria for Evaluation for the National Register of Historic Places as set forth in 36 CFR 60.4, as revised July 1, 2008, which are incorporated by reference and are available from the Bureau.

Paragraph 1A-39.003(3) is amended to read:

(3) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in Chapters 8 (Subgrants, Contracts and Third Party Agreements), 9 (Certified Local Governments), and 17 (Procurement Standards) of the July 2007 most recent edition of the Historic Preservation Fund Grants Manual, incorporated by reference, and to any special conditions required by the U.S. Department of the Interior. The A copy of the federal Historic Preservation Fund Grants Manual is available online at <http://www.nps.gov/history/hps/hpg/downloads/June2007HPFManual.pdf>. may be obtained by writing or calling the Bureau and paying the cost of photocopying.

Sub-subparagraph 1A-39.004(1)(a)2.c. is amended to read:

c. Main Street projects include those providing technical support to the statewide Florida Main Street Program and a one-time start-up grant to newly designated Florida Main Street communities pursuant to Chapter ~~1A-36~~ ~~1A-38~~, F.A.C.;

Sub-subparagraph 1A-39.004(1)(b)1. is amended to read:

Match requirements ~~shall may~~ be waived by the Division for projects providing technical support to the statewide Florida Main Street Program and for Statewide Special Projects.

Paragraph 1A-39.005(11) is amended to read:

(11) Costs for projects having as their primary purpose the fulfillment of federal or state historic preservation regulatory requirements, specifically, costs of consultation and mitigation measures required under Section 106 of the *National Historic Preservation Act of 1966*, as amended through ~~2006~~ 2000, or under Section 267.031, F.S.;

Paragraph 1A-39.005(13) is amended to read:

(13) Grantee operational support (i.e., organization salaries, travel, supplies) (Note: project specific travel costs ~~shall may~~ be allowed if specifically requested in the application, included in the Project Budget and clearly demonstrated by the applicant to be essential to completion of the proposed project approved during the application review process and if included in the Approved Scope of Work).

The first sentence in paragraph 1A-39.007(2) is amended to read:

(2) At least ~~seven (7) thirty (30)~~ days prior to each grant solicitation period, the Division shall publish in the Florida Administrative Weekly notification of the impending grant application period.

Subparagraph 1A-39.008(7)(c) is amended to read:

(c) The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least ~~seven (7) thirty (30)~~ days prior to the Historical Commission or Review Panel meeting.

Subparagraph 1A-39.008(16)(b) is amended to read:

(b) If the funds available for reallocation exceed the amount needed to accomplish the objective of ~~in~~ (a) above, after funding the projects in (a), the Division Director shall allocate remaining additional funds to new grant awards in rank order at the recommended funding level for projects reviewed and ranked in the same cycle but not funded because of insufficient funding.

Paragraph 1A-39.009(1) is amended to read:

(1) All grant awards which have been approved in accordance with subsection 1A-39.008(15) F.A.C. shall be formalized through a Historic Preservation Grant Award Agreement by which the grantee enters into a contract with the State of Florida for the management of grant funds. The grant award agreement is specific to the type of project being assisted. Each of the following four types of grant award agreements is incorporated by reference and is available on the Division web site are as follows:

(a) Special Category Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASC, effective (date of adoption), 2009, ~~incorporated by reference~~. This agreement shall be used for all Special Category Grant awards.

(b) Small Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASM, effective (date of adoption), 2009, ~~incorporated by reference~~. This agreement shall be used for all Acquisition and Development, Survey and Planning, Community Education, and National Register Nomination projects for which a match is required.

(c) Non-Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAANM, effective (date of adoption), 2009, ~~incorporated by reference~~. This agreement shall be used for all ~~Acquisition and Development, Survey and Planning, Community Education, and National Register Nomination, and~~ Statewide Special Projects and technical assistance projects for the Florida Main Street Program ~~that have been~~ (solicited by the Division to meet statewide historic preservation needs), as well as all Acquisition and Development, Survey and Planning, Community Education, and National Register Nomination projects for which the match requirement has been waived.

(d) Abbreviated Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAAAB, effective (date of adoption), 2009, ~~incorporated by reference~~. This agreement shall be used for all local Main Street and Historic Marker projects.

Sub-subparagraphs 1A-39.009(4)(a)4. and 5. are amended to read:

4. Exception: The encumbrance period for a Special Category Grant project ~~shall may~~ be extended by written approval of the Division if requested in writing as indicated below and if the Grantee demonstrates ~~To be eligible for this extension, the Grantee must demonstrate~~ to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by the end of the requested extended encumbrance period. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than May 31 of the state fiscal year in which the grant funds are appropriated by the Legislature. For Special Category Grant projects, the maximum extension of the encumbrance period shall be 180 days.

5. Exception: A one-time thirty (30) day extension of the encumbrance period for Small Matching Grant projects ~~shall may~~ be granted by the Division if requested in writing as indicated below and if the Grantee demonstrates ~~by the Grantee To be eligible for this extension, the Grantee must demonstrate~~ to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by December 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than October 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. No further extension of the encumbrance period shall be granted."

The first sentence in sub-subparagraph 1A-39.009(4)(a)6. is amended to read:

6. Small Matching Grant projects for which full encumbrance of grant funding and the required match is not accomplished by the extended encumbrance deadline shall ~~may~~ be terminated by the Division.

Sub-subparagraphs 1A-39.009(4)(d)4. and 5. are amended to read:

4. For Special Category Grant projects, the Division shall ~~may~~ extend the expenditure period by not more than 180 days provided that the grantee requests the extension in writing and:

a. Documents that all grant funds and match contributions are encumbered; and

b. Demonstrates to the satisfaction of the Division that project work is progressing at a rate such that completion is achievable within the extended expenditure period.

5. For Small Matching Grant Projects, a one-time thirty (30) day extension shall ~~may~~ be granted by the Division if requested in writing by the Grantee and if the Grantee demonstrates ~~To be eligible for this extension, the grantee must demonstrate~~ to the satisfaction of the Division that project work is progressing at a rate that completion is achievable within the extended grant period.

Subparagraph 1A-39.009(5)(b) is amended to read:

(b) All grantee payment requests must be submitted to the Division ~~in writing~~ on the Payment Request Form provided by the Division (DOS Form HR3E1208PRF, effective (date of adoption), 2009, incorporated by reference and available on the Division web site.

Subparagraph 1A-39.010(2)(b) is amended to read:

(b) The following Project Progress and Expenditure Report forms, incorporated by reference and available on the Division's web site, shall be used for the corresponding Small Matching Grant project type:

1. Acquisition & Development Project Progress and Expenditure Report (DOS Form HR3E1208PERSMAD, effective (date of adoption), 2009), ~~incorporated by reference~~;

2. Survey and Planning/Community Education Project Progress and Expenditure Reports (DOS Form HR3E1208PERSMSPCE, effective (date of adoption), 2009), ~~incorporated by reference~~ (for Survey & Planning, Community Education and National Register nomination projects for which a match is required);

3. Non-Matching Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERNM, effective (date of adoption), 2009) (for special solicited projects and REDI waiver projects);

4. Abbreviated Historic Preservation Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERAB, effective (date of adoption), 2009) (for Historical Marker and Main Street projects); and

5. Certified Local Government Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERCLG, effective (date of adoption), 2009).

The following sentence is added to the end of paragraph 1A-39.011(1):

This Restrictive Covenants form, incorporated by reference, is available on the Division web site.

The first sentence in paragraph 1A-39.012(1) is amended to read:

(1) For Special Category and Small Matching Grant projects involving properties other than real property (e.g., an aircraft, locomotive or marine vessel), Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASC, effective (date of adoption), 2009, incorporated herein by reference and available on the Division web site, shall be required prior to the release of grant funds.

The first sentence in paragraph 1A-39.012(2) is amended to read:

(2) For Small Matching Grant projects involving acquisition of or improvement to a historic property, Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASM, effective (date of adoption), 2009, incorporated herein by reference and available on the Division web site, shall be required prior to the release of grant funds.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.:
5F-5.002

RULE TITLE:
Weighing or Measuring Device
Permits; Requirements and Fees
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

5F-5.002 Weighing or Measuring Device Permits; Requirements and Fees.

(1) through (6)(f)6. No change.

7. For taximeters that are not tested for accuracy and compliance with state standards by a local government in cooperation with the state as authorized in Section ~~531.421~~ 525.421, F.S., the annual permit fee shall be \$35 per device.

8. through 10. No change.

(g) No change.

(7) through (10)(e)2.i. No change.

j. Acts of God or nature that impairs the ability of the violator to comply with Sections 531.60-.66, F.S. or Rule 5F-5.002, F.A.C.

k. through m. No change.

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

2. Devices Placed Out of Service by the Department. Any investigation or inspection in which the Department determines that a device(s) ~~does not have the commercial use permit required by~~ ~~is out of compliance with~~ ss. 531.60 – 531.66, F.S., ~~and~~ ~~or~~ this rule shall result in the device(s) being prohibited from further commercial use until the proper commercial use permit has been issued by the Department. The Department shall prevent the continued unauthorized use of the device(s) by attaching DACS Form 03562, “Out of Service” tag, (Rev. 06/09), to the device(s). DACS form 03562 (Rev. 06/09) is hereby adopted and incorporated by reference, a copy of which can be viewed on the Department’s web site at www.doacs.state.fl.us/onestop/index.html. ~~When the applicable fee has been paid and the commercial use permit has been issued~~ ~~Upon compliance with the applicable requirement~~, the Out of Service tag shall be removed from the weighing and measuring device(s).

3. Minor Violations. A violation of Sections 531.60-.66, F.S., or this rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. ~~In addition to placing the device(s) out of service,~~ ~~The Department shall~~ ~~may~~ ~~impose one or more of the following penalties, or any combination thereof:~~ ~~1. Place the device out of service.~~ ~~2. An administrative fine of \$250 per violation. The fine will~~ ~~which may~~ ~~be adjusted upward or downward depending on~~ ~~for~~ the existence of aggravating ~~or~~ ~~mitigating~~ factors ~~listed in paragraph (10)(e) of this rule;~~ ~~provided, however, that the maximum fine shall not exceed the fines authorized in Section 531.50(1)(b), F.S. to statutory maximum of \$1,000 for a first violation or downward depending upon the existence of mitigating factors.~~ For the purposes of this rule, the following violations shall be considered minor violations:

- a. through e. No change.

4. Major Violations. A violation of Sections 531.60-.66, F.S., or this rule is a major violation if it results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. In addition to placing the device(s) out of service, major violations shall result in the imposition of an administrative fine of \$500 per violation, which ~~will~~ ~~may~~ be adjusted upward ~~to statutory maximum of \$1,000 for a first violation, \$2,500 for a second violation within two years of the first violation, \$5,000 for a third violation within two years of the first violation,~~ or downward depending upon the existence of mitigating or aggravating factors ~~listed in paragraph (10)(e) of this rule; provided, however, that the maximum fine shall not exceed the fines authorized in Section 531.50(1)(b), F.S.~~ For the purposes of this rule, the following violations shall be considered major violations:

- a. through c. No change.
- (11)(a) No change.

(b) Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The Department ~~shall~~ ~~may~~ impose administrative fines in a Default Final Order equal to the maximum amount ~~allowable under Section 531.50(1)(b), F.S. allowed not to exceed \$5,000 per violation.~~

(c) A failure to comply with either a Final Order or a Default Final Order of the Department shall result in permit revocation and an administrative fine ~~equal to the maximum amount allowable under Section 531.50(1)(b), F.S. of \$5,000 per violation.~~

(d) Nothing in this rule shall prohibit the Department from ~~exercising the special police powers granted the Department under Section 531.42, F.S. imposing additional sanctions for violations of Chapter 531, F.S., or the rules promulgated thereunder.~~

Rulemaking Authority 570.07(23), 531.66 FS. Law Implemented 531.60-531.66, ~~531.42(1), 531.42(2), 531.50~~ FS. History–New_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.05271	Standards for the Use of Reasonable Force

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

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.”

SPACE FLORIDA

RULE NOS.:	RULE TITLES:
57-50.001	General
57-50.002	Approval of Travel and Entertainment Expenses
57-50.003	Authority of the President to Make Advance Payment for Travel

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 42, October 17, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-304.415 Lower St. Johns River Basin TMDLs
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: RULE TITLES:
64B9-4.013 Recertification; Inactive Status
64B9-4.014 Reactivation of ARNP Certificate

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

The correction is in response to concerns by the Joint Administrative Procedures Committee in a letter dated August 5, 2009, regarding the Rule Development publication date.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW shall be corrected to read as: June 26, 2009.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-16.005 Content of Residency Program
Reports

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 24, of the June 19, 2009, issue of the Florida Administrative Weekly. The change corrects the revision date on form DH-MQA 1140, "Podiatric Resident Hospital Report."

The rule shall read as follows:

64B18-16.005 Content of Residency Program – Reports.

On July 1 of each year, each Residency Program Director shall provide the Board with information regarding each podiatric resident using the Podiatric Resident Hospital Report form DH-MQA 1140 (revised 07/2009), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine's website at <http://www.doh.state.fl.us/mqa/podiatry/index.html>. ~~the following information to the Board:~~

~~(1) The name and current mailing address of each podiatric resident;~~

~~(2) The name and current mailing address of each podiatric resident who has successfully completed the program subsequent to the last preceding report, designating the date of completion;~~

~~(3) The name and current mailing address of each podiatric resident who has withdrawn from the program subsequent to the last preceding report, designating each person's status with respect to rights and qualifications for readmission to the program;~~

~~(4) A copy of the hospital's most recent residency program evaluation by the Council on Podiatry Education of the American Podiatric Medical Association;~~

~~(5) The name of the supervising podiatric physician.~~

Rulemaking Specific Authority 461.005, 461.014(4) FS. Law Implemented 461.014 FS. History–New 11-24-80, Formerly 21T-16.05, 21T-16.005, 61F12-16.005, Amended 1-4-96, Formerly 59Z-16.005, Amended 12-2-03, 11-27-05,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
69B-162.011 Suitability and Disclosure in Annuity
Contracts-Forms Required

NOTICE OF CHANGE

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

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

69B-162.011 Suitability and Disclosure in Annuity Contracts-Forms Required.

(1) Forms Adopted.

Forms DFS-HI-1980, "Annuity Suitability Questionnaire," (Effective: _____) and DFS-HI-1981, "Disclosure and Comparison of Annuity Contracts" (Effective: _____), are adopted pursuant to Sections 627.4554(4)(b), and (d), F.S., and

are hereby incorporated by reference. Copies of each form adopted and incorporated by reference in this rule are available from the Division of Agents and Agency Services, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0318 or <http://www.myfloridacfo.com/Agents/LicensureForms/index.htm>.

The text of form DFS-H1-1981, "Disclosure and Comparison of Annuity Contracts" in subsection 69B-162.011(1), F.A.C., has been modified to delete all parenthetical references to "Yes or No" in the Explanation of Terms section.

The remainder of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: RULE TITLE:
69H-2.008 Other Forms Adopted
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The Purpose and Use Statement, required by Section 119.071(5), Florida Statutes, on forms DFS-D0-1990, "Medicare Secondary Payer Reporting Questionnaire" and DFS-D0-1991, "Medicare Beneficiary/Eligibility Information" in subsection 69H-2.008(1), F.A.C., has been modified to read as follows:

"The collection of the social security number on this form is imperative for the performance of the Department's duties and responsibilities as prescribed by Section 111 (42 U.S.C. 1395y (b) (8)). The social security number will be used to submit a query to the Center for Medicare Services (CMS) database to determine current eligibility for Medicare. The data collected under Section 111 reporting will be used by CMS in processing claims billed to Medicare for reimbursement for items and services furnished to Medicare beneficiaries and for recovery efforts, as appropriate. The social security number may also be used for any other purpose specifically required or authorized by state or federal law."

The remainder of the rule reads as previously published.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-171.003 Reports by Insurers of Professional
 Liability Claims and Actions
 Required

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

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

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

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-38 Instant Game Number 1030,
 BLACKJACK DOUBLER

SUMMARY: This emergency rule describes Instant Game Number 1030, "BLACKJACK DOUBLER," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-38 Instant Game Number 1030, BLACKJACK DOUBLER.

(1) Name of Game. Instant Game Number 1030, "BLACKJACK DOUBLER."

(2) Price. BLACKJACK DOUBLER lottery tickets sell for \$1.00 per ticket.

(3) BLACKJACK DOUBLER lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BLACKJACK DOUBLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The "HAND" play symbols and play symbol captions are as follows:



(5) The "DEALER'S TOTAL" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY
\$30.00 THIRTY	\$40.00 FORTY	\$100 ONE HUN	\$200 TWO HUN	\$1,000 ONE THOU	\$2,000 TWO THOU

(7) The legends are as follows:

DEALER'S TOTAL	HAND 1	HAND 2	HAND 3	HAND 4	+
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(8) Determination of Prizewinners.

(a) There are four hands on a ticket. The value assigned to Aces is 11 and the value assigned to Jacks, Queens and Kings is 10. A ticket having two cards in the "HAND" play area of one hand, the total of which is greater than the number in the "DEALER'S TOTAL" play area shall entitle the claimant to the corresponding prize shown for that hand. A ticket having two cards in one hand in the "HAND" play area that total twenty-one shall be entitled to double the prize shown for that hand.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$1,000 and \$2,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1030 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 66 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	11.11	1,425,600
\$1 (TWENTY ONE)	\$2	37.50	422,400
\$1 x 2	\$2	60.00	264,000
\$2	\$2	37.50	422,400
\$1 x 4	\$4	300.00	52,800
\$1 (TWENTY ONE) + \$2	\$4	150.00	105,600
\$2 (TWENTY ONE)	\$4	150.00	105,600
\$2 x 2	\$4	300.00	52,800
\$4	\$4	300.00	52,800
(\$1 x 3) + \$2	\$5	750.00	21,120
\$1 + \$2 (TWENTY ONE)	\$5	750.00	21,120
\$1 + (\$2 x 2)	\$5	750.00	21,120
\$1 + \$4	\$5	750.00	21,120
\$5	\$5	750.00	21,120
\$2 + \$4 (TWENTY ONE)	\$10	500.00	31,680
(\$2 x 3) + \$4	\$10	500.00	31,680
\$5 (TWENTY ONE)	\$10	500.00	31,680
\$5 x 2	\$10	500.00	31,680
\$10	\$10	500.00	31,680
\$5 (TWENTY ONE) + \$10	\$20	1,500.00	10,560
\$5 x 4	\$20	1,500.00	10,560
\$10 (TWENTY ONE)	\$20	1,500.00	10,560

(\$5 x 2) + \$10	\$20	1,500.00	10,560
\$20	\$20	1,500.00	10,560
(\$5 x 2) + (\$10 x 2)	\$30	8,000.00	1,980
\$5 (TWENTY ONE) + (\$10 x 2)	\$30	8,000.00	1,980
\$10 x 3	\$30	8,000.00	1,980
\$10 (TWENTY ONE) + \$10	\$30	8,000.00	1,980
\$30	\$30	8,000.00	1,980
\$10 (TWENTY ONE) + \$20	\$40	9,600.00	1,650
\$10 x 4	\$40	9,600.00	1,650
\$20 (TWENTY ONE)	\$40	9,600.00	1,650
(\$10 x 2) + \$20	\$40	9,600.00	1,650
\$40	\$40	9,600.00	1,650
(\$20 x 3) + \$20 (TWENTY ONE)	\$100	12,000.00	1,320
(\$30 x 2) + \$40	\$100	16,000.00	990
\$20 + (\$40 x 2)	\$100	20,000.00	792
\$20 + \$40 (TWENTY ONE)	\$100	16,000.00	990
\$100	\$100	16,000.00	990
\$30 (TWENTY ONE) + \$30 (TWENTY ONE) + (\$40 x 2)	\$200	120,000.00	132
\$40 + \$40 (TWENTY ONE) + \$40 (TWENTY ONE)	\$200	240,000.00	66
\$100 (TWENTY ONE)	\$200	240,000.00	66
\$100 x 2	\$200	120,000.00	132
\$200	\$200	120,000.00	132
\$200 + \$200 (TWENTY ONE) + \$200 (TWENTY ONE)	\$1,000	120,000.00	132
\$1,000	\$1,000	240,000.00	66
\$2,000	\$2,000	240,000.00	66

(10) The estimated overall odds of winning some prize in Instant Game Number 1030 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1030, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BLACKJACK DOUBLER lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for BLACKJACK DOUBLER lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-7-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 7, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-39
 RULE TITLE: Instant Game Number 1032, GREEN AND GOLD

SUMMARY: This emergency rule describes Instant Game Number 1032, "GREEN AND GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-39 Instant Game Number 1032, GREEN AND GOLD.

(1) Name of Game. Instant Game Number 1032, "GREEN AND GOLD."

(2) Price. GREEN AND GOLD lottery tickets sell for \$5.00 per ticket.

(3) GREEN AND GOLD lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GREEN AND GOLD lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

\$2.00 TWO	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY	\$30.00 THIRTY	\$40.00 FORTY	\$50.00 FIFTY
\$100 ONE HUNDRED	\$500 FIVE HUNDRED	\$1,000 ONE THOUSAND	\$4,000 FOUR THOUSAND	\$10,000 TEN THOUSAND	\$100,000 ONE HUNDRED THOUSAND	

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a "MONEY" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the prize shown for that symbol. A ticket having a "BAR" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$4,000, \$10,000 and \$100,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1032 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 86 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	1,032,000
\$2 x 5	\$10	30.00	344,000
\$5 x 2	\$10	30.00	344,000
\$10	\$10	30.00	344,000
\$2 x 10	\$20	300.00	34,400
(\$5 x 2) + \$10	\$20	300.00	34,400
\$5 x 4	\$20	300.00	34,400
\$10 x 2	\$20	300.00	34,400
\$20	\$20	300.00	34,400
(\$2 x 10) + (\$5 x 2)	\$30	800.00	12,900
(GOLD BAR)			
(\$2 x 10) + (\$5 x 2)	\$30	800.00	12,900
\$5 x 6	\$30	800.00	12,900
\$10 x 3	\$30	800.00	12,900
\$30	\$30	800.00	12,900
(\$2 x 5) + (\$5 x 6) + \$10	\$50	1,200.00	8,600
(GOLD BAR)			
(\$2 x 5) + (\$5 x 6) + \$10	\$50	1,200.00	8,600
\$10 x 5	\$50	1,200.00	8,600
\$10 + (\$20 x 2)	\$50	1,200.00	8,600
\$50	\$50	1,200.00	8,600
(\$5 x 8) + (\$10 x 2) + (\$20 x 2) (GOLD BAR)	\$100	1,000.00	10,320
(\$5 x 8) + (\$10 x 2) + (\$20 x 2)	\$100	1,600.00	6,450
\$10 x 10	\$100	1,200.00	8,600

\$20 x 5	\$100	1,600.00	6,450
\$50 x 2	\$100	1,200.00	8,600
\$100	\$100	1,200.00	8,600
(\$40 x 10) + (\$50 x 2) (GOLD BAR)	\$500	10,000.00	1,032
(\$40 x 10) + (\$50 x 2)	\$500	10,000.00	1,032
\$50 x 10	\$500	10,000.00	1,032
\$100 x 5	\$500	10,000.00	1,032
\$500	\$500	10,000.00	1,032
(\$100 x 8) + (\$50 x 4) (GOLD BAR)	\$1,000	30,000.00	344
(\$100 x 8) + (\$50 x 4)	\$1,000	30,000.00	344
(\$100 x 5) + \$500	\$1,000	40,000.00	258
\$500 x 2	\$1,000	30,000.00	344
\$1,000	\$1,000	40,000.00	258
(\$100 x 5) + (\$500 x 7) (GOLD BAR)	\$4,000	120,000.00	86
\$1,000 x 4	\$4,000	120,000.00	86
\$4,000	\$4,000	120,000.00	86
\$10,000	\$10,000	120,000.00	86
\$100,000	\$100,000	412,800.00	25

(10) The estimated overall odds of winning some prize in Instant Game Number 1032 are 1 in 4.30. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1032, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GREEN AND GOLD lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GREEN AND GOLD lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-7-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 7, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-40
 RULE TITLE: Instant Game Number 1031, WINNER'S CIRCLE

SUMMARY: This emergency rule describes Instant Game Number 1031, "WINNER'S CIRCLE," for which the Department of the Lottery will start selling tickets on a date to

be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

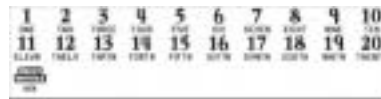
53ER09-40 Instant Game Number 1031, WINNER'S CIRCLE.

(1) Name of Game. Instant Game Number 1031, "WINNER'S CIRCLE."

(2) Price. WINNER'S CIRCLE lottery tickets sell for \$2.00 per ticket.

(3) WINNER'S CIRCLE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning WINNER'S CIRCLE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The "YOUR HORSE NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING HORSE NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY	\$30.00 THIRTY
\$40.00 FORTY	\$100 ONE HUNDRED	\$200 TWO HUNDRED	\$400 FOUR HUNDRED	\$1,000 ONE THOUSAND	\$10,000 TEN THOUSAND	\$30,000 THIRTY THOUSAND

(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR HORSE NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING HORSE NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a "WINNER'S CIRCLE" symbol in the "YOUR HORSE NUMBERS" play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$400, \$1,000, \$10,000 and \$20,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1031 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 85 POOLS OF 180,000 TICKETS PER POOL
\$1 (DAILY DOUBLE)	\$2	50.00	306.000
\$1 x 2	\$2	50.00	306.000
\$2	\$2	18.75	816.000
\$1 x 4	\$4	75.00	204.000
(\$1 x 2) + \$2	\$4	75.00	204.000
\$2 (DAILY DOUBLE)	\$4	50.00	306.000
\$2 x 2	\$4	75.00	204.000
\$4	\$4	75.00	204.000
\$1 x 5	\$5	375.00	40.800
(\$1 x 3) + \$2	\$5	375.00	40.800
\$2 (DAILY DOUBLE) + \$1	\$5	375.00	40.800
\$1 + \$4	\$5	375.00	40.800
\$5	\$5	375.00	40.800
\$1 x 10	\$10	250.00	61.200
\$2 x 5	\$10	250.00	61.200
\$5 (DAILY DOUBLE)	\$10	250.00	61.200
\$5 x 2	\$10	250.00	61.200
\$10	\$10	250.00	61.200
\$2 x 10	\$20	750.00	20.400
\$4 x 5	\$20	750.00	20.400
\$10 (DAILY DOUBLE)	\$20	750.00	20.400
\$10 x 2	\$20	750.00	20.400
\$20	\$20	750.00	20.400
(\$2 x 5) + (\$4 x 5)	\$30	1,000.00	15.300
\$5 x 6	\$30	1,200.00	12.750
\$10 x 3	\$30	1,125.00	13.600
\$10 (DAILY DOUBLE) + \$10	\$30	1,000.00	15.300
\$30	\$30	1,200.00	12.750
\$4 x 10	\$40	3,000.00	5.100
\$5 x 8	\$40	3,600.00	4.250
\$10 x 4	\$40	3,000.00	5.100
\$20 (DAILY DOUBLE)	\$40	3,000.00	5.100
\$40	\$40	3,600.00	4.250
\$10 x 10	\$100	3,750.00	4.080
(\$10 x 4) + (\$30 x 2)	\$100	4,500.00	3.400
\$20 x 5	\$100	3,750.00	4.080
\$20 + \$20 (DAILY DOUBLE) + \$40	\$100	3,750.00	4.080
\$20 + (\$40 x 2)	\$100	6,000.00	2.550
\$100	\$100	4,500.00	3.400
\$20 x 10	\$200	36,000.00	425
\$20 + (\$30 x 6)	\$200	36,000.00	425

\$40 x 5	\$200	45,000.00	340
\$100 (DAILY DOUBLE)	\$200	36,000.00	425
\$200	\$200	45,000.00	340
\$40 x 10	\$400	90,000.00	170
\$100 x 4	\$400	90,000.00	170
\$200 x 2	\$400	180,000.00	85
\$200 (DAILY DOUBLE)	\$400	90,000.00	170
\$400	\$400	180,000.00	85
\$100 x 10	\$1,000	60,000.00	255
\$200 x 5	\$1,000	60,000.00	255
\$200 + \$200 (DAILY DOUBLE) + \$400	\$1,000	45,000.00	340
\$200 + (\$400 x 2)	\$1,000	60,000.00	255
\$1,000	\$1,000	60,000.00	255
\$10,000	\$10,000	765,000.00	20
\$20,000	\$20,000	765,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 1031 are 1 in 4.66. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1031, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a WINNER'S CIRCLE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for WINNER'S CIRCLE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-7-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 7, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the South Florida Water Management District (District), received a petition for waiver from North Springs Improvement District regarding Application No. 09-0108-4, for utilization of Works or Lands of the District known as the L-36 Canal for the proposed installation of a 48" steel outfall pipe and to allow an existing 48" steel outfall pipe with above ground valve controls to remain within the east right of way, Section 18, Township 48S, Range 40E, Broward County. This petition, amending a previous petition filed on June 22, 2009 and notice published on July 2, 2009, Vol. 35, No. 26, seeks relief from subsections 40E-6.011(4) and 40E-6.221(2)(j), F.A.C., which prohibits placement of permanent and/or semi-permanent above ground encroachments within 40 feet of the top of canal bank and which governs crown elevation for culvert pipe connections within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, South Florida Water Management District (District) received request for withdrawal of a Petition for Waiver from Miami-Dade County Office of Public Transportation regarding Application No. 09-0708-2M for utilization of Works or Lands of the District known as the C-103 Canal, Section 5, Township 57S, Range 39E, Miami-Dade County. The District originally received a petition for waiver from Miami-Dade on July 13, 2009 and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 7, 2009. No public comment was received.

A copy of the withdrawal request may be obtained from: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or e-mail at jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on July 31, 2009, South Florida Water Management District (District) received a request for withdrawal of a Petition for Waiver from Miami-Dade County Office of Public Transportation regarding Application No. 09-0708-3M for utilization of Works or Lands of the District known as the C-103N Canal, Section 33, Township 56S, Range 39E, Miami-Dade County. The District originally received the petition for waiver from Miami-Dade on July 13, 2009, and Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 35, No. 31, on August 7, 2009. No public comment was received.

A copy of the withdrawal request may be obtained from: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or e-mail at jurussel@sfwmd.gov.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Agency for Workforce Innovation, received a petition for Variance of subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family" in the context of determining the eligibility to receive services for the state's school readiness program. The Petition was filed by the Early Learning Coalition of Duval, 6850 Belfort Oaks Place, Suite #102, Jacksonville, Florida 32216.

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

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Agency for Workforce Innovation, received a petition for Variance of subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family" in the context of determining the eligibility to receive services for the state's school readiness program. The Petition was filed by the Early Learning Coalition of Flagler and Volusia, 230 North Beach Street, Daytona Beach, Florida 32114.

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

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Agency for Workforce Innovation, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness

eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by the Early Learning Coalition of Flagler and Volusia Counties, Inc., 230 North Beach Street, Daytona Beach, Florida 32114.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to Lee Rigby, of Vertical Assessment Associates, on behalf of May Hospital, Jacksonville, SN 92570 and 92571, to not comply with Rule 2.7.2.1, A.S.M.E. 17.1 2005 edition; and Chapter 3001.2, 2004 Florida Building Code: (VW 2009-051).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to William Snyder, on behalf of Seville Condominium II, Inc., Clearwater, FL, SNs 10128 and 10129, to not comply with Rule 3.11.3, A.S.M.E. 17.3 1996 edition; and Chapter 3001.2, 2004 Florida Building Code; Rule 2.7.4, A.S.M.E. 17.3 1996 edition; Rule 3.11.1, A.S.M.E., 17.3 1996 edition: (VW 2009-054).

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

That order granted a variance to Matthew Golden of Thyssen Krupp Elevator on behalf of Metropolitan, West Palm Beach, FL, SN 88271 through 88274 to not comply with Chapter 3001.2, 2004 Florida Building Code: Referenced Standards. Rule 2.20.4, A.S.M.E. 17.1, 2000 edition: Minimum Number and Diameter of suspension Ropes. Rule 2.20.4, A.S.M.E. 17.1, 2000 edition: Minimum number and Diameter of Suspension Ropes. Rule 2.24.2.1, A.S.M.E. 17.1, 2000 edition: Material and Grooving, (VW 2009-060) as advertised in F.A.W., Vol. 35, No. 15.

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

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to Noel S. Withers on behalf of S&R Building Partnership, SN 44866, to not comply with Rule 2.7.2.1, A.S.M.E. 17.1 2005 edition; and Chapter 3001.2, 2004 Florida Building Code: (VW 2009-061) as advertised in F.A.W., Vol. 35, No. 15.

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

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted an emergency variance to Lynn J. Buonacore, on behalf of 5700 Professional Park Bldg., SN 37549, to not comply with Rule 3.11.3, A.S.M.E. 17.3 1996 edition; and Chapter 3001.2, 2004 Florida Building Code: (VW 2009-168) as advertised in the F.A.W., Vol. 35, No. 22.

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

NOTICE IS HEREBY GIVEN THAT on July 13, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from A17.3, Section 2.7.4. and Section 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Lakeside Village Condominium Association, 1130 North Lake Parker Avenue, Lakeland, FL 33805, and location of the same, requests the variance for economic/financial hardship. The petition was received from Helen Watkins, President, Lakeside Village Condominium Association (VW 2009-328).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance pursuant to Section 120.542, F.S., and from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2, adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Law Offices of Fergeson, Skipper, Shaw, Keyser, Baron & Tirabassi, 1515 Ringling Blvd., 10th Floor Sarasota, FL 34236, and location of Galleon Resort Condominium, Inc., 617 Front Street, Key West, FL 33040, SNs 33964 and 33965, requests the variance

for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Pam Magda, Property Manager (VW 2009-329).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, and Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Westgate Condominium Association, Inc., 2901-2905 Gulf Shore Blvd. North, Naples, FL 34103, and location of 2901 and 2905 Gulf Shore Blvd., Naples, FL, SN 25032, 25033, 25034, and 25035, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Dieter Walz, Manager (VW 2009-330).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 2.7.4, and Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Mainstreet Real Estate Services, Inc., as agent for G&I IV Southtrust Center, LLC, 2101 West Commercial Blvd., Suite 1200, Ft. Lauderdale, FL 33309, and location of 1700 Palm Beach Lakes Blvd., West Palm Beach, FL 33401, SN 40409, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Bea Green, Property Manager (VW 2009-331).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sayana Condominium Association, C/O Island Management, P. O. Box 100, Sanibel, FL 33957, and location of 3067 West Gulf Drive, Sanibel, FL 33957, SN 25026, requests the variance for an extension of time to complete

repairs and for economic/financial hardship. The petition was received from Janette Mackesy, Property Manager (VW 2009-334).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sand Pointe Condominium Association, C/O Island Management, P. O. Box 100, Sanibel, FL 33937, and location of 2737 West Gulf Drive, Sanibel, FL 33957, Building #1, SN 31382 and Building #2, SN 31385, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Janette Mackesy, Property Manager (VW 2009-335).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, By The Sea Condominium Association, Inc., C/O Island Management, P. O. Box 100, Sanibel, FL 33957, and location of 2611 West Gulf Drive, Sanibel, FL 33957, SN 32687, SN 32688 and SN 32689, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Janette Mackesy, Property Manager (VW 2009-336).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on July 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3., as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sanibel Surfside Condominium Association, Inc., C/O Island Management, 610 Donax Street, Sanibel, FL 33957, and location of Building #1, SN 24511 and Building #2, SN 24512, requests the variance for an extension of time to

complete repairs and for economic/financial hardship. The petition was received from: Janette Mackesy, Property Manager. (VW 2009-337).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received on July 23, 2009 a petition for an Emergency Variance for Section 509.221(1)(b), F.S., subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), F.A.C., and paragraph 5-202.11(A), 2001 FDA Food Code from Corona Beach House located in Miami. The above referenced F.A.C. addresses the requirement that each establishment must discharge sewage into an approved collection system and have an approved plumbing system installed. They are requesting to utilize holding tanks to provide potable water and to collect waste water.

Notice of this petition was filed and published in Vol. 35, No. 31, August 7, 2009, Florida Administrative Weekly. The variance was approved on August 5, 2009, contingent upon the Petitioner ensuring the hand wash sink and three-compartment sink are provided with hot and cold running water under pressure during all hours of operation; the waste water holding tanks are emptied at a frequency as to not create a sanitary nuisance; and the water provided comes from an approved source and is protected from contamination during handling. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

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

NOTICE IS HEREBY GIVEN THAT on August 6, 2009, the Construction Industry Licensing Board, received a petition for The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on August 6, 2009, by Timothy P. Atkinson, Esq., on behalf of Anthony W. Ankersmit, seeking a permanent waiver or variance of Rule 61G4-15.001, F.A.C., dealing with qualifications for certification, and verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing, or a licensed building official.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, P. O. Box 5257, Tallahassee, FL 32399-5257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Board of Accountancy, received a petition for Donald Cole, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), F.A.C., that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Board of Accountancy, received a petition for Kee Tse, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), F.A.C., that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 14, 2009, the Board of Accountancy, received a petition for Patricia A. Mace, seeking a variance from subsection 61H1-33.006(2), F.A.C., which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 24, 2009, the Board of Accountancy, received a petition for John M. Murphy, seeking a variance or waiver of subsection 61H1-33.003(7), F.A.C., which requires that sponsors of formal correspondence or other individual study technical

business and accounting and auditing programs be approved by the National Association of State Board of Accountancy Quality Assurance Service.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Board of Accountancy, received a petition for Eileen L. Spony, seeking a variance from subsection 61H1-33.006(2), F.A.C., which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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 August 12, 2009, the Department of Environmental Protection has issued an order.

The order is for the JR Eisenman LLC variance petition (OGC File No. 09-0525), received on March 20, 2009. The petition requested a variance from the 500 foot wellhead protection area established in paragraph 62-521.400(1)(m), F.A.C., for the placement of an aboveground storage tank that supplies an emergency generator for a medical building. The final order granted a variance because the petitioner demonstrated a substantial hardship, and that the purposes of the underlying statutes would be met with the conditions imposed by the Department. The notice of receipt of the variance request was published on April 10, 2009, in the Florida Administrative Weekly. The Department received no comments.

A copy of the Order may be obtained by contacting: Donnie McClagherty, Department of Environmental Protection, Ground Water Regulatory Section, M.S. #3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8645.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 7, 2009, the Board of Medicine, received a petition for waiver or variance filed on behalf of Jeffrey Stan Greenspan, M.D., from

subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on July 23, 2009, the Board of Optometry has issued an order.

The Board of Optometry hereby gives notice of the issuance of an order denying the petition for Waiver or Variance filed by Brent H. Weinman, OD. The petition for Waiver or Variance was published in Vol. 35, No. 22, of the May 21, 2009, Florida Administrative Weekly. The Petitioner filed a petition for Waiver or Variance from subsection 64B13-11.004(3), F.A.C. The petition for Waiver or Variance was heard at a duly-noticed meeting held on July 23, 2009. The Board found that the petitioner was required to pay the delinquent license fee when his license expired. Section 120.542(2), F.S., provides that a variance or waiver of a rule shall be granted when the petitioner demonstrates that the purpose of the underlying rule has been achieved by other means, and when application of the rule would create a substantial hardship or would violate principles of fairness. Section 456.036(7), Florida Statutes, provides that each board shall be rule impose a delinquency fee on a delinquent licensee. The Board may not waive any provision of statute.

A copy of the Order 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 August 7, 2009, the Board of Pharmacy, received a petition for Amy Larissa DeDea. Petitioner is seeking a variance or waiver of Section 465.009(1), F.S., which requires that the licensee submit satisfactory proof to the board that during the 2 years prior to her or his application for renewal, the licensee has participated in not less than 30 hours of continuing professional pharmaceutical education in courses approved by the board.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on August 5, 2009, the Department of Health, received a petition for variance from Bill Najmark and Alice Listman, representing BujjaBujja, Inc. dba Ally's Pizzeria. Specifically, the petitioner seeks a variance

from subsection 64E-6.001(4), F.A.C., which requires onsite sewage treatment and disposal systems to be brought into compliance with new system standards when there is an increase in commercial wastewater flow.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

NOTICE IS HEREBY GIVEN THAT on August 3, 2009, the Department of Health, Bureau of Community Environmental Health has issued an order.

The Petition for Variance of R. Mason Bryant on behalf of Oncore Technology, L.L.C. has been granted. The Petition for Variance and an amended Petition for Variance was received by the Department on April 14, 2009 and May 6, 2009, respectively, and published on May 1, 2009 and May 29, 2009, respectively, in the Florida Administrative Weekly. Paragraph 64E-16.007(4)(g), F.A.C., prescribes a test load containing a test organism be performed without the use of the chemical agent used to kill the test organisms, and subparagraph 64E-16.007(4)(c)2., F.A.C., prescribes a minimum Log 6 kill against *Bacillus stearothermophilus*, currently known as *Geobacillus stearothermophilus*, spores utilizing steam or a minimum Log 6 kill against *Bacillus subtilis*, currently known as *Bacillus atropheus*, spores utilizing dry heat, chemicals, or microwave shredding. The Petitioner requests a permanent variance from the rules to allow the Petitioner to vary from the rules' requirements for use of the test organism, *Bacillus subtilis*, for determining the baseline control prescribed in paragraph 64E-16.007(4)(g), F.A.C. The Petitioner proposes to utilize the test organism, *Geobacillus stearothermophilus*, in place of the test organism specified in paragraph 64E-16.007(4)(g), F.A.C., *Bacillus subtilis*, and follow the procedure prescribed in paragraph 64E-16.007(4)(g), F.A.C., for determining a baseline control.

Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399, within 5 days of publication of this notice.

A copy of the Order may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399, Gina_Vallone@doh.state.fl.us or (850)245-4273.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on July 9, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), F.A.C., from Thomas James Mazard, assigned Case No. 09-025W. Subsection 65C-15.017(2), F.A.C., requires staff of a licensed

child-placing agency responsible for supervising casework services possess a bachelor's or master's degree in social work or a related field.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on August 4, 2009, the Department of Children and Families, received a petition for waiver of rule subsection 65C-15.017(3), Florida Administrative Code, from Chad Lovewell, assigned Case No. 09-026W. Subsection 65C-15.017(3), F.A.C., requires agency staff responsible for performing casework services shall have a master's or bachelor's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

NOTICE OF CANCELLATION – The **Florida Main Street** announces a public meeting to which all persons are invited.

DATE AND TIME: Meeting Cancelled

PLACE: R. A. Gray Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Ad Hoc Florida Main Street Advisory Committee meeting scheduled for August 27, 2009, from 10:00 a.m. – 5:00 p.m. has been cancelled.

For more information, you may contact: Joan Jefferson, Florida Main Street Coordinator, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

The Florida **Department of State, State Library and Archives of Florida** announces a State Library Council Meeting via Conference Call. All persons are invited.

DATE AND TIME: Monday, August 31, 2009, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Archives Conference Room, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services. CONTACT: Judith Ring, State Librarian at (850)245-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Cultural Affairs** announces a public meeting of the Florida Council on Arts and Culture to which all persons are invited. announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2009, 9:00 a.m. – conclusion

PLACE: Teleconference Call. R. A. Gray Building, 500 South Bronough Street, Room 307, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions or if you would like call-in instructions, please call (850)245-6490.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490, email: rbashmore@dos.state.fl.us or via the Division’s website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jennifer Hoelsing at (850)245-6462 or email: jshoelsing@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rachelle Ashmore at rbashmore@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 11, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: August 11, 2009, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: August 12, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: August 13, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: August 19, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women’s Hall of Fame Committee.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: August 20, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Meeting.

DATE AND TIME: August 27, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

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, Florida 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 3 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.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces the following full Council business meeting and telephone conference meetings which all persons are invited to attend.

Committees on Improving Economic, Criminal Justice and Gangs, and Educational Outcomes

DATE AND TIME: September 8, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Committees on Improving Foster Care and Family Issues and Health Status

DATE AND TIME: September 10, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Executive Committee Meeting

DATE AND TIME: September 14, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Council on the Social Status of Black Men and Boys

DATE AND TIME: September 14, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice

Programs at (850)414-3300. If you are 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, contact: Fredrica Doctor or Travis Dudley at (850)414-3369 or (850)414-3355.

DEPARTMENT OF EDUCATION

The **Department of Education**, Digital Divide Council announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2009, 1:30 p.m. – 2:30 p.m.

PLACE: Ocala/Marion County Government Complex, Representative Kurt Kelly's Office, 315 S. E. 25th Avenue, Ocala, Florida 34471, Conference Call: 1(888)808-6959, Conference Code: 2450557.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Digital Divide Council to provide updates on the pilot program and database for computer donations with 21st CCLC, discussion of Texas Legislation – HB 4294, Computer Lending Program, and the DDC Report submitted.

A copy of the agenda may be obtained by contacting: Kate Kemker at (850)245-5053, kate.kemker@fldoe.org.

The **Florida Conflict Resolution Consortium**, Consensus Center and The Stormwater Management System Design Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 1, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulations, Conference Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the 2nd in a series of meetings being held in preparation for a proposal to be presented to the legislature on Stormwater Management System Design.

A copy of the agenda may be obtained by contacting: Lisa Fowler, Jeff Blair or Robert Jones at (850)644-6320.

The **Florida State College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: September 1, 2009, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 W. State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Branding architecture and marketing strategy.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: September 1, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, Boardroom 451, 501 W. State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS

DATE AND TIME: September 1, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462, 501 W. State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, August 25, 2009, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing: College President, Florida State College at Jacksonville, on or before September 1, 2009. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of September and October, 2009, the Board will hold informal meetings each Thursday from 12:00 Noon – 4:00 p.m., Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate. The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The **Indian River State College** announces a public meeting to which all persons are invited.

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

PLACE: Treasure Coast Public Safety Training Complex, 4600 Kirby Loop Road, Fort Pierce FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Indian River State College, Criminal Justice Training Institute announces a public meeting for the Region XI Council. This meeting will provide update on training classes and any other issues involving the Region.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, "The Commission" announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2009, 8:30 a.m. – until Completion

PLACE: Hilton Hotel, 1714 S. W. 34th Street, Gainesville, Florida, (352)371-3600)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Energy Code Work Group to review statutory requirements for updating the Florida Energy Code to implement the schedule for energy efficiency improvements and consider a plan for compliance.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair at (850)644-6320, or go to the following web site: <http://consensus.fsu.edu/FBC/2010-Florida-Every-Code.html>; http://www.dca.state.fl.us/fbc/workgroups/1_workgroups.htm/ac.htm.

Pursuant to the provisions of 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. Jeff Blair, Florida Building Commission Facilitator, FCRC Consensus Center, Florida State University, Tallahassee, Florida, (850)644-6320, Website: <http://consensus.fsu.edu/>.

DEPARTMENT OF TRANSPORTATION

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

DATES AND TIME: August 24, 2009; September 21, 2009; October 26, 2009; November 23, 2009; December 21, 2009, 11:00 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationturnpike>.

PLACE: Department of Transportation, Turkey Lake Service Plaza, Florida's Turnpike MP 263, Ocoee, FL 34761

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues and the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the Turnpike Enterprise Contracts Office.

A copy of the agenda may be obtained by contacting: Richard Nethercote, District Contracts Administrator, Turkey Lake Service Plaza, Florida's Turnpike MP 263, Ocoee, FL 34761, (407)264-3885, richard.nethercote@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Richard Nethercote, District Contracts Administrator, Turkey Lake Service Plaza, Florida's Turnpike MP 263, Ocoee, FL 34761, (407)264-3885, richard.nethercote@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: August 25, 2009; September 2, 2009; September 8, 2009; October 13, 2009; October 14, 2009; November 10, 2009; December 15, 2009, 2:00 p.m. Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/cc-admin/meetingnotice.shtm.

PLACE: Department of Transportation, 605 Suwannee St., Tallahassee, FL 32399-0450

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the Central Office Contracts Office.

A copy of the agenda may be obtained by contacting: Juanita Moore, Contracts Manager, 605 Suwannee St., MS-55, Tallahassee, FL 32399-0450, (850)414-4000, contracts.admin@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Juanita Moore, Contracts Manager, 605 Suwannee St., MS-55, Tallahassee, FL 32399-0450, (850)414-4000, contracts.admin@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: August 26, 2009; September 3, 2009; September 9, 2009; October 14, 2009; October 15, 2009; November 12, 2009; December 16, 2009, 1:00 p.m. Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/cc-admin/meetingnotice.shtm

PLACE: Department of Transportation, 605 Suwannee St., Tallahassee, FL 32399-0450

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the Central Office Contracts Office.

A copy of the agenda may be obtained by contacting: Juanita Moore, Contracts Manager, 605 Suwannee St., MS-55, Tallahassee, FL 32399-0450, (850)414-4000, contracts.admin@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Juanita Moore, Contracts Manager, 605 Suwannee St., MS-55, Tallahassee, FL 32399-0450, (850)414-4000, contracts.admin@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: August 27, 2009; October 1, 2009; October 29, 2009; November 24, 2009; December 22, 2009, 8:30 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict2>

PLACE: Department of Transportation, 1109 S. Marion Avenue, Lake City, FL 32025-5874

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 2 Contracts Office.

A copy of the agenda may be obtained by sending an e-mail: jane.jones@dot.state.fl.us or writing: Jane Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, FL 32025-5874.

Pursuant to the provisions of 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: jane.jones@dot.state.fl.us, Jane Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, FL 32025-5874. If you are 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** announces a public meeting to which all persons are invited.

DATES AND TIME: August 27, 2009; September 24, 2009; October 22, 2009; November 19, 2009; December 17, 2009, 1:30 p.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict3>

PLACE: Department of Transportation, 1074 Highway 90, Chipley, FL 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 3 Contracts Office.

A copy of the agenda may be obtained by contacting: Richard Norris, District Contracts Administrator, 1074 Highway 90, Chipley, FL 32428, (850)415-9366, Richard.norris@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Richard Norris, District Contracts Administrator, 1074 Highway 90, Chipley, FL 32428, (850)415-9366, Richard.norris@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: August 28, 2009; September 25, 2009; October 30, 2009; November 18, 2009; December 16, 2009, 8:00 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict7>

PLACE: Department of Transportation, 11201 N. McKinley Dr., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 7 Contracts Office.

A copy of the agenda may be obtained by contacting: John Ellis, District Contracts Administrator, 11201 N. McKinley Dr., Tampa, FL 33612, (813)975-6191, John.ellis@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: John Ellis, District Contracts Administrator, 11201 N. McKinley Dr., Tampa, FL 33612, (813)975-6191, John.ellis@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: August 31, 2009; September 29, 2009; October 26, 2009; November 24, 2009; December 21, 2009, 2:00 p.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict3>

PLACE: Department of Transportation, 1074 Highway 90, Chipley, FL 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 3 Contracts Office.

A copy of the agenda may be obtained by contacting: Richard Norris, District Contracts Administrator, 1074 Highway 90, Chipley, FL 32428, (850)415-9366, Richard.norris@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Richard Norris, District Contracts Administrator, 1074 Highway 90, Chipley, FL 32428, (850)415-9366, Richard.norris@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NOTICE OF CHANGE – The Florida Transportation Commission announces a workshop to which all persons are invited.

DATE AND TIME: September 2, 2009, 2:30 p.m. – until conclusion of business

PLACE: Florida Turnpike Enterprise Headquarters, Turkey Lake Service Plaza, Milepost 263, Building 5315, Legal Conference Room, Ocoee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Correction-Issue Vol. 35, No. 31 (time change): Florida Transportation Commission Workshop.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of 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: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS #9, Room 176, Tallahassee, Florida 32399-0450, (850)414-4105.

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

DATES AND TIME: September 3, 2009; September 30, 2009; October 28, 2009; December 1, 2009; December 29, 2009, 2:00 p.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict1>

PLACE: Department of Transportation, 801 N. Broadway, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 1 Contracts Office.

A copy of the agenda may be obtained by contacting: Cheryl Sanchious, District Contracts Administrator, 801 N. Broadway, Bartow, Florida 33830, (863)519-1924, Cheryl.sanchious@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cheryl Sanchious, District Contracts Administrator 801 N. Broadway, Bartow, FL 33830, (863)519-1924, Cheryl.sanchious@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: September 3, 2009; October 1, 2009; November 5, 2009; November 25, 2009, 2:30 p.m.

Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict6>

PLACE: Department of Transportation, 1000 Northwest 111th Avenue, Miami, FL 33172

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 6 Contracts Office.

A copy of the agenda may be obtained by contacting: Kenneth Robertson, District Contracts Administrator, 1000 Northwest 111th Avenue, Miami, FL 33172, (305)470-5404, d6.contracts@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kenneth Robertson, District Contracts Administrator, 1000 Northwest 111th Avenue, Miami, FL 33172, (305)470-5404, d6.contracts@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: September 8, 2009; October 6, 2009; November 3, 2009; December 1, 2009; December 29, 2009, 8:30 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict2>

PLACE: Department of Transportation, 1109 S. Marion Avenue, Lake City, FL 32025-5874

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 2 Contracts Office.

A copy of the agenda may be obtained by sending an e-mail: jane.jones@dot.state.fl.us or writing: Jane Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, FL 32025-5874.

Pursuant to the provisions of 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: Jane Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, FL 32025-5874, jane.jones@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: September 8, 2009; October 6, 2009; November 10, 2009; December 8, 2009, 10:30 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict4>

PLACE: Department of Transportation, 3400 Commercial Blvd., Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 4 Contracts Office.

A copy of the agenda may be obtained by contacting: Lizz Holmes, District Contracts Administrator, 3400 Commercial Blvd., Ft. Lauderdale, FL 33309, (954)777-4650, lizz.holmes@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lizz Holmes, District Contracts Administrator, 3400 Commercial Blvd., Ft. Lauderdale, Florida 33309, (954)777-4650, lizz.holmes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIMES: September 8, 2009, 1:00 p.m.; October 6, 2009, 10:00 a.m.; November 3, 2009, 1:00 p.m.; December 8, 2009, 2:30 p.m.; January 5, 2010, 1:00 p.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict1>

PLACE: Department of Transportation, 801 N. Broadway, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 1 Contracts Office.

A copy of the agenda may be obtained by contacting: Cheryl Sanchious, District Contracts Administrator, 801 N. Broadway, Bartow, Florida 33830, (863)519-1924, Cheryl.sanchious@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cheryl Sanchious, District Contracts Administrator 801 N. Broadway, Bartow, FL 33830, (863)519-1924, Cheryl.sanchious@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: September 8, 2009; October 5, 2009; November 9, 2009; November 30, 2009, 2:30 p.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict6>

PLACE: Department of Transportation, 1000 Northwest 111th Avenue, Miami, FL 33172

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 6 Contracts Office.

A copy of the agenda may be obtained by contacting: Kenneth Robertson, District Contracts Administrator, 1000 Northwest 111th Avenue, Miami, FL 33172, (305)470-5404, d6.contracts@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kenneth Robertson, District Contracts Administrator, 1000 Northwest 111th Avenue, Miami, FL 33172, (305)470-5404, d6.contracts@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: September 10, 2009; October 8, 2009; November 12, 2009; December 10, 2009, 10:30 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict4>

PLACE: Department of Transportation, 3400 Commercial Blvd., Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 4 Contracts Office.

A copy of the agenda may be obtained by contacting: Lizz Holmes, District Contracts Administrator, 3400 Commercial Blvd., Ft. Lauderdale, FL 33309, (954)777-4650, lizz.holmes@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lizz Holmes, District Contracts Administrator, 3400 Commercial Blvd., Ft. Lauderdale, FL 33309, (954)777-4650, lizz.holmes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATES AND TIME: September 10, 2009; October 15, 2009; December 10, 2009, 3:00 p.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict5>

PLACE: Department of Transportation, 719 S. Woodland Blvd., DeLand, FL 32720

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review/Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District 5 Contracts Office.

A copy of the agenda may be obtained by contacting: Vickie Wyche, District Contracts Administrator, 719 S. Woodland Blvd., DeLand, FL 32720, (386)943-5525, Vickie.wyche@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vickie Wyche, District Contracts Administrator, 719 S. Woodland Blvd., DeLand, FL 32720, (386)943-5525, Vickie.wyche@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Transportation** announces a hearing to which all persons are invited.

DATE AND TIME: September 14, 2009, 5:00 p.m.

PLACE: Hilton University of Florida, Conference Center, 1714 S. W. 34th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will conduct a public hearing to discuss a change to the Access Management Classifications for SR 26A (S. W. 2nd Avenue) from SR 26 split to SR 121 (S. W. 34th Street; and SR 26 (W. Newberry Road) from I-75 to N. W. 8th Avenue in Gainesville, Florida. This public hearing to change the Access Management Classifications is an administrative action and does not include any new construction. The Access Management Classification is used to determine signal spacing, driveway spacing and median openings. This hearing is being conducted to inform the public of the classification change and afford the public the opportunity to provide comments. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of 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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS #2007, Lake City, Florida 32025-5874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Transportation** announces a hearing to which all persons are invited.

DATE AND TIME: September 15, 2009, 5:00 p.m.

PLACE: Florida Department of Transportation, District Office, 1109 S. Marion Avenue, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will conduct a public hearing to discuss a change to the Access Management Classifications for US 90 West from I 75 to Bascom Norris Drive; US 90 East from Lake City Airport to N. E. Barts Terrace; and SR 47 from S. W. Ridge Street to US 41 in Lake City, Columbia County, Florida. This public hearing to change the Access Management Classifications is an administrative action and does not include any new construction. The Access Management Classification is used to determine signal spacing, driveway spacing and median openings. This hearing is being conducted to inform the public of the classification change and afford the public the opportunity to provide comments. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Mr. Bill Henderson, 1(800)749-2967 at least seven (7) days prior to the hearing.

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

DATES AND TIME: September 16, 2009; October 21, 2009; November 18, 2009; December 16, 2009, 10:00 a.m. Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict7>

PLACE: Department of Transportation, 11201 N. McKinley Dr., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 7 Contracts Office.

A copy of the agenda may be obtained by contacting: John Ellis, District Contracts Administrator, 11201 N. McKinley Dr. Tampa, FL 33612, (813)975-6191, John.ellis@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: John Ellis, District Contracts Administrator, 11201 N. McKinley Dr., Tampa, FL 33612, (813)975-6191, John.ellis@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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."

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 16, 2009, 6:00 p.m.

PLACE: GTMNERR Marineland Office, 9741 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) is holding a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting: Annette Odom at (904)823-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Annette Odom at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 28, 2009, 2:00 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Audit Committee.

A copy of the agenda may be obtained by contacting: Loveleen Verma, State Board of Administration of Florida, 1801 Hermitage Blvd., Ste. 100, Tallahassee, FL 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 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).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a customer meeting in the following docket to which all persons are invited.

TITLE: Application for staff-assisted rate case in Duval County by Neighborhood Utilities.

Docket Number: 090060-WU

DATE AND TIME: Wednesday, September 16, 2009, 6:00 p.m.

PLACE: West Regional Library, 1425 Chaffee Road, South, Jacksonville, FL 32221-1119

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 090060-WU – Application for staff-assisted rate case in Duval County by Neighborhood Utilities. The purpose of this customer meeting is to give customers and

other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions contact: Commission staff, Lynn Deamer at (850)413-6416 before Monday, September 14, 2009.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-085, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Film and Entertainment Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, September 1, 2009; 9:30-6:00 p.m.; Wednesday, September 2, 2009; 8:30 a.m.-12:00 noon

PLACE: Renaissance Vinoy, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members from the Florida Film and Entertainment Advisory Council will be attending the Film Florida Quarterly meetings and will likely be discussing issues concerning the film and entertainment industry.

A copy of the agenda may be obtained by contacting: Office of Film and Entertainment at (850)410-4765.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Film and Entertainment at (850)410-4765. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Office of Film and Entertainment at (850)410-4765.

REGIONAL PLANNING COUNCILS

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

DATE AND TIMES: Thursday, September 3, 2009, Planning & Growth Management Committee, 8:30 a.m.; Personnel, Budget & Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting. Please check our website for any changes in meeting times.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or email: sforde@nefrc.org.

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

DATE AND TIME: September 2, 2009, 9:30 a.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Community Resources Task Force of the Heartland 2060 Regional Visioning effort.

A copy of the agenda may be obtained by contacting: Shannon Brett, Senior Planner at (863)534-7130, ext. 132, email: sbrett@cfrpc.org.

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

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 8, 2009, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.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: Suzanne Cooper at (727)570-5151, ext. 32. If you are 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: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regular Planning Council**, Executive Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 12, 2009, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are 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: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 12, 2009, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: www.tbrpc.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: Wren Krahl at (727)570-5151, ext. 22. If you are 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: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 12, 2009, 11:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl at (727)570-5151, ext. 22.

Pursuant to the provisions of 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: Wren Krahl at (727)570-5151, ext. 22. If you are 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: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

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

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.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: Wren Krahl at (727)570-5151, ext. 22. If you are 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: Wren Krahl at (727)570-5151, ext. 22.

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

DATE AND TIME: Thursday, September 17, 2009, 9:00 a.m.

PLACE: Kimal Lumber, 11184 Hughey-Kimal Drive, Venice, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Southwest Florida Regional Planning Council board.

A copy of the agenda may be obtained by contacting: Mrs. Nichole Gwinnett at (239)338-2550, ext. 232 or ngwinnett@swfrpc.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: Mrs. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.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. Nichole Gwinnett at (239)338-2550, ext. 232 or ngwinnett@swfrpc.org or visit our website: www.swfrpc.org.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, September 8, 2009, 9:00 a.m., Projects and Land Committee; 10:00 a.m., Finance, Administration & Audit Committee (or upon conclusion of the Projects & Land Committee meeting, whichever occurs later); 11:00 a.m., Regulatory Committee; 1:00 p.m., Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214, or by visiting the District's website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing

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

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

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2009, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the FY2009-2010 tentative millage rate and tentative budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Vicki Kroger, Office of Budget and Management Reporting, (386)329-4217, for copy of the FY2009-2010 Tentative Budget.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 22, 2009, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the FY2009-2010 final millage rate and final budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Vicki Kroger, Office of Budget and Management Reporting, (386)329-4217, for copy of the FY2009-2010 Final Budget.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 28, 2009, 2:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Advisory Group discussing projects to be included in the report to the Legislature for the Citrus County Task Force of the Citrus/Hernando Waterways Restoration Council.

A copy of the agenda may be obtained by contacting: 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: (352)796-7211 or 1(800)423-1476 (Florida only), extension 4702, TDD (Florida Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 2, 2009, 9:00 a.m. – 11:00 a.m., unless business concludes earlier

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida 33637-6759

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Permit No. / Project Name
 20005423.012 Florida Power and Light
 49034872.000 Two Rivers Preserve
 43008387.054 HCAA – Taxiway B. Rehabilitation and Bridge & North Terminal Stormwater Site Development
 43001557.045 St. Petersburg-Clearwater Airport
 43034707.000 Edgewater Corridor Phase 3 (Flamingo Blvd. to Edgewater Drive)

A copy of the agenda may be obtained by contacting: PMO (Performance Management Office), Southwest Florida Water Management District, Attention: Patty McLeod, 2379 Broad Street, Brooksville, FL 34609, (352)796-7211, or by visiting the District’s website: www.watermatters.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: District’s Human Resources Director, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, ext. 4702 or 1(800)423-1476 (FL Only), ext. 4702; TDD (FL Only) 1(800)231-6103; or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2009, 9:00 a.m.
 PLACE: Collier County Government Center, Building F, Commission Chamber, 3301 Tamiami Trail, East, Naples Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Conduct regular Basin Board Business, including the Adoption of the FY 2010 Basin Budget and Final Millage Rate.

A copy of the agenda may be obtained by contacting: Kathleen Tetrault at (239)263-7615.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kathleen Tetrault at (239)263-7615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Kathleen Tetrault at (239)263-7615.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: South Miami-Dade County Canal Agricultural Drawdown Study, Tuesday September 1, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th St., Miami, Florida 33178

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 South Florida Water Management District is initiating a study of the low range structure operations for the coastal water control structures on canals C-102 and C-103 in south Miami-Dade County, and is requesting input for the development of options.

A copy of the agenda may be obtained by contacting: Maura Merkmal at (561)686-8800, ext. 3719, email: mmerkmal@sfwmd.gov.

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

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

For more information, you may contact: District Clerk’s Office at (561)682-2087.

The **Water Resource Advisory Commission**, Issues Workshop – River of Grass Project Planning Phase 1 announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2009, 10:00 a.m. – 4:00 p.m.
 PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: All interested parties are invited to participate in a planning workshop for use in configuration of the River of Grass Restoration Plan. The public is advised that it is possible that

one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Joni Warner at (561)242-5520, ext. 4221.

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

The **Water Resources Advisory Commission (WRAC)** Regular Monthly meeting announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Collier County North Regional Park, 15000 Livingston Road, Naples, FL 34109

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

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

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2009, 9:30 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, 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: September 11, 2009, 8:00 a.m. – 2:00 p.m. (Eastern Time)

PLACE: Hyatt Hotel, Orlando International Airport, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida President Search Committee Meeting.

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).

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: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Communities for a Lifetime announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, September 24, 2009, 9:00 a.m. – 2:00 p.m. (EDT)

PLACE: Florida State University, Panama City Campus, 4750 Collegiate Drive, Panama City, Florida 32405

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical Assistance for communities currently participating in the Communities for a Lifetime initiative, and for communities interested in joining the initiative.

A copy of the agenda may be obtained by contacting: Janine R. Harris, Community Relations Manager, Communities for a Lifetime at (850)414-2373 or email: harrisj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Janine R. Harris, Community Relations Manager, Communities for a Lifetime at (850)414-2373 or email: harrisj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janine R. Harris, Community Relations Manager, Communities for a Lifetime at (850)414-2373 or email: harrisj@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, Pharmaceutical and Therapeutics Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2009, 8:00 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting.

Members of the public who wish to testify at this meeting must contact: Mark Gibson at gibsonm@ahca.myflorida.com. The number of speakers will be limited and will be accommodated in order of notification to Mr. Gibson. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the web site: http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug. Procedures for speakers to follow are also available on the website.

A copy of the agenda may be obtained by contacting: Mark Gibson at: gibsonm@ahca.myflorida.com.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2009, 9:30 a.m. (EST)

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie at (239)338-2563.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ann Proie at (239)338-2563. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Proie at (239)338-2563 or email: prioed@elderaffairs.org.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** (DMS) announces a weekly public meeting to which all persons are invited.

DATE AND TIME: Thursdays, 3:30 p.m. – 5:00 p.m. Check for status of DMS Broadband-ARRA meetings at: www.dms.myflorida.com/SUNCOM

PLACE: Building 4030, 4030 Esplanade Way, Room 225A, Capital Circle Office Center, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Weekly meeting to facilitate discussion on the deployment of Broadband to maximize the potential receipt of federal Stimulus funding for the State of Florida.

A copy of the agenda may be obtained by contacting: Bill Price at (850)410-0709 or email: bill.price@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 2 days before the workshop/meeting by contacting: Linda Collins at (850)487-9971 or email: linda.collins@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).

For more information, you may contact: Bill Price at (850)410-0709 or email: bill.price@dms.myflorida.com.

The **Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, Florida 32822. Please contact this hotel at 1(800)228-9290, and reference that you are with the “Agency for Workforce Innovation” group block to obtain the rate of \$129 per night. Reservations must be made by August 28, 2009 to be assured of the Early Learning rate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CCEP Board Meeting

Call in number will be: 1(888)808-6959

Conference Code: 9213217 (then press #).

A copy of the agenda may be obtained by contacting: Materials will be available by September 2, 2009 on the CCEP website: www.ccep.bz or you may contact: Natalie K. Sellars, Program Coordinator at (850)921-3173.

The **Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, Florida 32822. Please contact this hotel at 1(800)228-9290 and reference that you are with the “Agency for Workforce Innovation” group block to obtain the rate of \$129 per night. Reservations must be made by August 28, 2009 to be assured of the Early Learning rate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Early Learning Advisory Council Orientation.

A copy of the agenda may be obtained by contacting: Lisa.Billups@flaawi.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Barbers Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 29, 2009, 9:30 a.m. (EST) or soon thereafter

PLACE: To join the conference call board meeting, please dial: 1(888)808-6959. When prompted, enter 4878197 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Barbers’ Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0769, (850)922-6096.

Pursuant to the provisions of 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: Barbers’ Board Office, Robyn Barineau, Executive Director at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: August 25, 2009, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Board of Cosmetology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 4, 2009, 9:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399-0760.

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

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

The **Board of Professional Surveyors and Mappers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review and general board business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 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.

For more information, you may contact: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, September 17, 2009, Probable Cause, 9:00 a.m. – until all business is concluded; Thursday, September 17, 2009, Board Meeting, 1:00 p.m. – until all business is concluded; Friday, September 18, 2009, Board Meeting, 9:00 a.m. – until all board business is concluded

PLACE: Division of Real Estate, 400 West Robinson St., Conference Room Hurston Towers N901, Orlando, FL

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. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a 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.

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: Wednesday, August 26, 2008, 9:30 a.m.

PLACE: Northeast District Office, Conference Rooms A&B, 7825 Baymeadows Way, Suite B200, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the TMDL Executive Committee and TMDL Stakeholder Group for the Lower St. Johns River. The meeting will provide updates on the River Report, River Accord, Environmental Protection Board (EPB) Symposium, state policy, and research programs; review the water quality credit trading rule; discuss the status of the Basin Management Action Plan (BMAP) monitoring plan; and review information needed for the annual BMAP progress report.

A copy of the agenda may be obtained by contacting: Mr. Daryll Joyner, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8431.

Pursuant to the provisions of 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: Mr. Daryll Joyner at (850)245-8431. If you are 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**, Bureau of Mining and Minerals Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2009, 9:00 a.m.

PLACE: Tenoroc Fish Management Area, Derby Lake Picnic Pavilion, 3829 Tenoroc Mine Road, Lakeland, FL 33805

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the proposed restoration project, known as Phase III-A, of the Upper Peace River/Saddle Creek Restoration Project at the Tenoroc Fish Management Area. The meeting will include an optional site visit of the proposed restoration sites.

A copy of the agenda may be obtained by contacting: Lisa Robertson, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310, (850)488-8217.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lisa Robertson at (850)488-8217. If you are 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 **Department of Health**, Electrolysis Council announces a telephone conference call to which all persons are invited.

DATES AND TIME: February 15, 2010; May 3, 2010; August 2, 2010; November 8, 2010, 9:00 a.m. or soon thereafter

PLACE: The meet me number is: 1(888)808-6959. After dialing the meet me number, enter conference code 4246812343 followed by the # sign in order to join the meeting
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Council office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Acupuncture** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 4, 2009, 9:00 a.m. or soon thereafter

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Acupuncture at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Board of Dentistry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 31, 2009, 6:30 p.m.

PLACE: Conference Call: 1(888)808-6959 when prompted enter Conference Code: 2453454

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Concerning Anesthesia Committee.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any 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 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 (850)245-4474.

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: September 25, 2009, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any 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 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, (850)245-4474 at least one week prior to the meeting.

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 25, 2009, 2:00 p.m.

PLACE: To be held via Meet-Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email:

susan_chase@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Health, Board of Psychology** announces meetings by telephone conference calls to which the public may attend. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: January 26, 2010; February 23, 2010; March 23, 2010; April 20, 2010; May 25, 2010; June 29, 2010; July 20, 2010; August 24, 2010; September 21, 2010; October 26, 2010; November 23, 2010; December 21, 2010, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

The meeting is not public and you will be unable to obtain an agenda if there are no reconsideration cases. In the event of reconsideration cases, agenda information may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373, ext. 3467.

Pursuant to the provisions of 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: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 5, 2010; June 4, 2010; September 17, 2010; November 5, 2010, 8:00 a.m. or soon thereafter.

PLACE: Conference Call: 1(888)808-6959. After dialing the meet me number, enter Conference Code 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Credentials Committee Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 19, 2010; June 18, 2010; October 1, 2010; November 19, 2010, 8:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959. After dialing the meet me number, enter Conference Code: 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Quorum Call.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255, (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Health, Division of Health Access and Tobacco** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 3, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Code: 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the physician component of the Healthcare Practitioner Workforce Ad Hoc Committee.

A copy of the agenda may be obtained by contacting: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1739, (850)245-4144, ext. 2711.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1739, (850)245-4144, ext. 2711. If you are 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: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1739, (850)245-4144, ext. 2711.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Assistant Secretary for Operations** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 25, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Loews Portofino Bay Hotel at Universal Orlando, Venisian V Room, 5601 Universal Boulevard, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force on Fostering Success.

A copy of the agenda may be obtained by contacting: gail_sinclair@dcf.state.fl.us.

The **Department of Children and Family Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 28, 2009, 3:00 p.m. – 4:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4883169#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subcommittee of the Advisory Committee on Economic Security is focused on recommendations to reduce barriers and increase participation and in public assistance programs in the state.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarters' Office at (850)487-8465.

The **Department of Children and Family Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 31, 2009, 3:00 p.m. – 4:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4883169#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subcommittee of the Advisory Committee on Economic Security is focused on increasing collaboration and leveraging partnerships in the state.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarters' Office at (850)228-2906.

The **Department of Children and Family Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 3, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4145671#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subcommittee of the Advisory Committee on Economic Security is focused on the development of a multi-benefit platform for programs in the state.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarters' Office at (850)921-5570.

The **Adult Protective Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 8, 2009, 10:00 a.m. – 12:30 p.m.

PLACE: Lowes Portofino Bay Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting: Adult Protective Services Program at (850)488-2881.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Adult Protective Services Program office at (850)488-2881. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Robert Anderson, State Director, Adult Protective Services at (850)488-2881.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2009, 8:30 a.m. – until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.

2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the September 18, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, approximately 2 days prior to the meeting or by visiting the Corporation's website: www.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: Sheila Freaney, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Florida Housing Finance Corporation II, Inc.**, announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2009, 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting

PLACE: Tallahassee City Hall, Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC II, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the September 18, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, approximately two days prior to the meeting or by visiting the Corporation's website: www.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: Sheila Freaney at Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: September 9-11, 2009, 8:30 a.m. each day

PLACE: Mission Inn Resort & Club, 10400 County Road 48, Howey-in-the-Hills, Florida 34737

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the agenda may be obtained by contacting: Kathleen Hampton, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are 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: Mr. Jim Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

The Florida **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: September 28, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Vero Beach City Hall Council Chambers, 1053 20th Place, Vero Beach, Florida 32960

DATE AND TIME: September 29, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida 33004

DATE AND TIME: September 30, 2009, 6:00 p.m. – 8:00 p.m.
PLACE: City of Key Colony Beach-City Hall Building, City Hall Auditorium, Mile Marker 53.5, 600 W. Ocean Drive, Key Colony Beach, FL 33051-0141

DATE AND TIME: October 5, 2009, 6:00 p.m. – 8:00 p.m.
PLACE: Fish & Wildlife Conservation Commission, FWRI, 3rd Floor Conference Room, 100 Eighth Avenue S.E., St. Petersburg, Florida 33701

DATE AND TIME: October 6, 2009, 6:00 p.m. – 8:00 p.m.
PLACE: Joseph P. D'Alessandro Office Complex, 2295 Victoria Ave., Ft. Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to examine possible options for rule changes for the permit fishery (Chapter 68B-35, F.A.C.). Specifically, the Florida Fish and Wildlife Conservation Commission will be gathering comments on establishing a commercial trip limit, extending state regulations into federal waters, establishing a tagging program, eliminating commercial harvest and sale, and making permit a catch and release only fishery.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are 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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: October 7, 2009, 6:00 p.m. – 8:00 p.m.
PLACE: City of Key Colony Beach-City Hall Building, City Hall Auditorium, Mile Marker 53.5, 600 W. Ocean Drive, Key Colony Beach, FL 33051-0141

DATE AND TIME: October 8, 2009, 6:00 p.m. – 8:00 p.m.
PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to examine possible options for rule changes for the bonefish fishery (Chapter 68B-34, F.A.C.). Specifically, the Florida Fish and Wildlife Conservation Commission will be gathering comments on extending state regulations into federal waters, establishing a tagging program, including all species of bonefish in the current rule, and making bonefish a catch and release only fishery.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are 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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation**, Grant Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, August 21, 2009, 9:00 a.m.
PLACE: Conference Call: 1(888)808-6959, Conference Code: 4888347, Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss funding recommendations for grants received through July 10th, 2009.

For more information, you may contact: Larry Pendleton, President/CEO at info@flsports.com.

FLORIDA COMMUNITY COLLEGES RISK MANAGEMENT CONSORTIUM

The **Florida Community Colleges Risk Management Consortium** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 27, 2009, 10:00 a.m. – 2:00 p.m.

PLACE: Renaissance Hotels & Resorts, 5445 Forbes Place, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Community Colleges Risk Management Consortium.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at 7 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).

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: August 27, 2009, 4:30 p.m. (EDT)

PLACE: The Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting.

Citizens Property Insurance Corporation announces a Finance and Investment Committee Meeting. Items of discussion include, but are not limited to, Update of Investment Portfolio and Investment Returns.

For additional information, please call: Jill Booker at 1(800)807-7647, extension 8287.

In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Jill Booker at least five days prior to the meeting.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 27, 2009, 5:30 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070 or email: lkutz@cilorlando.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Luana Kutz at (407)623-1070 or email: lkutz@cilorlando.org.

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: August 28, 2009, 8:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850)488-8191.

AREA AGENCY ON AGING OF PASCO-PINELLAS, INC.

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

Selection Team

PLACE: 9887 4th St., North, Suite 100, St. Petersburg, FL 33702

DATES AND TIME: September 1, 8, 22, 2009, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposals and make recommendations for the selection of the providers of Older Americans Act Services in Pasco and Pinellas counties. These services include: Title III B Emergency Alert Response; Title III-EG Caregiver Support - Grandparent Services, Title III-D Disease Prevention and Health Promotion Services.

Program Planning and Development Committee

DATE AND TIME: September 29, 2009, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review the recommendations of the Selection Team and to prepare recommendations to the AAAPP Board of Directors for the selection of the providers of the above Older Americans Act Services.

Pursuant to the provisions of 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. If you are 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: Please call Jason Martino at (727)570-9696, ext. 272.

SECURE AIRPORTS FOR FLORIDA'S ECONOMY COUNCIL

The **Secure Airports for Florida's Economy (SAFE) Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 2, 2009, 10:00 a.m. (EST) (9:00 a.m. CST)

PLACE: Center for Urban Transportation Research, Boardroom, 4202 E. Fowler Avenue, CUT 100, Tampa, FL 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SAFE Council will hold a teleconference/meeting to review and approve the 2009 Annual Report, discuss the 2010 legislative proposal, and to review and discuss the proposal for the 2010 Annual Report.

A copy of the agenda may be obtained by contacting: Melissa McCarville at (813)974-6387, mccarville@cutr.usf.edu.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Melissa McCarville at (813)974-6387. If you are 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.

SOIL AND WATER CONSERVATION DISTRICTS

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2009, 5:00 p.m.

PLACE: 6191 Orange Drive, 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).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.

The **Advocacy Center for Persons with Disabilities, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites, 5835 TG Lee Blvd. Orlando, Florida 32822, (407)888-9339

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advocacy Center for Persons with Disabilities, Inc., Florida’s Protection & Advocacy Programs Quarterly Board of Directors Joint Meeting with the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAC).

A copy of the agenda may be obtained by contacting: Paige Morgan or Leslie Evans at (850)488-9071, ext. 219 or 231.

Pursuant to the provisions of 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: The Advocacy Center for Persons with Disabilities, Inc., 2728 Centerview Drive, Suite 102, Tallahassee, FL 32301, 1(800) 342-0823, (TDD) 1(800) 346-4127. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces the following meetings to which all persons are invited.

FAJUA Budget Committee

DATE AND TIME: Monday, September 14, 2009, 3:00 p.m.

PLACE: Intercontinental Tampa Hotel, 4860 West Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed FY2009-2010 budget, make recommendations to the Board, and to consider other matters that may come before the committee.

FAJUA Finance/Audit Committee Meeting

DATE AND TIME: Monday, September 14, 2009, 4:00 p.m.

PLACE: Intercontinental Tampa Hotel, 4860 West Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss matters relating to FAJUA Financial/Audit Reporting and any other matters that may come before the committee.

FAJUA Board of Governors Meeting

DATE AND TIME: Tuesday, September 15, 2009, 8:30 a.m.

PLACE: Intercontinental Tampa Hotel, 4860 West Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, loutamire@fajua.org.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Elder Affairs has issued an order disposing of the petition for declaratory statement filed by Independent Living Systems, LLC on July 13, 2009. The following is a summary of the agency's disposition of the petition:

The petition sought a determination regarding petitioner's status as a provider within the Long-Term Care Community Diversion Pilot Project under Section 430.707, Florida Statutes, by virtue of its registration with the Agency for Health Care Administration as a homemaker and companion services organization under Section 400.509, Florida Statutes. The Department determined that homemaker and companion service organizations are not "licensed" by the Agency, and do not satisfy the statutory definition of an "other qualified provider" found in Section 430.703(7), Florida Statutes, for purposes of participation in the Long-Term Care Community Diversion Pilot Project under Section 430.707(1), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Yolanda Siples, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2129, email: siplesy@elderaffairs.org.

Please refer all comments to: Yolanda Siples, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2129, email: siplesy@elderaffairs.org.

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 Robert J. Dewire, Unit Owner/Petitioner, In Re: Windjammer Point Condominium Association, Inc. on May 5, 2009. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because the declaration provides the answer to Dewire's question, the default provision for a 75 percent vote in Section 718.113(2)(a), Florida Statutes, does not arise; or because the question is moot.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 Lisa Lehman, Petitioner, In Re: Towers of Quayside Homeowners' Association, Inc. on May 14, 2009. The following is a summary of the agency's declination of the petition:

The division may not issue a statement where it would affect the rights of persons who are not parties to the proceeding; or because there was insufficient evidence to complete a review of the petition; or because the circuit court has retained jurisdiction leaving the division with no authority to enter a declaratory statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Mike Senek, Petitioner/Unit Owner, In Re: Riverside Club, Inc., Docket No. 2009041121 on July 30, 2009. The petition seeks the agency’s opinion as to the applicability of as it applies to the petitioner.

What vote is required to amend the governing documents of Riverside Club condominium to allow leasing of units.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 Sharon S. Vander Wulp, Esq., In Re: Pine Run Association, Inc. on July 1, 2009. The following is a summary of the agency’s declination of the petition:

The Division declined to enter a declaratory statement because: the division may not issue a declaratory statement where it would affect the rights of persons who are not parties to this proceeding.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Board of Cosmetology hereby gives notice that on August 7, 2009, it received a Petition for Declaratory Statement filed by Teri Lynn Clark. The petition seeks the Board’s interpretation of Section 477.025, Florida Statutes, to determine whether individuals who purchase the infrared body wrap apparatus to perform body wraps on individuals are required to obtain a license.

Copies of the petition may be obtained from: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377.

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 the Department of Environmental Protection has declined to rule on the petition for declaratory statement filed by The Conservancy of Southwest Florida, Inc. on May 27, 2009. The following is a summary of the agency’s declination of the petition:

The petition was denied because neither Section 120.565(1), F.S., nor Florida Administrative Code Rule 28-105.001, F.A.C., authorize Petitioner to obtain a declaratory statement to determine the conduct of a third-party.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Jacob Brown, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, (850)245-2264 or via email: jacob.m.brown@dep.state.fl.us.

Please refer all comments to: Jacob Brown, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, (850)245-2264, or via email: jacob.m.brown@dep.state.fl.us.

**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 ARCHITECT/ENGINEERS

The Florida International University Board of Trustees announces that services in the discipline of Architecture/Engineering are required for the project identified below:

Project Name BT877 Stempel Complex consisting of
and Number: three components
SCPH: Robert Stempel College of Public Health &
 Social Work
MDCHD: Miami-Dade County Health Department
ACC: Ambulatory Care Center
Project Location: Modesto A. Maidique Campus (MMC),
 Miami, Florida

Project Description: The Project combines three distinct yet related programs in one facility. General support – infrastructure, utilities, services, circulation, etc., will be shared. The SCPH component will house faculty/staff offices, research and training labs for the Robert Stempel College of Public Health and Social Work. The gross square footage of the SCPH will consist of approximately 62,704 GSF and is funded by PECO appropriations.

The MDCHD component will consolidate Miami-Dade County’s Health Department operations, including administrative and public health units. It will also include some clinical research labs and thereby provide increased opportunities for collaboration between the Florida Department of Health (DOH) operations in Miami-Dade County, and FIU’s faculty and students. A primary goal is to strengthen existing public health laboratory sciences

curriculum and establish new collaborations to enhance disease/disorder diagnostic capabilities. DOH and FIU faculty & students will work cooperatively in the DOH laboratory and clinical space. The MDCHD component will include a 5,704 GSF teaching clinic, shared research labs with the SCPH, and offices, totaling approximately 98,960 GSF. Funding for the MDCHD is contingent upon the University’s procurement of financing for the design and construction of the MDCHD Project on terms acceptable to the University, at its sole discretion.

The third component of this project is the College of Medicine’s ACC. The ACC will include Family Medicine/ Primary Care, Sports Medicine, an Imaging Center, and Administrative/Support spaces. With approximately 20,896 GSF, it will be open to the general community for diagnosis, treatment and care. Funding for the ACC is contingent upon the University’s receipt of Miami Dade County General Obligation Bond Funds required for design and construction.

The total building construction cost is approximately \$47,000,000 and the total project cost is approximately \$64,000,000. Funding in the amount of \$23,300,000 is secure for the SCPH, the PECO-funded portion of the project. Applicants are hereby notified that in the event the University is unable to secure full funding for either or both of the other project components (MDCHD and the ACC), the University intends to proceed only with design and construction of fully funded component(s), if any.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed “Professional Qualifications Supplement (FIUPQS).” FORMER BOARD OF REGENTS PQS FORMS ARE LONGER ACCEPTED. The official FIUPQS forms must be downloaded from the FIU web site: <http://facilities.fiu.edu/projects/BT-877.htm>. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate Governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The plans and specifications for A/E are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the web-site: <http://facilities.fiu.edu/projects/BT-877.htm>. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Real Estate Development and Planning at (305)348-4410 or via email to padillag@fiu.edu.

Submit qualifications to: Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, Room #142, University Park, Miami, Florida 33199. Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m. and 4:00 p.m. (Local Time), September 21, 2009. Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF TRANSPORTATION

FCO SMO Test Track and Calibration Bay Addition

Bids will be received by the Department of Transportation Tallahassee Office until 2:00 p.m., Tuesday, September 29, 2009 for Proposal ID E9080, Financial Project Number 422511-4-52-01 and 422511-2-52-01. The work consists of an expansion of the Test Track and Calibration Bay Addition at the State Materials Office in Gainesville, Florida. Budget estimate is \$800,000.

Contract is pending approval by Alachua County and St. John's River Water Management District.

Each bidder shall either be currently prequalified with the Florida Department of Transportation in the work class of Hot Plant-Mixed Bituminous Course or submit a current Builder's or General Contractor's License issued by the State of Florida. Attendance at the Mandatory Pre-Bid meeting is required in order to bid. The meeting will be held at: State of Florida Materials Research Park, 5007 N. E. 39th Ave., Gainesville, FL 32609, September 2, 2009, 1:00 p.m. Meeting information may be obtained by calling: Mary Fossum at (352)955-6640.

Complete letting advertisement information for this project is available on our website: <http://www.dot.state.fl.us/cc-admin> or by calling (850)414-4000.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

PROFESSIONAL SERVICES FOR CONTINUING CONTRACTS FOR ARCHITECTURAL SERVICES CENTRAL FLORIDA REGION

The State of Florida, Department of Management Services requests qualifications from Architectural firms to provide Professional Services primarily in the Central Florida Region. These services may be used for projects anywhere in the State of Florida, however, it is anticipated that the vendors selected during this process will be activated for projects located in the central part of the State. Projects will vary in size up to \$2,000,000.00 for construction and up to \$200,000.00 for planning or study fees.

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.

PROFESSIONAL SERVICES FOR CONTINUING CONTRACTS FOR ARCHITECTURAL SERVICES SOUTH FLORIDA REGION

The State of Florida, Department of Management Services requests qualifications from Architectural firms to provide Professional Services primarily in the South Florida Region. These services may be used for projects anywhere in the State of Florida, however, it is anticipated that the vendors selected during this process will be activated for projects located in the southern part of the State. Projects will vary in size up to \$2,000,000.00 for construction and up to \$200,000.00 for planning or study fees.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

RFQ 2009-04 Real Estate Brokerage Services

The Florida Housing Finance Corporation invites all qualified firms to provide real estate brokerage services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2009-04, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m., (Eastern Time), Friday, September 18, 2009, Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Qualifications from the Florida Housing Finance Corporation website at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFQs.spx. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA09-OR-271

In re: POLK COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY

POLK COUNTY ORDINANCE NOS. 03-12, 03-14, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes, (2008), approving Polk County Ordinances Nos. 03-12, 03-14 with the

exception of Table 2.1, and Section 222B, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055 with the exception of Chapter 2, Section 227, A5 Exemptions, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On June 10, 2009, the Department received for review Polk County Ordinance Nos. 03-12, 03-14, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009 which were adopted by the Polk County Board of County Commissioners ("Ordinances") over a five year time frame.
3. The proposed ordinances contain definitions, administrative procedures, revisions to zoning districts, buffer setbacks from environmentally sensitive lands, open space definitions and clustering requirements, impervious surfaces, concurrency requirements, minimum requirements for road access, level of service standards, accessory uses, and general guidance for administering growth decisions.
4. The Ordinances, with the exception of the above identified portions of Ordinance No. 03-14 and Ordinance No. 07-55 are consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

5. 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. Sections 380.05(6) and (11), Florida Statutes (2008).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances 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 for that area. Section 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”).

9. Ordinance Nos. 03-12, 03-14 with the exception of Table 2.1, and Section 222B, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055 with the exception of Chapter 2, Section 227, A5 Exemptions, 08-004, 08-005, 08-037, 08-041, 08-056, and 09-009 are consistent with the Principles in Rule 28-26.003, Florida Administrative Code.

WHEREFORE, IT IS ORDERED that Ordinance Nos. 03-12, 03-14 with the exception of Table 2.1, and Section 222B, 03-25, 03-26, 03-38, 03-50, 03-66, 03-68, 03-69, 03-82, 03-94, 03-96, 04-09, 04-23, 04-43, 04-58, 05-062, 06-012, 06-047, 06-048, 06-084, 07-055 with the exception of Chapter 2, Section 227, A5 Exemptions, 08-004, 08-005, 08-037, 08-041, 08-056 and 09-009 are found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

WHEREFORE, IT IS ORDERED that Ordinance No. 03-14 Table 2.1, Section 222B; and Ordinance No. 07-055 Chapter 2, Section 227, A5 Exemptions, are found to be inconsistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby REJECTED.

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 designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of August, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DCA Final Order No.: DCA09-OR-272
In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
POLK COUNTY ORDINANCE NOS. 03-15,
03-23, 03-67, 03-95, 04-04, 04-80, 05-05, 07-039,
08-001, 08-013, 08-016 and 09-006.

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6) and (11), Florida Statutes, (2008), approving Polk County Ordinances Nos. 03-15, 03-23, 03-67, 04-04, 04-80, 05-005, 08-001, 08-013, 08-016, 09-006, and 07-039 with the exception of Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional

Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and approving Polk County Ordinance No. 03-95 with the exception of Chapter 10 Definitions Recreation and High Intensity.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On June 10, 2009, the Department received for review Polk County Ordinance Nos. 03-15, 03-23, 03-67, 03-95, 04-04, 04-80, 05-05, 07-039, 08-001, 08-013, 08-016, and 09-006 which were adopted by the Polk County Board of County Commissioners ("Ordinances") over a five year time frame.
3. The proposed ordinances contain definitions, administrative procedures, revisions to zoning districts, buffer setbacks from environmentally sensitive lands, open space definitions and clustering requirements, impervious surfaces, concurrency requirements, minimum requirements for road access, level of service standards, accessory uses, and general guidance for administering growth decisions.
4. The Ordinances, with the exception of the above identified portions of Ordinance No. 07-039 and Ordinance No. 03-95 are consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

5. 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. Sections 380.05(6) and (11), Florida Statutes (2008).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances 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 for that area. Section 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").

9. Ordinance Nos. 03-15, 03-23, 03-67, 04-04, 04-80, 05-005, 08-001, 08-013, 08-016, 09-006 and 07-039 with the exception of Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and Ordinance No. 03-95 with the exception of Chapter 10 Definitions Recreation and High Intensity, are consistent with the Principles in Rule 28-26.003, Florida Administrative Code.

WHEREFORE, IT IS ORDERED that Ordinance Nos. 03-15, 03-23, 03-67, 04-04, 04-80, 05-005, 08-001, 08-013, 08-016, 09-006 and 07-039 with the exception of Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and Ordinance No. 03-95 with the exception of Chapter 10 Definitions Recreation and High Intensity are found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

WHEREFORE, IT IS ORDERED that Ordinance No. 07-039 Table 4.9 Density Limits for U.S. 27 SAP; Section H.1.f.ii., and Section H.1.f.iii., Professional Institutional-X Performance Standards; and Section H.1.c., Professional Institutional-X Performance Standards; and Ordinance No. 03-95 Chapter 10 Definitions Recreation and High Intensity are found to be inconsistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby REJECTED.

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.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of August, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Sam Thomas, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Belle Glade Medical Helistop, a private airport, in Palm Beach County, at Latitude 26°43'25.36" and Longitude 80°40'19.0", to be owned and operated by Health Care District Of Palm Beach, 1201 South Main Street, Belle Glade, Florida 33430.

A copy of the Airport Site Approval Order, the applicable rules, and other pertinent information may be obtained by contacting Mr. Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, www.aviation.fdot@dot.state.fl.us, Website: http://www.dot.state.fl.us/aviation.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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 Hyosung Motors America, Inc., intends to allow the establishment of D & D Cycles, Inc., as a dealership for the sale of Hyosung motorcycles (HYOS) at 2400 Fernwood Street, Pensacola (Escambia County), Florida 32505, on or after August 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of D & D Cycles, Inc. are dealer operator(s): Robert McLendon, Jr., 1174 Harrison Avenue, Gulf Breeze, Florida 32563 and Julie McLendon, 1174 Harrison Avenue, Gulf Breeze, Florida 32563; principal investor(s): Robert McLendon, Jr., 1174 Harrison Avenue, Gulf Breeze, Florida 32563 and Julie McLendon, 1174 Harrison Avenue, Gulf Breeze, Florida 32563.

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: Tony Kim, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Fiber Unlimited, Inc. d/b/a Eco Sports Center, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 207 North Goldenrod Road, Suite 200, Orlando (Orange County), Florida 32807, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fiber Unlimited, Inc. d/b/a Eco Sports Center are dealer operator(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807; principal investor(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Fiber Unlimited, Inc. d/b/a Eco Sports Center, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 207 North Goldenrod Road, Suite 200, Orlando (Orange County), Florida 32807, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fiber Unlimited, Inc. d/b/a Eco Sports Center are dealer operator(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807; principal investor(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Fiber Unlimited, Inc. d/b/a Eco Sports Center, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 207 North Goldenrod Road, Suite 200, Orlando (Orange County), Florida 32807, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fiber Unlimited, Inc. d/b/a Eco Sports Center are dealer operator(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807; principal investor(s): Mike Silva, 207 North Goldenrod Road, Suite 200, Orlando, Florida 32807.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 BMW of North America, LLC, intends to allow the establishment of Sandy Sansing Imports, Inc. d/b/a MINI of Pensacola, as a dealership for the sale of Mini passenger cars (MINC) at 186 West Airport Boulevard, Pensacola (Escambia County), Florida 32505-2246, on or after August 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Sandy Sansing Imports, Inc. d/b/a MINI of Pensacola are dealer operator(s): Robert C. Sansing, 186 West Airport Boulevard, Pensacola, Florida 32505-2246; principal investor(s): Robert C. Sansing, 186 West Airport Boulevard, Pensacola, Florida 32505-2246.

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: Elizabeth A. Taschler, BMW of North America, LLC, Post Office Box 1227, Westwood, New Jersey 07677.

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 Cobra Scooters, LLC, intends to allow the establishment of Jab Motorsports Corp. d/b/a Motor Scooters N More, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 188 North Federal Highway, Deerfield Beach (Broward County), Florida 33441, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jab Motorsports Corp. d/b/a Motor Scooters N More are dealer operator(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441; principal investor(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441.

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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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 Cobra Scooters, LLC, intends to allow the establishment of Jab Motorsports Corp. d/b/a Motor Scooters N More, as a dealership for the sale of motorcycles manufactured by Taiwan Golden Bee Co. Ltd. (TAIW) at 188 North Federal Highway, Deerfield Beach (Broward County), Florida 33441, on or after August 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jab Motorsports Corp. d/b/a Motor Scooters N More are dealer operator(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441; principal investor(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441.

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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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 LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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 LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Co. Ltd. (LINH) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704.

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.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg (Pinellas County), Florida 33704, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33704.

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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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 LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corporation (QINJ) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway, West, Suite 100, Houston, Texas 77071.

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 LS Motorsports, LLC, intends to allow the establishment of Larkin Motorworks, LLC d/b/a St. Pete Scooter, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 3029 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Larkin Motorworks, LLC d/b/a St. Pete Scooter are dealer operator(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704; principal investor(s): Ron Larkin, 3029 Dr. Martin Luther King, Jr. Street, North, St. Petersburg, Florida 33704.

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: Mathu Solo, President, LS Motorsports, LLC, 10215 South Sam Houston Parkway West, Suite 100, Houston, Texas 77071.

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 Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of Swanders, Inc. d/b/a Swanders Auto Mart, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 5546 North Lecanto Highway, Beverly Hills (Citrus County), Florida 34465, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Swanders, Inc. d/b/a Swanders Auto Mart are dealer operator(s): Carl Swanders, 5546 North Lecanto Highway, Beverly Hills, Florida 34465; principal investor(s): Carl Swanders, 5546 North Lecanto Highway, Beverly Hills, Florida 34465.

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: Bobbette Lynott, Classic Motorcycles and Sidecars, Inc., Post Office Box 969, Preston, Washington 98050.

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

LETTER OF INTENT

The Agency for Health Care Administration received and accepted the following letter of intent for the September 9, 2009 application filing date for Hospital Beds and Facilities batching cycle:

County: Duval District: 4
Date Filed: 8/10/2009 LOI #: H0908001
Facility/Project: West Jacksonville Medical Center, Inc.
Applicant: West Jacksonville Medical Center, Inc.
Project Description: Establish an acute care hospital of up to 150 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 14, 2009, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 25, 2009.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on August 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 Section 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) | | | |
| 10048 | Approval, | establish | a comprehensive medical rehabilitation hospital of up to 60 beds, | Marion County, HealthSouth Rehabilitation Hospital of Ocala, LLC, (PRH) Shands Teaching Hospital and Clinics, Inc. d/b/a Shands Rehab Hospital |
| 10048 | Approval, | establish | a comprehensive medical rehabilitation hospital of up to 60 beds, | Marion County, HealthSouth Rehabilitation Hospital of Ocala, LLC, (PRH) Leesburg Regional Medical Center, Inc. |

- 10050 Denial, establish a 5 bed inpatient hospice facility known as Estelle’s House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant
- 10051 Denial, establish a 9 bed inpatient hospice facility known as Legacy House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant
- 10052 Denial, establish a 5 bed inpatient hospice facility known as Sylvia’s House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant
- 10053 Denial, establish a 9 bed inpatient hospice facility known as Tuscany House, Marion County, Hospice of Marion County, Inc., (PRH) same as applicant

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 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, Mobile office, c/o Curtis Flakes, 109 St. Joseph Street, Mobile, AL 36602, (File No.0288799-002-BV) to allow to allow the turbidity mixing zone to exceed 150 meters; and from sub-subparagraph 62-4.242(2)(a)2.b. and subsections 62-302.700(1), 62-312.080(3), F.A.C., to establish a maximum allowable turbidity level above background for work within Gulf Islands National Seashore, Outstanding Florida Waters (OFW). The project entails periodic maintenance dredging and disposal of material from the Destin East Pass Channel. The federally authorized East Pass project consists of dredging the Gulf of Mexico to Choctawhatchee Bay, north of the Highway 98 bridge, and the East Pass channel into Old Pass Lagoon, 3,800 feet long from East Pass Channel into Old Pass Lagoon (Destin Harbor). 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, 5050 West Tennessee St., Bldg. B, Tallahassee, Florida 32304, Telephone: (850)488-7708.

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): Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. 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: Office of General Counsel, Department of Environmental Protection, 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) and subparagraph 62-110.106(3)(a)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, Department of Environmental Protection, 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.

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (No. 175273-008 EV-VE) to Vecellio and Grogan, Inc., 101 Sansbury's Way, West Palm Beach, Florida 33411, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels in a manmade lake to exceed the minimum levels set by Rule 62-302.530, F.A.C. The manmade lake is proposed to be constructed as part of the proposed expansion of an operating limestone mine in the Miami-Dade County Lake Belt Area, as designated by Section 373.4149(3), Florida Statutes. The proposed expansion of the limestone mine is located immediately east of the Water Conservation Area 3B, north of U.S. Highway 27, and west of the Florida Turnpike in Miami-Dade County, Florida. The proposed expansion will also require a modification of an existing environmental resource permit which has been assigned a different file number, File No. 175273-006, and is not the subject of this intent to issue a variance.

Part of the proposed expansion, involves the construction of two large quarry pits located in sections 4 and 5, Township 53 South, Range 40 East. At the completion of the mining operations, the two large quarry pits are proposed to be connected to create a large 634-acre manmade lake, which may be used as a reservoir for the Comprehensive Everglades

Restoration Plan (CERP). This large manmade lake is the sole subject of this intent to issue a variance, and has been assigned File No. 175273-008.

Portions of the proposed manmade lake will occupy land owned by either the State of Florida or the South Florida Water Management District (SFWMD), and would be therefore subject to the water quality standards provided in Rule 62-302.530, F.A.C. On May 28, 2009, Vecellio and Grogan, Inc., applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by Rule 63-302.530, F.A.C., for a portion of the manmade lake. Rule 62-302.530, F.A.C., requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

Most of the surface waters in this proposed manmade lake will meet the minimum standards for dissolved oxygen proscribed by Rule 62-302.530, F.A.C. However, the deepest layer of water in the lake, the hypolimnion layer, may not meet the minimum standards for dissolved oxygen as proscribed by Rule 62-302.530, F.A.C., and there is no practicable means known or available to achieve the required dissolved oxygen levels within the hypolimnion layer of water in the manmade lake. As a result, a variance of the minimum standards of dissolved oxygen provided in Rule 62-302.530, F.A.C., is necessary for the hypolimnion layer of water in the manmade lake. This was anticipated by the Florida Legislature in Section 373.414(6)(a), F.S., which states that "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit."

A variance of the minimum standards of dissolved oxygen provided in rule 62-302.530, F.A.C., is not expected to result in any on-site or off-site impacts. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen levels in the hypolimnion layer of the proposed manmade lake to exceed the minimum levels authorized by Rule 62-302.530, F.A.C.

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: Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in

accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department of Environmental Protection, 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.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention

will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief

sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk, Department of Environmental Protection, 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 order is filed with the Clerk of the Department.

NOTICE OF RECEIPT OF APPLICATION FOR NATURAL GAS TRANSMISSION PIPELINE CERTIFICATION

On July 30, 2009 the Department of Environmental Protection (Department) received an application for certification of a natural gas transmission pipeline pursuant to the Natural Gas Transmission Pipeline Siting Act, Section 403.9401 et seq., Florida Statutes, concerning Florida Power and Light (FPL) Energy Secure Line Natural Gas Transmission Pipeline Siting Application No. NG09-02, OGC Case No. 09-3259, DOAH Case No. 09-004151TL. The Department is reviewing the application to allow construction and operation of a mainline corridor, two lateral corridors, and two aboveground facilities. The total length of the proposed transmission line corridor to be certified is approximately 300 miles. A copy of the application for certification is available for review in: Office of Michael P. Halpin, Siting Coordination Office, Department of

Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Chapter 403.941, F.S., statutory agency parties to the site certification proceeding will review the application. A public certification hearing will be announced in this proceeding. The certification hearing will address environmental impacts of the application. Pursuant to Section 403.9411(4)(c), F.S., the following shall become parties to the proceeding upon the filing with the administrative law judge of a notice of intent to be a party no later than 30 days prior to the certification hearing: 1) Any agency not listed in Section 403.9411(4)(a), F.S., as to matters within its jurisdiction, and 2) Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of 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 pipeline or corridor is to be located. Additionally, any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding at least 30 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. Any petition to intervene must be filed (received) in the docket listed above at the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060.

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 August 11, 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 Matthew Calouro, C.N.A. License #CNA 182253. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections

456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 5, 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 Kenneth A. Matsko, R.N., C.R.N.A. License #ARNP 2901982. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 5, 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 Charisse Prioleau-McRae, C.N.A. License #CNA 1256444. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 11, 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 Joseph Morsch, R.N. License #RN 9272315. 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.

Section XIII
Index to Rules Filed During Preceding Week

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN August 3, 2009 and August 7, 2009					68A-6.0021	8/7/09	8/27/09	35/19	
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	68A-6.0022	8/7/09	8/27/09	35/19	35/28
					68A-6.0023	8/7/09	8/27/09	35/19	35/28
					68A-6.0024	8/7/09	8/27/09	35/19	
					68A-6.0025	8/7/09	8/27/09	35/19	
STATE BOARD OF ADMINISTRATION					68A-6.003	8/7/09	8/27/09	35/19	
19-8.010	8/3/09	8/23/09	35/26		68A-6.004	8/7/09	8/27/09	35/19	
DEPARTMENT OF CORRECTIONS					68A-6.0041	8/7/09	8/27/09	35/19	
33-108.101	8/6/09	8/26/09	35/26		68A-6.005	8/7/09	8/27/09	35/19	
AGENCY FOR HEALTH CARE ADMINISTRATION					68A-6.007	8/7/09	8/27/09	35/19	
Medicaid Program Office					68A-6.0071	8/7/09	8/27/09	35/19	
59G-4.251	8/3/09	8/23/09	35/18		68A-9.006	8/7/09	8/27/09	35/19	
DEPARTMENT OF HEALTH					68A-12.011	8/7/09	8/27/09	35/19	
Board of Medicine					68A-23.003	8/7/09	8/27/09	35/26	
64B8-8.011	8/6/09	8/26/09	35/24		68A-23.012	8/7/09	8/27/09	35/26	
FISH AND WILDLIFE CONSERVATION COMMISSION					Marine Fisheries				
Freshwater Fish and Wildlife					68B-14.0035	8/7/09	8/27/09	35/19	
68A-6.0011	8/7/09	8/27/09	35/19		68B-14.00355	8/7/09	8/27/09	35/19	
68A-6.002	8/7/09	8/27/09	35/19	35/28	68B-14.0036	8/7/09	8/27/09	35/19	
					68B-14.0038	8/7/09	8/7/09	35/28	
					68B-14.0039	8/7/09	8/27/09	35/19	35/28
					68B-14.0045	8/7/09	8/27/09	35/19	35/28