

**PREQUALIFICATION:** When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapters 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

**INSTRUCTIONS:** Any firm desiring a Project Manual for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on December 11, 2009 at: Curry Hammock State Park, 56200 Overseas Hwy., Marathon, FL 33050. Attention: Ken Troisi, Park Manager, Telephone: (305)289-2690, Fax: (305)289-2693.

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m. (ET), Tuesday, January 5, 2010, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Tuesday, January 12, 2010, unless extended by the Department for good cause.

**NOTICE OF RIGHTS:** Notice of Intent to Protest the Bid Specifications must be filed with (received by): Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee Florida 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as

prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

## Section XII Miscellaneous

### DEPARTMENT OF TRANSPORTATION

Site Approval-Sacred Heart Hospital on the Gulf-Gulf County  
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:

Sacred Heart Hospital on the Gulf, a private airport, in Gulf County, at Latitude 29° 46' 42.16" and Longitude 85° 17' 19.97", to be owned and operated by Sacred Heart Hospital on the Gulf, 3801 East Hwy. 98 Port St. Joe, FL 32456.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, 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.

#### Site Approval – Sullivan Field – Alachua County

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:

Sullivan Field, a private airport, in Alachua County, at Latitude 29° 44' 3" and Longitude 82° 33' 55", to be owned and operated by Sullivan Farms, LLC, 20638 N. W. 78th Avenue Alachua, FL 32615.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, 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.

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Power Sports Inc., intends to allow the establishment of Atlantic Scooters & Action Sports, as a dealership for the sale of motorcycle manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (BASH) at 112 North Ocean Boulevard, Pompano Beach (Broward County), Florida 33062, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Scooters & Action Sports are dealer operator(s): Frank Stute, 112 Ocean Boulevard, Pompano Beach, Florida 33062; principal investor(s): Frank Stute, 112 Ocean Boulevard, Pompano Beach, Florida 33062.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Amanda Bowers, Peace Power Sports Inc., 2533 Royal Lane, Suite 505, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

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### 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 Fairplay Electric Cars, LLC, intends to allow the establishment of Kevin Brezil d/b/a Blazin Motor Sports, as a dealership for the sale of low-speed vehicles manufactured by Fairplay Electric Cars, LLC (FPEC) at 12510-B, San Jose Boulevard, Jacksonville (Duval County), Florida 32223, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Kevin Brezil d/b/a Blazin Motor Sports are dealer operator(s): Kevin Brezil, 12510-B, San Jose Boulevard, Jacksonville, Florida 32223; principal investor(s): Kevin Brezil, 12510-B, San Jose Boulevard, Jacksonville, Florida 32223.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: James Wilson, Fairplay Electric Cars, LLC, 743 Horizon Court, Suite 333, Grand Junction, Colorado 81506.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Subaru of America, Inc., intends to allow the establishment of Proctor & Proctor, Inc. d/b/a Proctor Subaru, as a dealership for the sale of automobiles manufactured by Subaru of America Inc. (SUBA) at 1707 Capital Circle, Northeast, # 1711, Tallahassee (Leon County), Florida 32308, on or after December 2, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Proctor & Proctor, Inc. d/b/a Proctor Subaru are dealer operator(s): Martin Proctor, 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308, principal investor(s): Martin Proctor, 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308, W. Theo Proctor, III, 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308, W. Theo Proctor, Jr., 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308.

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: John Thamert, Subaru of America, Inc., 220 The Bluffs, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Power Sports Inc., intends to allow the establishment of R&N Foreign Auto Repair, as a dealership for the sale of motorcycle manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (BASH) at 730 West University Avenue, Gainesville (Alachua County), Florida 32601, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of R&N Foreign Auto Repair are dealer operator(s): Nick Kravlianac, 730 West University Avenue, Gainesville, Florida 32601, principal investor(s): Nick Kravlianac, 730 West University Avenue, Gainesville, Florida 32601.

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: Amanda Bowers, Peace Power Sports Inc., 2533 Royal Lane, Suite 505, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Peace Power Sports Inc., intends to allow the establishment of Rscooters.com, as a dealership for the sale of motorcycles manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (BASH) at 9929 Laurel Valley Avenue Circle, Bradenton (Manatee County), Florida 34202, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rscooters.com are dealer operator(s): Robert J. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 34202-4009; principal investor(s): Robert J. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 34202-4009.

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: Amanda Bowers, Peace Power Sports Inc., 2533 Royal Lane Suite 505, Dallas, Texas, 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Palm City Corporation Inc. d/b/a Tropic Powersports as a dealership for the sale of motorcycles manufactured by Piaggio Group Americas, Inc. (APRI) at 11100 South Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corporation, Inc. d/b/a Tropic Powersports are dealer operator(s): Jim Wilson, 11100 South Cleveland Avenue, Fort Myers, Florida 33907; principal investor(s): Jim Wilson, 11100 South Cleveland Avenue, Fort Myers, Florida 33907.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

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."

**WATER MANAGEMENT DISTRICTS**

NOTICE OF INTENDED AGENCY ACTION

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit 11-03086-P (Application 080529-23) Riverbend of Naples Mobile Homeowners Cooperative (Riverbend Docks) 777 Walkerbilt Rd. 42, Naples, FL 34110, for an Environmental Resource Permit authorizing construction of one new dock accommodating three slips within the eastern man made canal off Horse Creek and repair of existing docks within the western and eastern canals and three existing docks along Horse Creek to serve a 5.25 acre project known as Riverbend Docks in Collier County, Section 21, Township 48 South, Range 25 East. The application includes authorization to use sovereign submerged lands in the form of a letter of consent authorization for the docks along Horse Creek.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, by telephone at (561)682-6911, by

e-mail: [permits@sfwmd.gov](mailto:permits@sfwmd.gov), or by accessing the Staff Report directly from the District's website ([www.sfwmd.gov](http://www.sfwmd.gov)) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1) and 120.60(3), Florida Statutes, following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

**Right to Request Administrative Hearing** – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Florida Administrative Code. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

**Filing Instructions** – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.

Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.

Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8) and (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

**Initiation of an Administrative Hearing** – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such

requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. 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 the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

**Mediation** – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

**Right to Seek Judicial Review** – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit No. 06-00187-W (Application No. 060410-9) City of Dania Beach, 100 W. Dania Beach Blvd., Dania Beach, FL 33004, for issuance of a Water Use Permit to partially meet the public water supply demands for the City of Dania Beach serving 17,962 persons in the year 2012. Withdrawals are from the Biscayne Aquifer via two existing withdrawal facilities. The project is located in Broward County, Sections 23, 26-36, Township 50 South, Range 42 East and Sections 2, 3, Township 51 South, Range 42 East.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, at (561)682-6911, by e-mail: [permits@sfwmd.gov](mailto:permits@sfwmd.gov), or by accessing the Staff Report directly from the District's website ([www.sfwmd.gov](http://www.sfwmd.gov)) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1), and 120.60(3), Florida Statutes, following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

**Right to Request Administrative Hearing** – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

**Filing Instructions** – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- \* Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.
- \* Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the

SFWMD’s security officer to contact the Clerk’s office. An employee of the SFWMD’s Clerk’s office will receive and file the petition.

- \* Filings by facsimile must be transmitted to the SFWMD Clerk’s Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8), (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner’s representative, if any.
3. An explanation of how the petitioner’s substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD’s decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD’s proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD’s proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD’s proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree

to or oppose the extension. 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 the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD’s final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on November 16, 2009, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
NA	Fixed Need Pool, hospice program, Area 5B, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, (PRH) same as applicant
NA	Fixed Need Pool, hospice program, Area 5B, Lifepath Hospice, Inc., (PRH) same as applicant

NA Fixed Need Pool, hospice program, Area 5B, HPH South, Inc., (PRH) same as applicant

The Agency for Health Care Administration has received an application for an emergency service exemption from Winter Haven Hospital, 200 Avenue F, Northeast, Winter Haven, FL 33881 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)921-6621 or by e-mail: munnj@ahca.myflorida.com.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF INTENT TO ISSUE PROPOSED**

**MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 et seq., Florida Statutes ("F.S."), for the Crystal River Energy Complex Units 3, 4 & 5, Power Plant Siting Application No. PA77-09, OGC Case No. 09-3082. On June 24, 2009, the Department received a petition from Progress Energy Florida to modify the Conditions of Certification for Crystal River Units 3, 4 & 5 pursuant to Section 403.516(1)(c), F.S., for the addition of a wet flue gas desulfurization (FGD) solids settling pond system to receive waste water from the operation of the FGD pollution control equipment on Units 4 & 5. The Department proposes to modify the Conditions of Certification for the new FGD pond system. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., F.S., parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the

date of publication of this public notice to object in writing. The written objection must be filed (received) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, M.S. #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

**NOTICE OF INTENT TO ISSUE PROPOSED**

**MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Levy Nuclear Plant, Power Plant Siting Application No. PA05-51, OGC Case No. 09-3933. On November 18, 2009 the Department received a request from the Southwest Florida Water Management District to modify the Conditions of Certification for the Levy Nuclear Plant to alter specific submittal dates for the Environmental Monitoring Plan and the Aquifer Performance Plan. The Department is initiating a modification to the Conditions of Certification pursuant to Section 403.516(1)(c), F.S. A copy of the proposed modification may be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those



portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

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#### FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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#### DEPARTMENT OF HEALTH

On November 20, 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 Lawrence A. Mishlove, M.D. License #ME 73326. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 25, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the License of Connie Eddleman, L.P.N. License #PN 825191. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 30, 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 Kathy Major, R.N. License #RN 9183468. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 25, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the License of Bernadette J. Negron, C.N.A. License #CNA 116396. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 20, 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 Loranda A. Nelson, C.N.A. License #CNA 94880. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 20, 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 Laura Ann Quinones, L.P.N. License #PN 5180823. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 20, 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 Lisette Rodriguez, R.N. License #RN 9244061. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 20, 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 Deandria S. Smith, C.N.A. License #CNA 192619. 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 November 24, 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 Gloria Welch Tejera, R.N. License #RN 1181392. 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 November 20, 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 Kristie M. Vaughn, C.N.A. License #CNA 142453. 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 November 20, 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 Carolyn Ann McGrail, D.O. License #OS 10382. 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.

**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following applications:

**APPLICATION WITHDRAWN**

Application and Plan for the Purchase of Certain Assets and Assumption of Certain Liabilities

Acquiring Entity: Floridian Community Bank, Inc., Davie, Florida

Selling Entity: Valley Bank, Fort Lauderdale, Florida

Received: September 11, 2009

Withdrawn: December 1, 2009

Applications To Organize A Successor Institution and Bank Merger

Constituent Institutions: Ladder Interim Bank, North Palm Beach, Florida and FirstCity Bank of Commerce, North Palm Beach, Florida

Resulting Institution: FirstCity Bank of Commerce

With Title: Ladder Capital Bank

Received: September 21, 2009

Withdrawn: December 1, 2009

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 1, 2010):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Union Credit Bank, Miami, Florida

Proposed Purchasers: Apollo Bancshares, Inc., Coral Gables, Florida

Received: November 30, 2009