

Executive Office of the Governor. The distribution of program funds to the eligible county or eligible municipality will be suspended until such time as the corrective plan of action has been implemented, at which time funds will be distributed.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s.2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

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: December 30, 2008

## 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.”

### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on December 24, 2008, the Agency For Health Care Administration, received a petition for Emergency Variance From or Waiver of paragraph 59C-1.018(3)(c), F.A.C., filed by Miami Jewish Home and Hospital for the Aged, Inc. This rule is related to the 60 day extension of the validity period of a certificate of need (CON) in the event the holder of the CON files written request at least 15 calendar days prior to the termination date and upon submission of a transfer application by the proposed transferee. Any interested person, party, or other agency may submit written comments on the petition by close of business on Thursday, January 22, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308, (850)922-5873, Fax (850)921-0158, [novakl@ahca.myflorida.com](mailto:novakl@ahca.myflorida.com).

Written comments should also be sent to this contact person.

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

NOTICE IS HEREBY GIVEN THAT on December 23, 2008, the Board of Professional Engineers, received a petition for Variance or Waiver filed on December 23, 2008 on behalf of Zhiyuan Cheng. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S. Petitioner seeks a waiver of the

provisions of Rule 61G15-20.007, Florida Administrative Code, which is entitled “Demonstration of Substantial Equivalency.” Specifically, the Petitioner requests a waiver of those requirements under Rule 61G15-20.007, F.A.C., that govern the amount of credit hours required in mathematics and basic sciences by counting course work which is described in the petition with significant Mathematics and Basic Sciences content which was not so counted for petitioner’s EAC/ABET evaluation. In the alternative, petitioner requests that in light of additional circumstances described in the petition, that the Board permanently waive any purported deficiency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN THAT on December 15, 2008, the Board of Accountancy, received a petition for Paula Heacox, seeking a variance or waiver of paragraph 61H1-33.003(1)(a), Florida Administrative Code, which states the continuing professional education requirements for licensure renewal. Petitioner is also seeking a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., which requires that the licensee submit additional hours of continuing education if he/she does not timely meet the initial requirements for continuing professional education within his/her reestablishment period.

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. 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.”

### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Gloria Esperanza Galdamez, M.D., on November 20, 2008, has been withdrawn. On December 30, 2008, the Petitioner filed a written withdrawal of her petition. The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on December 19, 2008, the Board of Medicine received a second petition filed by Kenneth William Pierini, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. The earlier petition filed on October 28, 2008, was not in the proper format and the Petitioner filed this second request for waiver or variance. 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.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Asad Raza, M.D., on October 29, 2008, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the qualification requirement for core clerkships by foreign medical graduates to be completed in a hospital accredited by ACGME in the specialty area in which the clinical training was obtained. The Notice was published in Vol. 34, No. 46, of the Florida Administrative Weekly, on November 14, 2008. The Credentials Committee, at its meeting held on December 4, 2008, recommended that Petitioner's request for waiver or variance be denied. The Board, at its meeting held on December 5, 2008, accepted the Committee's recommendation and voted to deny the Petition for Waiver finding that the Petitioner failed to demonstrate a substantial hardship and meet the purpose of the underlying statute, and failed to demonstrate that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on June 23, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Kianoush Vahid Rezaei, M.D., on April 29, 2008, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school and the requirement for a copy of the Petitioner's diploma. The Notice was published in Vol. 34, No. 20, of the Florida Administrative Weekly, on May 16, 2008. The Credentials Committee, at its meeting held on June 5, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on June 6, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver

finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness. A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Clara Isabel Roman, M.D., on October 10, 2008, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the qualification requirements for international medical graduates (core clerkships). The Notice was published in Vol. 34, No. 43, of the Florida Administrative Weekly, on October 24, 2008. The Credentials Committee, at its meeting held on December 4, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 5, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Christopher Joseph Smith, M.D., on October 10, 2008, seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the qualification requirements for international medical graduates (core clerkships). The Notice was published in Vol. 34, No. 43, of the Florida Administrative Weekly, on October 24, 2008. The Credentials Committee, at its meeting held on December 4, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on December 5, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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NOTICE IS HEREBY GIVEN THAT on December 30, 2008, the Board of Medicine, received a petition for waiver or variance filed on behalf of Saied Talaie, 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.

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on December 31, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Deverux Florida and Kameron Robinson, assigned Case No. 08-040W. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's or master'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.

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NOTICE IS HEREBY GIVEN THAT on December 19, 2008, the Department of Children and Families, received a petition for Variance of Rule 65C-14.079, Florida Administrative Code, from Hands of Mercy Everywhere, assigned Case No. 08-038W. Rule 65C-14.079, F.A.C., relates to staffing requirements for Maternity Residences.

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.

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NOTICE IS HEREBY GIVEN THAT on December 18, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Jannie Sutherland, assigned Case No. 08-037W. Subsection 65C-15.017(3), F.A.C., requires that any agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or a 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.

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NOTICE IS HEREBY GIVEN THAT on December 22, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(1), F.A.C., from Mark P. Trollice, M.D., assigned Case No. 08-039W. Subsection

65C-15.017(1), F.A.C., governs the educational and work experience requirements of persons operating or employed by a licenses child-placing agency.

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.

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

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: The Arlington, LP, a Georgia Limited Partnership and CEC Arlington, LLC, a Florida Limited Liability Company

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.027(1)(f), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Malabar Cove, L.L.L.P.

DATE PETITION WAS FILED: November 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Malabar Cove II, LTD.

DATE PETITION WAS FILED: November 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a)1., Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Dismissing a Petition for Waiver or Variance.

NAME OF THE PETITIONER: St. Cloud Preserve, LLC.

DATE PETITION WAS FILED: October 10, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-58.020(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 24, 2008, Vol. 34, No. 43

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Sea Grape II, Ltd.

DATE PETITION WAS FILED: November 12, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.002(88), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Southwinds Partners, L.L.L.P.

DATE PETITION WAS FILED: November 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(g), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Village Carver Phase I, LLC  
 DATE PETITION WAS FILED: November 12, 2008  
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.002(83), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 21, 2008, Vol. 34, No. 47  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: December 12, 2008.

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Della Harrell, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation has issued an order. The Florida Housing Finance Corporation gives notice of the entry of an Order Dismissing a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Walton County Workforce Housing Corporation  
 DATE PETITION WAS FILED: October 13, 2008  
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-58.020(6) and 67-58.070(6), Florida Administrative Code  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 24, 2008, Vol. 34, No. 43  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 12, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### 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: January 14, 2009, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: January 14, 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: January 15, 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: January 21, 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/History Committee.

DATE AND TIME: January 22, 2009, 11:00 a.m.  
 PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women Foundation, Inc.

DATE AND TIME: January 28, 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.