

DEPARTMENT OF HEALTH

Board of Nursing

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

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

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

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

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-2.016 Forms.

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

(1) through (8) No change.

(9) Application for New Nursing Program DH-MQA 1211, 03/10 (rev.).

(10) Annual Report for Programs in Nursing DH-MQA 1096, 05/10.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.600
 RULE TITLE: Tampa Bay Basin TMDLs
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

62-304.600 Tampa Bay Basin TMDLs.

(1) Allen Creek (tidal). The fecal coliform TMDL for Allen Creek (tidal) is ~~43~~ 400 counts/100mL and is allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater sources is not applicable,

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from 2000 to 2007 ~~2008~~, will require a 71 ~~77~~ percent reduction of sources contributing to exceedances of the criteria,

(c) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from 2000 to 2007 ~~2008~~, will require a 71 ~~77~~ percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class II ~~III~~ criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will

result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) through (8) No change.

(9) Cross Canal (North). The fecal coliform TMDL for Cross Canal (North) is ~~43~~ 43 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable,

(b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2007 period, will require a ~~81~~ 81 percent reduction of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2007 period, will require a ~~81~~ 81 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class ~~II~~ II criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

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

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

(b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~84~~ 84 percent reduction of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~84~~ 84 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class ~~II~~ II criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will

result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) No change.

(12) Lower Rocky Creek. The fecal coliform TMDL for Lower Rocky Creek is ~~43~~ 43 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable,

(b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~83~~ 83 percent reduction of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~83~~ 83 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class ~~II~~ II criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(13) through (17) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History–New_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-550.800
 RULE TITLE: Control of Lead and Copper
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 19, May 14, 2010 issue of the Florida Administrative Weekly.

62-550.800 Control of Lead and Copper.

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

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-640.700 RULE TITLE: Requirements for Land Application of Class AA, A, and B Biosolids
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 44, November 6, 2009 issue of the Florida Administrative Weekly.

The below language also reflects the changes of a previous Notice of Change published for this rule in Vol 36, No. 23, June 11, 2010 issue of the FAW.

62-640.700 Requirements for Land Application of Class AA, A, and B Biosolids.

- (1) through (5) No change.
- (6) General Application Site Requirements.
 - (a) No change.
 - (b) Beginning within one year of (the effective date of the rule), Class A and Class B biosolids treated by alkaline addition shall be applied by the best management practice of incorporation or injection unless the application area is located at a distance greater than one-quarter mile from the application site property line. This distance shall may be decreased to the setback distance provided by subparagraph 62-640.700(8)(b)2., F.A.C., if the affected adjacent property owner provides written consent.
 - (c) through (f) No change.
 - (7) No change.
 - (8) Setback Distances.
 - (a) The following setback distances shall apply to land application sites that accept either Class A or Class B biosolids.
 - 1. The biosolids land application zone shall not be located closer than 1000 feet to any Class I water body, Outstanding Florida Water or Outstanding National Resource Water, or 200 feet from any other surface water of the state as defined in Section 403.031, F.S. This setback does not apply to waters owned entirely by one person other than the state, nor to canals or bodies of water used for irrigation or drainage, which are

located completely within the application site and will not discharge from the application site. The setback area shall be vegetated. The 200 foot setback distance from surface waters shall may be reduced to 100 feet if the biosolids are injected or incorporated into the soil.

- 2. through 3. No change.
- 4. Biosolids shall not be stored or stockpiled at a land application site within 1320 feet of a building occupied by the general public. This distance shall may be decreased to the setback distance provided by subparagraph 62-640.700(8)(b)1., F.A.C., if the owner of the building provides written consent.

(b) The following additional setback distances shall apply to land application sites that accept Class B biosolids.

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

DEPARTMENT OF HEALTH

Board of Nursing

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

NOTICE OF WITHDRAWAL

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-62.023 RULE TITLE: Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

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

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13) 690-137.002(14)(c) was rewritten as follows:

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

14) 690-137.002(14)(f)1. was rewritten as follows:

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

15) In 690-137.002(14)(g) "RBC" was replaced with "Risk Based Capital."

16) 690-137.002(15)(c)1. was rewritten as follows:

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

17) 690-137.002(15)(c)2. was rewritten as follows:

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

18) 690-137.002(16)(b) was rewritten as follows:

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

19) 690-137.002(16)(d)5. was rewritten as follows:

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

20) 690-137.002(17)(a) was rewritten as follows:

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

21) In 690-137.002(17)(b), the phrase "unless the Office permits otherwise" was stricken.

22) In 690-137.002(17)(c), the phrase "unless the Office permits otherwise" was stricken.

23) 690-137.002(17)(d) was rewritten as follows:

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

24) 690-137.002(17)(e) was rewritten as follows:

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

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

“Standards Incorporated by Reference.

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

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

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

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

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

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

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

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

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

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

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