

## Section XII Miscellaneous

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### 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 Fairplay Electric Cars, LLC, intends to allow the establishment of Alternator & Starter Specialists, Inc., d/b/a Allen's Auto Electric as a dealership for the sale of low-speed vehicles manufactured by Fairplay Electric Cars, LLC (FPEC) at 3293 US Highway 17, Green Cove Springs (Clay County), Florida 32043, on or after March 31, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Alternator & Starter Specialists, Inc. are dealer operator(s): Michael K. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043, Kimberly A. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043, principal investor(s): Michael K. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043, Kimberly A. Rosenbarker, 3293 US Highway 17, Green Cove Springs, Florida 32043.

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: Keith Andrews, 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.

#### 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 Propel Imports, LLC, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd., (SHEN) at 9050 Navarre Parkway, Navarre (Santa Rosa County), Florida 32566, on or after April 22, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC, are dealer operator(s): Jerry Rogers, 9050 Navarre Parkway, Navarre, Florida 32566, principal investor(s): Jerry Rogers, 9050 Navarre Parkway, Navarre, Florida 32566.

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: Ed Rudd, Propel Imports, LLC, 1116 Honey Court, De Pere, Wisconsin 54115.

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 Propel Imports, LLC, intends to allow the establishment of Paul J. Colgan, d/b/a Colgans Auto Sales as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd. (SHEN) at 1300 South Orange Blossom Trail, Orlando (Orange County), Florida 32805, on or after April 22, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Paul J. Colgan d/b/a Colgans Auto Sales are dealer operator(s): Paul Colgan, 1300 South Orange Blossom Trail, Orlando, Florida 32805; principal investor(s): Paul Colgan, 1300 South Orange Blossom Trail, Orlando, Florida 32805.

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: Ed Rudd, Propel Imports, LLC, 1116 Honey Court, De Pere, Wisconsin 54115.

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 El Sol Trading, Inc., intends to allow the establishment of Fishers Auction Services, Inc., d/b/a Fisher Auto Equipment Sales as a dealership for the sale of motorcycles manufactured by Jiangmen Qipai Motorcycle, Co. Ltd. (QIPA) at 402 North Ridgewood, Edgewater (Volusia County), Florida 32132, on or after March 25, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Fishers Auction Services Inc. are dealer operator(s): Ray Fisher, 119 Dixwood Avenue, Edgewater, Florida 32132; principal investor(s): Ray Fisher, 402 North Ridgewood, Edgewater, Florida 32132.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

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

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#### 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."

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#### 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 March 19, 2010, 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)

10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10062 Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, (PRH) same as applicant.

10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10064 Supports denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10065 Approval, establish a hospice program, Duval County, Vitas Healthcare Corporation of Florida, (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10066 Approval, establish a hospice program, Pinellas County, Hernando Pasco Hospice, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10067 Supports Denial, establish a hospice program, Pinellas County, LifePath Hospice, Inc., (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10068 Denial, establish a hospice program, Pinellas County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH), same as applicant.

10069 Supports denial, establish a hospice program, Orange County, Catholic Hospice of Central Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10070 Approval, establish a hospice program, Orange County, Florida Hospital HospiceCare (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

10071 Denial, establish a hospice program, Orange County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) same as applicant.

10072 Supports denial, establish a hospice program, Orange County, United Hospice of Florida, Inc. (PRH) Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on March 26, 2010, 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)

10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) HCR Manor Care Services of Florida, Inc. d/b/a Odyssey Healthcare of Central Florida.

10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) Community Hospice of Northeast Florida, Inc.

10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) United Hospice of Florida, Inc.

10061 Supports Denial, establish a hospice program, Duval County, Compassionate Care Hospice of Florida, Inc. (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.

10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) HCR Manor Care Services of Florida, Inc.

- 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, (PRH) Community Hospice of Northeast Florida, Inc.
- 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) United Hospice of Florida, Inc.
- 10062 Supports Denial, establish a hospice program, Duval County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) HCR Manor Care Services of Florida, Inc.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) Community Hospice of Northeast Florida, Inc.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) United Hospice of Florida, Inc.
- 10063 Supports denial, establish a hospice program, Duval County, Seasons Palliative Care of Florida, Inc. (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10064 Supports denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) HCR Manor Care Services of Florida, Inc.
- 10064 Supports denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) Community Hospice of Northeast Florida, Inc.
- 10064 Denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) same as applicant.
- 10064 Denial, establish a hospice program, Duval County, United Hospice of Florida, Inc. (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) HCR Manor Care Services of Florida, Inc.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) Community Hospice of Northeast Florida, Inc.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) United Hospice of Florida, Inc.
- 10065 Approval, establish a hospice program Duval County, Vitas Healthcare Corporation of Florida (PRH) North Central Florida Hospice, Inc. d/b/a Haven Hospice.
- 10066 Approval, establish a hospice program, Pinellas County, HPH South, Inc., (PRH) The Hospice of the Florida Suncoast d/b/a Suncoast Hospice.
- 10068 Supports Denial, establish a hospice program, Pinellas County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) The Hospice of the Florida Suncoast d/b/a Suncoast Hospice.
- 10069 Supports denial, establish a hospice program, Orange County, Catholic Hospice of Central Florida, Inc., (PRH) United Hospice of Florida, Inc.
- 10070 Approval, establish a hospice program, Orange County, Memorial Hospital – Flagler, Inc. d/b/a Florida Hospital HospiceCare (PRH) United Hospice of Florida, Inc.
- 10071 Supports Denial, establish a hospice program, Orange County, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida (PRH) United Hospice of Florida, Inc.
- 10072 Denial, establish a hospice program, Orange County, United Hospice of Florida, Inc. (PRH) same as applicant.

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**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."

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The Department of Environmental Protection (Department) gives notice of its intent to grant a modification to variance 0139296-006-EV (0139296-009-EV-VE) to Mosaic Fertilizer, LLC (Mosaic), 13830 Circa Crossing Dr., Lithia, FL 33547, under Sections 373.414(17) and 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), Florida Administrative Code, (F.A.C.), which provides minimum standards for dissolved

oxygen levels in surface waters. This variance will apply to dissolved oxygen levels in the hypolimnion (the deepest layer) in the man-made lakes proposed in Environmental Resource Permit Modification Application No.: 0139296-008 and Wetland Resource Permit Modification Application No.: 0139296-007. The files associated with this order are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Bureau of Mining and Minerals Regulation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760.

On January 24, 2007, the Department, issued variance File No.: 0139296-006-EV for the Hopewell Mine to Mosaic pursuant to Sections 373.414(17) and 403.201(1)(a), F.S., from the provisions of Rule 62-302.530, F.A.C., which provides minimum standards for dissolved oxygen levels in surface waters. The variance applies to dissolved oxygen levels in the hypolimnion (the deepest layer) in the man-made lakes identified for the post reclamation land use approved in the Wetland Resource Permit No.: 0139296-004, the Environmental Resource Permit No.: 0139296-005, and the Conceptual Reclamation Plan MOS-HW-CPC.

On September 8, 2008, Mosaic applied for modifications to Wetland Resource Permit No.: 0139296-004, Environmental Resource Permit No.: 0139297-005 and the Conceptual Reclamation Plan designated MOS-HW-CPC. The modifications will relocate reclamation and mitigation and increase the number of lakes within the permitted areas. The man-made lakes will not exceed 25 feet  $\pm$  1 foot below normal water elevation (NWL). On December 21, 2009, Mosaic submitted a petition for a variance, under Sections 373.414(17) and 403.201(1)(a), F.S., from the provisions of subsection 62-302.530(31), F.A.C, which provides minimum standards for dissolved oxygen levels in surface waters. The variance will be permanent.

The dissolved oxygen levels in the hypolimnion of the man-made lakes are expected to drop below the mandatory minimum of 5.0 mg/L at times. The low dissolved oxygen levels in the hypolimnion of the man-made lakes, are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the man-made lakes are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. Once reclamation is completed, these man-made lakes will be connected to reclaimed and/or preserved wetlands and streams. Water exiting the man-made lakes is expected to meet the requirements for dissolved oxygen and other water quality criteria of Rule 62-302.530, F.A.C. There is no practicable

means known or available to achieve the required dissolved oxygen levels within the man-made lakes. Therefore, the Department intends to grant a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen within the hypolimnion in the proposed man-made lakes.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the

Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Sections 373.414(17) and 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief

sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

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The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to Okaloosa County, 1540 Miracle Strip Pkwy., S. E., Ft. Walton Beach, FL 32548, (File No.: 0286020-002-BV) to allow the turbidity mixing zone to exceed 150 meters for work within Gulf Islands National Seashore, Outstanding Florida Waters (OFW). The variance is in conjunction with the County's application to undertake a beach restoration project in Okaloosa County along the shoreline from Department of Environmental Protection Reference Monument R-1 to R-15 (File No.: 0286020-001-JC). Additionally, at the placement site, the Petitioner requested a variance from the antidegradation provisions in sub-subparagraph 62-4.242(2)(a)2.b. and subsections 62-302.700(1), 62-312.080(3), F.A.C., which would establish a maximum allowable turbidity level above background for work within OFW. Therefore, while working within or immediately updrift of the OFW at the dredge site, the Grantee shall not exceed 0 Nephelometric Turbidity Units (NTUs) above corresponding background turbidity levels at the edge of the expanded mixing zone, which extends 1500 meters downdrift from the dredge. While working at the beach placement site, the Grantee shall not exceed 3.0 Nephelometric Turbidity Units (NTUs) above

corresponding background turbidity levels at the edge of the expanded mixing zone, which extends 3000 meters along shore and 1 mile (1610 meters) offshore from the point where water discharged from the dredge pipeline (at the beach placement site) reenters the Gulf of Mexico. The Petitioner also requested relief from sub-subparagraph 62-4.242 (2)(a)2.b., F.A.C., to allow water quality degradation within an OFW to extend beyond a period of thirty (30) days to ninety (90) days, in order to complete the project. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)488-7708.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a

motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsections 28-106.111(2) and 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner

contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

#### 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.: 09-3345. On August 13, 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 an independent spent fuel storage installation (ISFSI) to house spent nuclear fuel from Unit 3. The U.S. Nuclear Regulatory Commission regulates the handling and storage of nuclear fuel (including the ISFSI) under the requirements of the federal license issued to PEF. The Department proposes to modify the Conditions of Certification for construction of a new

stormwater pond system and other related structures necessary for the placement of the new ISFSI on the site, and to incorporate Department initiated updates. 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: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, MS #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.

#### FLORIDA STATE CLEARINGHOUSE

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

#### DEPARTMENT OF HEALTH

On March 26, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Michael S. Lazzopina, M.D., License #ME 5070. 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 March 26, 2010, 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 Stacey Andrea Ayub, R.N., License #RN 2843432. 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 March 24, 2010, 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 Casey Rodgers, C.N.A., License #CNA 77656. 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.

#### **HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

The Hardee County Economic Development Authority will accept grant applications for projects that provide economic development and infrastructure within the geographic boundaries of Hardee County. The Authority shall rank applications to the extent of estimated available program funds based on criteria relating to administrative capacity, public benefit, economic benefits, and public use.

Applications and Program Guidelines are available at: Hardee County Board of County Commissioners Office, 412 W. Orange Street, Room 103, Wauchula, FL 33873, (863)773-9430, Fax: (863)773-0958 or e-mail: bcc@hardee county.net.

May 3, 2010, through June 4, 2010, 8:00 a.m. to 5:00 p.m.

Please Note: Site of benefiting business for consideration of these funds must be located entirely within Hardee County.

For more information, please call: (863)773-9430.

#### **FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

YOU ARE HEREBY NOTIFIED THAT on the 23rd day of April, 2010, 10:00 a.m. (or as soon thereafter as the same may be heard), a public hearing (the "Hearing") will be held at: Offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, with respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes (the "Notes") in the principal amount of not exceeding \$10,000,000, all of the proceeds of which will be loaned (the "Port Loan") to the Manatee County Port Authority (the "Port Authority"). The Hearing will be conducted by Counsel to the Issuer.

The Port Authority now owns, operates and maintains a navigable port of entry known as the "Port Manatee" including storage, dockage and terminal facilities, an administrative building, warehouses, docks, jetties, quaywalls, slips, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line businesses are conducted (herein collectively, the "Port Facilities"). The Port Facilities are located in the northwestern portion of the County at Port Manatee whose headquarters are located: 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221, on approximately 1,150 acres of land being bounded on the East by CSX railroad tracks, on the West by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line. The Port Authority owns all improvements to the Port Facilities to be refinanced with the Notes.

The proceeds of the Notes in the amount of \$10,000,000 will be loaned to the Port Authority and applied to refinance an existing loan of the Port Authority, the proceeds of which were used to refinance a portion of the cost of any of the following capital improvements:

**Intermodal Transit Warehouse.** Construct an intermodal transit warehouse of approximately 145,000 square feet to be located east of Berth 9 and north of South Dock Street at Port Manatee.

**Channel and Harbor Dredging.** Dredging the Port Manatee basin or harbor and the Port Manatee approach channel from the eastward end of the basin or harbor westward to the intersection of the approach channel with Tampa harbor channel, dredging a vessel turning basin and adjacent to the approach channel, and the construction and

enlargement of the dredged or excavated material disposal facilities at Port Manatee in cooperation with the U.S. Army Corps of Engineers.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Port Authority to the Issuer pursuant to the Port Loan. The Port Loan is payable from and secured by revenues of the Port Authority and will also be secured by a covenant of the County to budget and appropriate non-ad valorem revenues whenever the other sources are insufficient or unavailable. The Port Loan will not be or constitute an indebtedness of the Port Authority, the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to: Kathy Wall, Vice-Chairman, Florida Local Government Finance Commission, c/o Osceola County, One Courthouse Square, Suite 4600, Kissimmee, Florida 34741, and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

ALL PERSONS FOR OR AGAINST SAID PROPOSAL CAN BE HEARD AT SAID TIME AND PLACE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ISSUER WITH RESPECT TO SUCH HEARING OR MEETING, (S)HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF SUCH HEARING OR MEETING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact: Steven E. Miller, Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding at the address given in this notice.

FLORIDA LOCAL GOVERNMENT  
FINANCE COMMISSION

/s/ Kathy Wall

Vice-Chairman

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