

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of the rule development is to consider amending the supplemental educational rule. Areas to be considered include, but are not limited to, the approval, evaluation and removal of providers, as well as amending the responsibilities of the agency, providers and districts.

SUBJECT AREA TO BE ADDRESSED: Supplemental Educational Services in Title I Schools.

SPECIFIC AUTHORITY: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 9, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Education, Turlington Building, Suite 1721/25, 325 West Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samantha Love, Bureau of Student Assistance, 325 West Gaines Street, Suite 348, Tallahassee, FL 32399; (850)245-9947

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.:	RULE TITLES:
9J-5.003	Definitions
9J-5.006	Future Land Use Element
9J-5.010	Housing Element
9J-5.013	Conservation Element
9J-5.019	Transportation Element

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to implement the new requirements established by Chapter 2008-191, Laws of Florida (CS/HB 697).

SUBJECT AREA TO BE ADDRESSED: Chapter 9J-5, F.A.C., is to be amended to establish minimum criteria to be used in reviewing comprehensive plans to determine whether they comply with the new requirements of Chapter 2008-191, Laws of Florida, regarding energy efficient land use patterns

accounting for existing and future electric power generation and transmission systems, greenhouse gas reduction strategies, strategies to address reduction in greenhouse gas emissions from the transportation sector, factors that affect energy conservation, depicting energy conservation in the future land use map series, energy efficiency in the design and construction of new housing, and the use of renewable energy resources.

SPECIFIC AUTHORITY: 163.3177(9) FS.

LAW IMPLEMENTED: 163.3177(6)(a), (b), (d), (f), (j) FS. (only as those sections were amended by Chapter 2008-191, Laws of Florida.)

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 12, 2009, 10:00 a.m.

PLACE: Kelley Training Center, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Bobbe Pound, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1696. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Walker Banning and Bernard Piawah, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2356

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-19.021	Communications Services Tax Brackets

PURPOSE AND EFFECT: The purpose of the creation of Rule 12A-19.021, F.A.C. (Communications Services Tax Brackets), is to: (1) make available the tax amounts and brackets applicable to each taxable sale of communications services, as provided in Section 202.16(3), F.S.; and (2) provide that when the amount of tax due results in a fraction of a cent, the tax due must be rounded up to the next whole cent.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the calculation of the tax amounts and brackets applicable to each taxable sale of communications services in compliance with the provisions of Section 202.16(3), F.S.

SPECIFIC AUTHORITY: 202.26(3)(a) FS.

LAW IMPLEMENTED: 202.16(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 15, 2009, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vince Aldridge, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4746

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.0222	Returns; Time and Place for Filing
12C-1.032	Payments of Tentative Tax

PURPOSE AND EFFECT: The Internal Revenue Service recently reduced the extension period for filing a Florida partnership return from six months to five months (Bulletin IR-2008-084, June 30, 2008). The purpose of this rulemaking is to change the extension period for filing a Florida partnership return to five months. Changes are also being made to include the requirements for filing corporate tax returns with the Department electronically and to simplify all provisions on how to obtain an extension of time to file a Florida corporate income tax return or a Florida partnership return.

Specifically, the purpose of the proposed substantial rewording of Rule 12C-1.0222, F.A.C.: (1) changes the title to "Returns; Extensions of Time; Payments of Tentative Tax" to reflect the revised provisions of the rule; (2) provides when a return submitted to the Department by electronic means or by a paper return is timely filed; (3) provides that an extension of time will be valid until 15 days after the expiration of the federal extension or until six months after the due date, whichever

occurs earlier; (4) provides that a taxpayer who has not obtained a federal extension of time to file a return may obtain an extension of time to file a Florida return by establishing good cause as to why the return cannot be filed by the original due date; (5) requires that taxpayers who request an extension of time to file a return must submit Form-7004 (Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return) with the amount of tentative tax due to the Department; (6) provides the extended return due dates for the Florida corporate return and for the Florida partnership return; and (7) provides when the request for an extension of time to file will be invalidated for failure to pay the tentative tax due.

The purpose of the proposed repeal of Rule 12C-1.032, F.A.C. (Payment of Tentative Tax), is to remove provisions regarding when a tentative tax return will be considered timely filed with the Department. These provisions have been moved to the proposed substantial rewording of Rule 12C-1.0222, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the requirements for obtaining an extension of time to file a Florida corporate income tax return or a Florida partnership return.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.222, 220.32, 220.801 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 15, 2009, 11:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-13.083 Developmental Disabilities Waiver Services

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, (date incorporated by reference in rule) 2009. The handbook revisions include a comprehensive review of each service and the addition of tier waiver details. The effect will be to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, (date incorporated by reference in rule) 2009.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912 FS.

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

DATES AND TIMES: Pompano Beach, Florida, Tuesday, February 10, 2009, 10:00 a.m. – 12:00 Noon, EST.; Orlando, Florida, Wednesday, February 11, 2009, 10:00 a.m. – 12:00 Noon, EST.; Jacksonville, Florida, Thursday, February 12, 2009, 10:00 a.m. – 12:00 Noon, EST.; Tallahassee, Florida, Friday, February 13, 2009, 10:00 a.m. – 12:00 Noon, EST

PLACE: In Pompano Beach, Emma Lou Civic Center, 1801 N.E. 6th Street; Orlando, 400 W Robinson Street, Conference Rooms A & B, South Tower; Jacksonville, Department of Children and Families, 5920 Arlington Expressway; Tallahassee, Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.083 Developmental Disabilities Waiver Services.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, (date incorporated by reference in rule) ~~2009~~ 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History--New 12-3-08, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-21.005 Payment of Claims

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to delete unnecessary language and to add language to clarify procedures for payment of claims.

SUBJECT AREA TO BE ADDRESSED: Payment of claims.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Board of Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.001 RULE TITLE: Biennial Licensing

PURPOSE AND EFFECT: The purpose and effect would be to update the rule to include new professions established by the Legislature.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing.

SPECIFIC AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001 RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the form name and number for licensure by endorsement for a registered respiratory therapist or certified respiratory therapist.

SUBJECT AREA TO BE ADDRESSED: The rule amendment will add new language to clarify the form name and number for licensure by endorsement for a registered respiratory therapist or certified respiratory therapist.

SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.: 64J-1.001, 64J-1.006, 64J-1.020 RULE TITLES: Definitions, Neonatal Interfacility Transfers, Training Programs

PURPOSE AND EFFECT: The purpose is to work with the EMS community and other stakeholders to develop language for staffing requirements during neonatal interfacility transfers and define standards for EMS instructors teaching courses within a Florida certified primary EMS training center.

The effect will be the development of new definitions and remove or add language in the appropriate rule sections listed above.

SUBJECT AREA TO BE ADDRESSED: Definitions, EMS instructor qualifications, EMS training programs, and neonatal interfacility transfers and staffing requirements.

SPECIFIC AUTHORITY: 381.0011, 381.0011(13), 383.19, 395.401, 395.4025(13), 395.405, 401.121, 401.251(6), 401.27, 401.2715, 401.35 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 383.15, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421, 401.435 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 27, 2009, 1:00 p.m. – 4:00 p.m. EST

A conference line will be available for the workshop. We ask conference line participants from the same organization to only use one line to ensure others are able to call in. Conference Dial-In Number: (888)808-6959, Conference Code: 1454440.

PLACE: Plaza Resort & Spa, 600 North Atlantic Ave., Room Plaza B, Daytona Beach, FL 32118, (386)255-4471, (800)874-7420

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Alexander Macy at (850)245-4440, ext. 2735. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alexander Macy, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2735; email: Alexander_Macy@doh.state.fl.us; Fax (850)488-9408

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-28.001	Definitions
65C-28.002	Visitation
65C-28.003	Medical Treatment
65C-28.004	Placement Matching Requirements
65C-28.005	Changing Placements
65C-28.006	Permanency Staffings
65C-28.007	Voluntary Licensed Out-of-Home Care
65C-28.008	Relative Caregiver Program
65C-28.009	Adolescent Services
65C-28.010	Minor Parents in the Custody of the Department
65C-28.011	Criminal, Delinquency and Abuse/Neglect History Checks for Relative and Non-Relative Placements
65C-28.012	Home Studies for Relative and Non-Relative Placements
65C-28.013	Indian Child Welfare Act
65C-28.014	Behavioral Health Services
65C-28.015	Residential Mental Health Treatment
65C-28.016	Psychotropic Medications
65C-28.017	Exit Interviews

PURPOSE AND EFFECT: To align administrative rules with recent legislative and policy changes.

SUBJECT AREA TO BE ADDRESSED: Children in out of home care.

SPECIFIC AUTHORITY: 39.0121, 39.0137, 39.407(1), 39.5075(8), 39.5085(2)(a), 381.004(3)(e)11., 409.175(5)(a), 409.401 FS.

LAW IMPLEMENTED: 39.0138, 39.0139, 39.401, 39.402(9), 39.407, 39.506(6), 39.5085, 39.521, 39.6011, 39.621, 39.6221, 39.6231, 39.6241, 39.701, 39.811(7)(b), 381.004, 409.175, 409.401 FS.

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

DATE AND TIME: Workshop 1 – Wednesday, January 14, 2009, 8:00 a.m. – 12:00 Noon

Workshop 2 – Friday, January 16, 2009, 8:00 a.m. – 12:00 Noon

Workshop 3 – Thursday, January 22, 2009, 8:00 a.m. – 12:00 Noon

PLACE: Workshop 1 – Department of Children and Families, 1400 West Commercial Boulevard, Room 195, Ft. Lauderdale, Florida 33309

Workshop 2 – Community Based Care of Seminole Service Center, 2921 South Orlando Drive, Sanford, Florida 32773

Workshop 3 – Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-29.001	Definitions
65C-29.002	Reports of Child Abuse, Neglect or Abandonment
65C-29.003	Child Protective Investigations
65C-29.004	Institutional Child Protective Investigations
65C-29.005	Children Denied Shelter (Lockouts)
65C-29.006	Foster Care Referrals
65C-29.007	Child-on-Child Sexual Abuse
65C-29.008	Initial Health Care Assessment and Medical Examination of Children Alleged to be Abused, Neglect or Abandoned
65C-29.009	Criminal, Juvenile and Abuse/Neglect History Checks
65C-29.010	False Reports
65C-29.011	Out-of-Town Inquiries
65C-29.012	Transfer of Child Protective Investigations Within and Between Districts
65C-29.013	Reasonable Efforts to Locate
65C-29.014	High Risk Tracking and Review
65C-29.015	Pre-Arranged Private Interstate Placements Involving Drug-Exposed Newborns

PURPOSE AND EFFECT: To align administrative rules with recent legislative and policy changes.

SUBJECT AREA TO BE ADDRESSED: Child Protective Investigations.

SPECIFIC AUTHORITY: 39.202, 39.205, 39.206, 39.301, 39.302, 39.304, 39.307 FS.

LAW IMPLEMENTED: 39.202, 39.205, 39.206, 39.301, 39.302, 39.304, 39.307 FS.

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

DATE AND TIME: Workshop 1 – Tuesday, January 13, 2009, 8:00 a.m. – 12:00 Noon

Workshop 2 – Thursday, January 15, 2009, 8:00 a.m. – 12:00 Noon

Workshop 3 – Wednesday, January 21, 2009, 8:00 a.m. – 12:00 Noon

PLACE: Workshop 1 – Department of Children and Families, 1400 West Commercial Boulevard, Room 195, Ft. Lauderdale, Florida 33309

Workshop 2 – Community Based Care of Seminole Service Center, 2921 South Orlando Drive, Sanford, Florida 32773

Workshop 3 – Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-30.001	Definitions
65C-30.002	Early Service Intervention and Case Transfer
65C-30.003	Diligent Search
65C-30.004	Identification of Children

65C-30.005
65C-30.006
65C-30.007
65C-30.008

65C-30.009
65C-30.010
65C-30.011

65C-30.012
65C-30.013
65C-30.014

65C-30.015

65C-30.016

65C-30.017

65C-30.018

65C-30.019

65C-30.020

65C-30.021

65C-30.022

PURPOSE AND EFFECT: To align administrative rules with recent legislative and policy changes.

SUBJECT AREA TO BE ADDRESSED: General Provisions for Child Protection.

SPECIFIC AUTHORITY: 39.0121, 39.0137, 39.407(1), 39.5075(8), 39.5085(2)(a), 381.004(3)(e)11., 409.175(5)(a), 409.401 FS.

LAW IMPLEMENTED: 39.0138, 39.0139, 39.401, 39.402(9), 39.407, 39.506(6), 39.5085, 39.521, 39.6011, 39.621, 39.6221, 39.6231, 39.6241, 39.701, 39.811(7)(b), 381.004, 409.175, 409.401 FS.

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

DATE AND TIME: Workshop 1 – Tuesday, January 13, 2009, 1:00 p.m. – 5:00 p.m.

Workshop 2 – Thursday, January 15, 2009, 1:00 p.m. – 5:00 p.m.

Workshop 3 – Wednesday, January 21, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Workshop 1 – Department of Children and Families, 1400 West Commercial Boulevard, Room 195, Ft. Lauderdale, Florida 33309

Workshop 2 – Community Based Care of Seminole Service Center, 2921 South Orlando Drive, Sanford, Florida 32773

Workshop 3 – Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

Family Assessment
Case Planning
Case Management Responsibilities
Services Worker Responsibilities to Parents
Tiered Services Protocol
Voluntary Protective Services
Placement Responsibilities of the Services Worker or Child Protective Investigator
Permanency Goal Selection
Judicial Reviews and Court Reports
Post-Placement Supervision and Services
New Reports Received, Removal, and Placement of Children
New Children in Families under Supervision
Coordination of Services for Youth Involved with the Department of Juvenile Justice
Out-of-Country Services
Missing Children
Child Deaths
Child Death Reviews
Termination of Services

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-31.001	Definitions
65C-31.002	Case Management for Young Adults Formerly in Foster Care
65C-31.003	Aftercare Support Services for Young Adults Formerly in Foster Care
65C-31.004	Road to Independence Scholarship
65C-31.005	Transitional Support Services for Young Adults Formerly in Foster Care
65C-31.006	Young Adult Services Documentation Requirements
65C-31.007	High School Needs Assessment
65C-31.008	Post Secondary Needs Assessment
65C-31.009	Independent Living Benefits Due Process Notification
65C-31.010	Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department
65C-31.011	Independent Living Program Budget Management

PURPOSE AND EFFECT: To align administrative rules with recent legislative and policy changes.

SUBJECT AREA TO BE ADDRESSED: Independent Living Services

SPECIFIC AUTHORITY: 409.1451,409.14511 FS.

LAW IMPLEMENTED: 409.1451,409.14511 FS.

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

DATE AND TIME: Workshop 1 – Wednesday, January 14, 2009, 1:00 p.m. – 5:00 p.m.

Workshop 2 – Friday, January 16, 2009, 1:00 p.m. – 5:00 p.m.

Workshop 3 – Thursday, January 22, 2009, 1:00 p.m. – 5:00 p.m.

PLACES: Workshop 1 – Department of Children and Families, 1400 West Commercial Boulevard, Room 195, Ft. Lauderdale, Florida 33309

Workshop 2 – Community Based Care of Seminole Service Center, 2921 South Orlando Drive, Sanford, Florida 32773

Workshop 3 – Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.:	RULE TITLE:
65C-34.001	Definitions

PURPOSE AND EFFECT: To develop administrative rules relating to missing children as directed by Chapter 2008-245, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Missing Children.

SPECIFIC AUTHORITY: 39.0141, 39.301, 39.604(4)3. FS.

LAW IMPLEMENTED: 39.0141, 39.301, 39.604(4)3. FS.

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

DATE AND TIME: Workshop 1 – Wednesday, January 14, 2009, 1:00 p.m. – 5:00 p.m.

Workshop 2 – Friday, January 16, 2009, 1:00 p.m. – 5:00 p.m.

Workshop 3 – Thursday, January 22, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Workshop 1 – Department of Children and Families, 1400 West Commercial Boulevard, Room 203, Ft. Lauderdale, Florida 33309

Workshop 2 – Seminole County Sheriff's Office, 100 Bush Boulevard, Community Room, Sanford, Florida 32773

Workshop 3 – Betty Easley Conference Center, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Julie Mayo, 1317 Winewood Boulevard, Building 6, Room 146, Tallahassee, Florida 32399 or julie_mayo@dcf.state.fl.us or (850)922-0375. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-20.002	Definitions
65E-20.003	The Right to Individual Dignity
65E-20.014	Seclusion and Restraint for Behavior Management Purposes

PURPOSE AND EFFECT: Chapter 65E-20, Florida Administrative Code, is being revised to comply with Section 916.1093(2), F.S., requiring forensic facilities to adopt rules governing the use of seclusion and restraint.

SUBJECT AREA TO BE ADDRESSED: Development of a rule to comply with the statutory requirements of Section 916.1093(2). The revisions specifically address seclusion and restraint use in forensic state mental health treatment facilities.

SPECIFIC AUTHORITY: 916.20(1), 916.1093(2) FS.

LAW IMPLEMENTED: 916.105(4), 916.106, 916.106(14), 916.106(16), 916.107(1), 916.107(4)(b) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 22, 2009, 1:30 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 6, Second Floor, Conference Room A, Tallahassee, FL 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Wendy Scott, 1317 Winewood Blvd., Bldg. 6, Room 227, Tallahassee, FL 32399-0700, (850)413-7282, email: wendy_scott@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wendy Scott, 1317 Winewood Blvd., Bldg. 6, Room 227, Tallahassee, FL 32399-0700, email: wendy_scott@dcf.state.fl.us, (850)413-7282

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-8.002	Definitions
68B-8.003	General Conditions and Restrictions
68B-8.006	Scientific Research Special Activity License
68B-8.007	Education/Exhibition Special Activity License
68B-8.008	Florida Marine Science Educators Certification
68B-8.009	Prohibited Species Collection Criteria
68B-8.010	Stock Collection and Release Special Activity License
68B-8.011	Aquaculture Broodstock Collection Special Activity License
68B-8.012	Snook Special Activity License
68B-8.013	Non-Conforming Gear Special Activity Licenses and Exemptions
68B-8.014	Marine Chemical Special Activity License
68B-8.016	Commission Activities and Agreements

PURPOSE AND EFFECT: The purpose of these rule amendments are to define or re-define terms that are used throughout the rules, clarify activities that require licensing, address new issues identified by stakeholders and FWC staff, and update or add agency policies and remove obsolete rule language. The purpose of the amendments to Rule 68B-8.002, F.A.C., is to define or re-define terms that are used throughout the rule. The purpose of the amendments to Rule 68B-8.003,

F.A.C., is to improve customer service by increasing application windows, incorporating other agencies within the application review process, reduction of documentation requirements, and clarification of activities that require licensing. The purpose of the amendments to Rule 68B-8.006, F.A.C., is to expand the types of activities that may be conducted pursuant to a Scientific Research Special Activity License. The purpose of the amendments to Rule 68B-8.007, F.A.C., is to modify display requirements for the benefit of marine animals collected for education or exhibition purposes. The purpose of the amendments to Rule 68B-8.008, F.A.C., is to clarify that the Florida Marine Science Educators Certification is not limited to marine species. The purpose of the amendments to Rule 68B-8.009, F.A.C., is to provide applicants with more concise criteria regarding how requests to collect prohibited species are evaluated through the adoption of standards currently established through agency policy. The purpose of the amendments to Rule 68B-8.010, F.A.C., is to provide clarification of activities that involve releases of marine organisms and require licensing, update genetic standards for release activities including incorporation by reference of the genetic risk assessment flow chart, and modify health certification requirements based on recommendations made by participants of a Marine Animal Health workshop held by the agency in January 2008. The purpose of the amendments to Rule 68B-8.011, F.A.C., is to provide for clarification on the requirements for receiving an aquaculture broodstock collection Special Activity License. The purpose of the amendments to Rule 68B-8.012, F.A.C., is to address the exchange of aquacultured snook that are transferred and not sold. The purpose of the amendments to Rule 68B-8.013, F.A.C., is to allow for scientific researchers to apply for and receive a Gear Innovation Special Activity License which is currently only restricted to commercial fishers. The purpose of the amendments to Rule 68B-8.014, F.A.C., is to provide consistency with recent changes to the agency's licensing requirements for the Marine Life Fishery. The purpose of the amendments to Rule 68B-8.016, F.A.C., is to clarify that a Special Activity License is not required for activities conducted by the staff of the Keys Marine Laboratory. These proposed amendments reflect the Marine Special Activity License Program's progress and development within the agency.

SUBJECT AREA TO BE ADDRESSED: Marine Special Activity License Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Gregg, Division of Marine Fisheries Management, Marine Fisheries Services, Fish and Wildlife Conservation Commission, Mail Code 4B3, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0580

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-14.0038	Recreational Red Snapper Season

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission's Reef Fish Rule to become consistent with federal reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980's. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council's red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons. The success of the red snapper rebuilding plan depends not only upon consistency with the bag limit, size limit, and the fishing season regulations in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters.

Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida's recreational fishery accounts for a large proportion of the recreational red snapper catch, which is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. Not doing so will not only directly affect the rebuilding plan, but may affect Florida's recreational red snapper fishery to a greater extent if it results in further restrictions on harvest in federal waters in the future, as the majority of the state's recreational fishery occurs in federal waters. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability.

SUBJECT AREA TO BE ADDRESSED: Reef fish, and more specifically, red snapper.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.0038 Recreational Red Snapper Season.

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from ~~June 1~~ ~~April 15~~ through ~~September 30~~ ~~October 31~~, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from ~~October~~ ~~November 1~~ through ~~May 31~~ ~~April 14~~, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

PROPOSED EFFECTIVE DATE March 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, 3-1-09.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-24.009
 RULE TITLE: Trap Reduction Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the Commission's Spiny Lobster Rule regarding the reduction in the number of lobster trap certificates. The lobster trap certificate reduction was initiated to reduce overcapitalization in the commercial spiny lobster fishery and to address concerns about excessive mortality of undersized lobsters, declining yield per trap, and public concerns over debris pollution from existing traps. The reduction process has been under moratorium since 2003. The effect of this rule amendment will be to end the moratorium and implement a trap certificate reduction schedule whereby upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 10 percent. Once the number of lobster trap certificates is reduced to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year thorough this mechanism. Reducing the number of traps will maintain fishing effort in the

spiny lobster fishery at a level to maintain the fishery's yield while maximizing economic efficiency, reducing ecological impacts, and preserving the general aesthetics of the coastal environment.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster.
 SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Section 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.009 Trap Reduction Schedule.

(1) ~~Except as otherwise provided in this rule, Upon the sale or transfer of lobster trap certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 10 percent, beginning with the 2001-2002 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by 4 percent from the total issued for the immediately previous season. These reductions shall be achieved through passive reductions pursuant to subsection (2). If in any year such passive reduction does not amount to 4 percent of available certificates, an active reduction shall be applied pursuant to subsection (3) to all lobster trap certificate holders to achieve the 4 percent target. If in any year, passive reductions pursuant to subsection (2) exceed 4 percent of available certificates, the number of certificates in excess of 4 percent shall be applied to meet the 4 percent reduction target for the following year. Once the number of lobster trap certificates is reduced through this passive/active mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year except those forfeited pursuant to Section 379.3671(2)(c)3. or Section 379.3671(2)(c)7., Florida Statutes.~~

(2) ~~Passive Reduction — Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 25 percent. Additionally, certificates forfeited due to conviction for theft from a spiny lobster trap pursuant to Section 370.142(2)(c)3., Florida Statutes, or~~

reverting to the Commission for nonpayment of certificate fees pursuant to Section 370.142(2)(c)7., Florida Statutes, shall be included as trap certificates passively reduced in a license year.

(3) Active Reduction — If the total passive reduction in lobster trap certificates pursuant to subsection (2) in any license year does not total 4 percent of the certificates available during that season, an additional reduction in the number of available certificates shall be made at the end of the season in the appropriate percentage to achieve the 4 percent target reduction for that year. This reduction shall be applied on a pro rata basis to all lobster trap certificate accounts.

(4) Notwithstanding the provisions of subsections (1) (3) of this rule, no trap reductions shall take place in the license years beginning with the 2004-2005 license year and continuing through the 2006-2007 license year.

PROPOSED EFFECTIVE DATE July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04, 7-1-09.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-42.001	Purpose and Intent; Designation of Restricted Species; Definition of “Marine Life Species”
68B-42.002	Definitions
68B-42.004	Size Limits
68B-42.005	Recreational Bag Limit
68B-42.006	Commercial Season, Harvest Limits
68B-42.0065	Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability
68B-42.007	Gear Specifications and Prohibited Gear
68B-42.009	Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Marine Life Rule in order to ensure the long-term sustainability of this fishery. These rule amendments were discussed by a Marine Life Workgroup composed of industry representatives over a three year time-frame and taken to public workshops.

Language will be added to the rule chapter that will authorize the issuance of Special Activity Licenses for activities that are otherwise prohibited in this rule chapter. Additionally, new fish and invertebrate species would be added to the rule, which would require a marine life endorsement for commercial

harvest. These additions are: porcupine fish, spotted burrfish, black brotula, key brotula, yellow stingray, blackbar soldierfish, red mithrax crab, emerald crab, red ridged clinging crab, the snail Lithopoma tectum, all hermit crabs (except land hermits), and nassarius snails. Misspellings in this section will also be corrected. A definition of fork length will be added for the measurement of tangs. The size limits of several fish species will be modified for commercial and recreational harvesters, including establishing maximum size limits for parrotfish and tangs, and widening the slot limit on butterflyfish. The recreational bag limit will be modified to allow no more than 5 of any one species within the 20 organism daily bag limit and create a 2-day possession limit for recreationally harvested organisms. The rule amendment would also establish a vessel maximum limit for dwarf seahorses and emerald crabs, and establish personal possession and vessel possession limits for zoanthid polyps, corallimorph polyps, and scarlet hermit crabs. The amendments will decrease the vessel maximum limit on condylactis anemones and add the snail Lithopoma tectum to the current star snail personal and vessel maximums. The rule would also establish a personal possession limit and vessel possession limit for butterflyfish instead of the current vessel maximum. Tools for the taking of corallimorph and zoanthid polyps will be specified for both recreational and commercial harvest in the amendments. Updates will also be made to existing commercial harvest restriction wording to make it more consistent with the endorsement program. The amendment would also allow the harvest of ornamental sponges north of Egmont Key in the Gulf of Mexico to be taken with a 1 inch amount of substrate beyond the holdfast and a 1 inch thick piece of substrate below the holdfast of the sponge. Taking ornamental sponges with substrate would not be allowed in waters south of Egmont Key. The amendment would modify the requalification criteria for the Marine Life Transferable Dive endorsement to allow live rock landings, because they were allowed for the initial qualification. The regulation regarding the use of quinaldine would be amended so it can only be used with the Marine Life Transferable Dive endorsement and the Marine Life Non-transferable Dive endorsement. Portions of the Rules in 68B-42.006 and 68B-42.009, F.A.C., are being removed because they are no longer necessary and outdated references to Marine Patrol and the Department of Environmental Protection will also be amended.

The effect of these rule amendments is that more species will be given greater resource protection. Newly-added species will have their potential commercial exploitation reduced by limiting their harvest to only those that possess a marine life endorsement and limit their recreational harvest. The addition of size and bag limits will further reduce their harvest by collectors. Amending the language governing the issuance of Special Activity Licenses will allow holders so permitted under the License to conduct the activities within the Florida

Keys National Marine Sanctuary (FKNMS). This is in conjunction with a Memorandum of Understanding that is already in place between the FKNMS and the FWC. The definition of fork length will clarify this measurement technique for fishermen and law enforcement. In addition, specifying the allowable tools for the harvest of corallimorphs and zoanthids will reduce the amount of substrate removed in order to reduce impacts upon the surrounding habitat and aid the enforcement of this rule within the FKNMS. The specification of an allowable substrate amount for ornamental sponges North of Egmont Key will help protect the resource and clarify language for marine life harvesters and law enforcement. Changing the requalification criteria to include live rock sales will make it consistent with the original qualifying criteria. Restricting the use of quinaldine will ensure its use only by endorsement holders permitted to harvest by diving, which was the original intent of the rule. Removing outdated sections, correcting misspellings, and clarifying language regarding commercial harvest restrictions are intended to aid understanding and adherence to the rule chapter.

SUBJECT AREA TO BE ADDRESSED: Marine Life.
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-45.0045	Closed Seasons
68B-45.006	Other Prohibitions

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Blue Crab Rule in order to establish closed seasons to the harvest of blue crabs from traps. The purpose of creating Rule 68B-45.0045, F.A.C., is to facilitate the identification and retrieval of lost and abandoned blue crab traps. This has been identified as an issue of importance by both the fishing industry and the public. The proposed draft rule amendment would create five regional closures along Florida’s coast and one closure in waters of the

St. Johns River system. Each closure would last up to ten days and would occur annually. The duration of the closures within the ten days specified in the rule would be based on conditions in the specific regions and would be at the discretion of the Executive Director of the Commission. The purpose of modifying Rule 68B-45.006, F.A.C., is to transfer the current Gulf of Mexico Regional Closure into the new section, Rule 68B-45.0045, F.A.C., so that all blue crab season closures are in the same section of the rule.

SUBJECT AREA TO BE ADDRESSED: Blue Crab.
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.0045 Closed Seasons.

(1) In order to facilitate the identification and removal of lost and abandoned traps the following restrictions shall apply.

(a) The use of traps to harvest blue crabs is prohibited for a period of up to ten days annually in the following regions:

1. All waters of the St. Johns River, its associated lakes and tributaries from west of the St. Johns River’s intersection with the Intracoastal Canal through and including Lake Hellen Blazes from January 16 through January 25;

2. All waters of Nassau, Duval, Clay, St. Johns, Putnam, Flagler, and Volusia counties from August 20 through August 29, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

3. All waters of Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties from August 10 through August 19, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

4. All waters of Broward, Miami-Dade, Monroe, Collier, Lee, Charlotte, DeSoto, Sarasota, Manatee, Hillsborough, Pinellas, and Pasco counties from July 10 through July 19;

5. All waters of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, and Hernando counties and including all waters of the Ochlockonee River and Ochlockonee Bay from July 20 through July 29;

6. All waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin counties from January 5 through January 14, however, excuding all waters of the Ochlockonee River and Ochlockonee Bay.

(b) All traps must be removed from the water before 12:01 a.m. local time on the first day of each regional closure. Traps found in state waters during the closures are declared to be a public nuisance and shall be disposed of in the manner approved by the Commission. Traps may be returned to the water after 12:01 a.m. local time on the day following each regional closure.

(c) Closures listed in subparagraph (1)(a)2., 3., 4., 5., and 6. extend to three nautical miles offshore.

(d) Closures listed in paragraph (1)(a) may be reduced in duration if it is determined by the Executive Director of the Commission that the number of lost and abandoned traps in the region will take less time to remove than the time listed in paragraph (1)(a).

(e) Closures do not apply to traps secured to private property, such as a dock, or to authorized gear listed in paragraphs 68B-45.004(1)(b)-(g), F.A.C.

(2) In the Gulf Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.

(3) In the 2009/2010 fishing season, no trap retrieval fees will be assessed for blue crab traps collected through the Commission's Trap Retrieval Program.

PROPOSED EFFECTIVE DATE July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-09.

68B-45.006 Other Prohibitions.

(1) through (2) No change.

~~(3) In the Gulf Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.~~

~~PROPOSED EFFECTIVE DATE July 1, 2009.~~

~~Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Formerly 46-45.006, Amended 7-1-03, 7-15-04, 7-1-09.~~

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-166.031
 RULE TITLE: Mediation of Residential Property Insurance Claims

PURPOSE AND EFFECT: Mediation of claims for the 2004 and 2005 hurricanes have been governed by Rule 69J-2.003, F.A.C. There are few claims left to be mediated and therefore

the need for a special process to mediate those claims is no longer needed. This amendment will modify Rule 69J-166.031, F.A.C. to handle those claims.

SUBJECT AREA TO BE ADDRESSED: Mediation of Residential Property Insurance Claims.

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.7015(4) FS.

LAW IMPLEMENTED: 624.307(1), (2) (4), (5), 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9581(1), 626.9641(1)(g), 627.7015 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, January 12, 2009, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ellen Simon, (850)413-4270 or Ellen.Simon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ellen Simon, Chief Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4270

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-166.031 Mediation of Residential Property Insurance Claims.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S. The program established under this rule is prompted by the critical need for effective, fair, and timely handling of residential property claims. This program is available to all first-party claimants and insurers prior to commencing the appraisal process set forth in their policies or commencing litigation. The program is also available to litigants referred to the Department from Circuit or County court. For claims which have not ~~previously~~ ~~already~~ been mediated under any Department mediation program ~~Rule 69B-166.030, F.A.C.~~, the mediation procedures described in this rule are available to all residential property claims for property which arise from damage occurring in Dade or Monroe Counties as a result of Hurricane Andrew, as well as the unnamed March 13, 1993, storm wherever the property is located in the State of Florida. This rule does not apply program applies to personal lines claims but not to commercial insurance coverages, or to private passenger motor vehicle

insurance coverages, or to ~~disputes relating to~~ liability coverages contained in property insurance policies. This program does not apply to policies issued under the National Flood Insurance Program established under the National Flood Insurance Act of 1968. Commercial residential insurance claims can be mediated pursuant to a separate rule. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible.

(2) Definitions. The following definitions shall apply for purposes of this rule:

(a) “Administrator” means the Department or its designee. “Approved”, as used in this rule with regard to approval of a mediator, means to designate based upon successfully meeting of the criteria set forth in Section 44.106, F.S., and the Florida Rules of Certified and Court Appointed Mediators which is incorporated by reference in paragraph (6)(a) of this rule, or Section 627.745(3)(b), F.S. Only approved mediators may mediate disputes under this rule.

(b) “Mediator” means an individual selected by the Department pursuant to paragraph (7)(a) below.

(c) “Claim”.

1. “Claim”, when in quotations, refers to any dispute between the insurer and insured relating to a material issue of fact other than:

a. A dispute as to which the insurer has reported allegations of a reasonable basis to suspect fraud, based on an investigation by the insurer’s special investigative unit, to the Department’s Division of Insurance Fraud; or

b. A dispute where, based upon agreed facts as to the cause of loss, there is no coverage under the policy.

2. Unless the parties agree to mediate a claim involving a lesser amount, a “claim” involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, either of which is notwithstanding of any applicable deductible.

3. A policy must have been in effect at the time of the loss to qualify as a “claim.”

~~(d)~~(e) “Complainant” refers to the party requesting mediation.

~~(e)~~(d) “Department” means the Department of Financial Services.

(f) “Department office” means a designated office of the Division of Consumer Services, Department of Financial Services.

(g) “Party” or “Parties” means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

~~(h)~~(e) “Respondent” refers to the party not first requesting mediation.

~~(f)~~ “Service office” means a designated office of the Bureau of Consumer Outreach and Education, Division of Consumer Services, Department of Financial Services.

(3) Computation of Time. In computing any period of time described by this rule, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. All time periods specified in this rule refer to the number of calendar days, not business days, unless otherwise specified in this rule.

~~(4) Service Offices. For disposition of mediation conferences, the State of Florida shall be divided among the following designated service offices:~~

~~(a) Daytona Beach Service Office shall be composed of the following counties: Flagler, Marion, Putnam, and Volusia.~~

~~(b) Fort Lauderdale Service Office shall be composed of Broward county.~~

~~(c) Fort Myers Service Office shall be composed of the following counties: Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, and Lee.~~

~~(d) Jacksonville Service Office shall be composed of the following counties: Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Nassau, St. Johns, Suwannee, and Union.~~

~~(e) Miami Service Office shall be composed of Dade and Monroe counties.~~

~~(f) Orlando Service Office shall be composed of the following counties: Brevard, Citrus, Lake, Orange, Osecola, Seminole, and Sumter.~~

~~(g) Pensacola Service Office shall be composed of the following counties: Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.~~

~~(h) Largo Service Office shall be composed of the following counties: Manatee, Pinellas, and Sarasota.~~

~~(i) Tallahassee Bureau of Consumer Assistance Service Office shall be composed of the following counties: Gadsden, Franklin, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla.~~

~~(j) Tampa Service Office shall be composed of the following counties: Hardee, Hernando, Hillsborough, Pasco, and Polk.~~

~~(k) West Palm Beach Service Office shall be composed of the following counties: Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie.~~

~~(4)(5) Claim Settlement.~~

~~(a) Notification of the right to mediate.~~

1. Within five days of the insured filing At the time an insured files a first-party “claim” which falls within the scope of this rule, the insurer shall notify the insured of their right to participate in this program. If the insurer has not been notified of a disputed claim prior to the time an insurer notifies the insured that a claim has been denied in whole or in part, the insurer shall mail a notice of the right to mediate disputed claims to the insured in the same mailing as a notice of denial.

An insurer is not required to send a notice of the right to mediate disputed claims if a claim is denied because the amount of the claim is less than the insured's deductible.

2. The mailing that contains the notice of the right to mediate may include the Department's consumer brochure on mediation but no other materials, forms, or documents may be included. Notification shall be in writing and shall be legible, conspicuous, printed in at least 12-point type, and printed in typeface no smaller than any other text contained in the notice. The first paragraph of the notice shall contain the following statement: "The Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of residential property insurance claims. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process after receipt of this notice by calling the Department of Financial Services at 1(877)693-5236. The parties will have 21 days from the date of the notice to otherwise resolve the dispute before a mediation hearing can be scheduled."

3. The notice shall also:

a. Include ~~include~~ detailed instructions on how the insured is to request mediation, including address, phone number, and fax number for requesting mediation through the Department;

b. State ~~and indicate~~ that the parties have 21 days from the date of the notice within which to settle the claim before the Department will schedule the mediation; ~~otherwise resolve the dispute;~~

c. Include ~~The notice shall include~~ the insurer's address and phone number for requesting additional information; and mediation;

d. State that the Administrator will select the mediator. ~~The notice shall describe the mediator selection process and shall state that if either of the parties so desires the Department will select the mediator.~~

e. Refer ~~The notice shall refer~~ to the parties' right to disqualify a mediator for good cause and paraphrase the definition of good cause as set forth in paragraph (7)(e) of this rule.

f. Indicate ~~The notice shall also indicate~~ that the insured is to notify the mediator 7 days ~~insurer~~ before the mediation conference if the insured will bring counsel to the conference, unless the insurer waives the right to the notice of counsel. ~~After the 21 days, a request for mediation by the insured may be made either in writing to the insurer or by telephone call to the insurer. The date of request shall be documented in the insurer's claim file. Every 6 months the insurer shall request from the Department a list of mediators qualified to mediate disputes under this program. For a copy of the current list, the~~

~~Department may be contacted at its Mediation Section, Bureau of Consumer Assistance, 200 East Gaines Street, Tallahassee, Florida 32399-0322 or at telephone number (850)922-3132.~~

(b) Request for Mediation.

1. By the Insured. An insured may request mediation by contacting the Department at 1(877)693-5236; by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212. If an insured requests mediation prior to receipt of the notice of the right to mediation, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured's request for mediation. If an insurer receives a request for mediation, the insurer shall fax the request to the Mediation Section within 48 hours of receipt of the request. The Administrator shall notify the insurer within 72 hours of receipt of requests filed with the Department. The insured should provide the following information, if known:

a. Name, address, e-mail address, and daytime telephone number of the insured and location of the property if different from the address given;

b. The claim and policy number for the insured;

c. A brief description of the nature of the dispute;

d. The full name of the insurer and the name, address, e-mail address, and phone number of the contact person for scheduling mediation; and

e. Information with respect to any other policies of insurance that may provide coverage of the insured property for named perils such as flood or windstorm.

2. By an Insurer. An insurer may request mediation by faxing a written request to the Department at (850)488-6372. The insurer shall provide a copy of its written mediation request to the insured at the same time it submits the request to the Department. The written request should contain the information set forth in subparagraph (4)(b)1. Mediation requests by insurers will be processed by the Administrator in the same manner as mediation requests by insureds.

(c) Upon receiving a request for mediation, the ~~Administrator insurer~~ shall randomly select from the Department's list a mediator to conduct the mediation conference. The ~~Administrator insurer~~ shall ~~immediately~~ notify the mediator ~~in writing~~ of his or her selection and indicate the names and addresses of the parties and their known representatives, their phone numbers (if known), ~~the~~ Department's file number, the date of the request for mediation, and that the mediation is to occur within 45 days of the request. The mediator will have three business days from the date of notification by the Administrator to accept or reject the selection. If the mediation rejects the selection or fails to accept the selection within three business days, or if the ~~If~~ a mediator is disqualified pursuant to paragraph (7)(e), then the ~~Administrator insurer~~ shall randomly select another mediator.

For all mediation requests under this rule, the time limits in this section shall not be applicable for two years following the declaration of a disaster. Failure of an insurer to abide by this procedure and to notify the insured as required above shall subject the insurer to revocation, suspension, or fine as set forth in sub-subparagraph (9)(a)2.b. of this rule.

~~(5)(6)~~ Rejection of Mediation. An insurer may elect to reject mediation in situations where the dispute does not meet the definition of a “claim.” If the insurer desires to reject mediation, the insurer shall reference this mediation process and specify in writing to the insured and the administrator the reason(s) for the rejection. ~~The insurer shall also notify the insured of the insured’s right to contest the rejection. To contest the rejection, the insured or the insured’s representative must write to the Department at its Mediation Section, Bureau of Consumer Assistance, 200 East Gaines Street, Tallahassee, Florida 32399-0322, within 60 days of the date of the insurer’s rejection notification. In the insured’s letter contesting the rejection, the insured must specifically state the reasons why the rejection is asserted to be improper. The insurer shall also indicate that the insured should include a copy of the insurer’s rejection letter with the insured’s letter to the Department. The Department shall determine whether the claim shall be mediated. The parties may elect to voluntarily mediate any dispute regardless of whether the cause of loss or policy status may be in question. In the event that a “claim” falls within the scope of this rule, the insurer shall follow the process set forth in paragraph (4)(5)(b) above.~~

(6) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences.

(a) The total cost for residential mediation shall be \$350, with \$300 paid as the mediator’s fee and \$50 as a fee of the Administrator.

(b) For two years following the declaration of a disaster, the amounts allocated to the mediator and the Administrator may be modified by the Department, but in no event will the total cost for mediation exceed those listed in paragraph (6)(a) above.

(c) Fees are payable within 7 days of billing by the Administrator. The Administrator will bill insurers separately for mediator fees and administrator fees for all mediations. The mediator’s fee will be payable directly to the mediator by the insurer and the administrative fee paid to the Administrator by the insurer. All administrative fees received by the Department shall be placed in the Insurance Regulatory Trust Fund.

(d) Should a residential mediation conference be cancelled for any reason by the insured or the insurer after it has been scheduled, the mediator shall be paid 50% of the mediator’s fee and the Administrator shall be paid the entire administrative fee.

(7) Mediators.

(a) Mediator Approval. The Bureau of Agent and Agency Licensing, Department of Financial Services, shall approve as mediators those persons who meet the qualifications set forth in Section 627.745(3)(b), F.S. Persons wishing to be approved as mediators shall submit their qualifications to the Bureau of Agent and Agency Licensing, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, on Form DI4-591, “Application for Appointment as a Mediator”, which is adopted and incorporated by reference in subsection 69B-211.002(30), F.A.C. For two years following the declaration of a disaster, this program may additionally utilize mediators selected from a panel of circuit court – civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators.

(b) List of Approved Mediators. The Bureau of Agent & Agency Licensing, Department of Financial Services, shall maintain a list of all approved mediators, which list shall include the mediator’s name, address, telephone number, ~~social security number~~, a listing of counties in which each mediator is willing to mediate, and date of entry to the list.

(c) Grouping of Assignments. Requests for mediation will, if feasible, be grouped together and assigned to a single mediator. A mediator will be assigned a maximum of four mediation conferences under a single assignment.

(d) Procedure and Conduct. All mediation conferences shall be conducted in accordance with this rule, the Florida Rules for Certified and Court-Appointed Mediators as set forth in Rules 10.020-10.290, Florida Rules of Civil Procedure, as incorporated above, and other consistent rules of conduct as promulgated by the Supreme Court of Florida. Mediators shall have the same responsibilities to the Department as they have to the courts under the Florida Rules for Certified and Court-Appointed Mediators. The Florida Rules for Certified and Court-Appointed Mediators shall be read in a manner consistent with this rule and any conflict between this rule and the Florida Rules for Certified and Court-Appointed Mediators shall be resolved in favor of this rule. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this mediation program, mediators shall have the immunity from suit provided to mediators in Section 44.107, F.S. All communications with the mediator shall be confidential. All statements made and documents produced at a settlement conference constitute settlement negotiations in anticipation of litigation. The mediation proceedings are confidential and inadmissible in any subsequent adversary proceeding.

(e) Complaints; Discipline. At any time a party may move to disqualify a mediator for good cause. Good cause consists of conflict of interest between a party and the mediator, that the mediator is unable to handle the conference competently, or other reasons which would reasonably be expected to impair

the conference. Complaints concerning a mediator shall be written and submitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Education, Consumer Assistance, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4212 0322. The Department shall review the following grounds for discipline:

1. Alleged instances of dishonest, incompetent, fraudulent, or unethical behavior on the part of a mediator;
2. Instances in which the mediator allegedly failed to promptly and completely respond to requests from the Department and instances in which the actions or failure to act on the part of the mediator violate this rule, including the standards set forth in this subsection or are counter to the intent and purpose of this mediation program or this rule;
3. Administrative action by any other agency or body against the mediator, regardless of whether the agency or body's regulation relates to mediation;
4. The mediator has been found guilty of or pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

If the Department determines that any of the above grounds exist, the Department shall institute proceedings in accordance with Chapter 120, F.S., to rescind the approval of the mediator to handle any mediation or arbitration program sponsored by the Department.

(8) Mediation Conference.

(a) Location.

1. The mediation conference shall be held at a reasonable location specified by the mediator within a reasonable proximity of the insured property, unless all parties agree otherwise. In times of declared disaster, the Administrator shall assign the mediation location and notify the mediator of same, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

2. The Administrator shall ~~Department will~~ make available various conference locations ~~rooms~~ at its various service offices throughout the state for possible use, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

3. Before scheduling a mediation conference, the mediator may contact the Division of Consumer Services service office administrator to determine the availability of service office facilities to accommodate the mediation conference.

4. ~~If no facilities are available at the service office for the particular mediation conference then the service office administrator will designate an alternative location, if available, for the mediation conference.~~

~~4.5.~~ If the parties determine that the assigned conference location is inconvenient or impractical, the parties and mediator may agree to conduct the mediation conference at an alternative location. If the Administrator has assigned a location, the Administrator must also agree to the alternate location.

~~5.6.~~ The mediator will notify the insured, insurer and the Administrator parties in writing of the exact time, date, and location of the conference. In times of declared disaster, the Administrator shall require additional methods of communication with the insured, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

(b) Timing and Continuances. The mediation conference shall be held as scheduled by the mediator. Upon application by any party to the mediator for a continuance, the mediator shall, for good cause shown or if neither party objects, grant a continuance and shall notify all parties of the date and place of the rescheduled conference. Good cause includes severe illness, injury, or other emergency which could not be controlled by the party and could not reasonably be remedied by the party prior to the conference by providing a replacement representative or otherwise. Also, good cause includes ~~the necessity of obtaining additional information,~~ securing the attendance of a necessary professional or the avoidance of significant financial hardship. If the insured demonstrates to the mediator the need for an expedited mediation conference due to an undue hardship, the conference shall be conducted at the earliest date convenient to all of the parties and the mediator. Undue hardship will be demonstrated when holding the conference on a non-expedited basis would interfere with or contradict the treatment of a severe illness or injury, substantially impair a party's ability to assert their position at the conference, result in significant financial hardship, or other reasonably justified grounds.

(c) Attendance.

1. The complainant or their designated representative and respondent shall attend the mediation conference and be fully authorized to make an agreement to completely resolve the claim. All corporate parties who are complainants or respondents shall be represented at the conference by attend the conference in the person of a corporate representative who has full knowledge of the facts of the dispute and is fully authorized to make an agreement to completely resolve the dispute. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full value of the claim. The authority to settle the claim includes the ability to disburse the full settlement amount within 10 7 days of the conclusion of the conference. The insurer will produce at the conference a copy of the policy. The insurer will bring the entire claims file to the conference.

2. The mediation conference also may be attended by persons who may assist a party in presenting his claim or defense in the conference, such as contractors, adjusters, engineers, and interpreters. The parties may not have separate counsel in the mediation conference unless requested by the insured or the parties agree otherwise. If the insured elects to have an attorney participate in the conference, the insured shall notify the ~~mediator insurer~~ of such participation 7 days before the conference, unless the parties agree otherwise. A party will be determined to have not negotiated in good faith if they or a person participating on their behalf continuously disrupts or otherwise inhibits the negotiations as determined by the mediator.

(d) Good Faith Negotiation. The participants are to negotiate in good faith to attempt to resolve the dispute, however, there is no requirement that the dispute must be resolved in mediation.

(e) Disposition. Mediators ~~or insurance companies~~ shall report to the Department on the status of property insurance ~~(other than commercial)~~ mediation conferences by submitting Form ~~DA-1159 DFS-I5-1971~~, "Disposition of Property Insurance Mediation Conference and Company Remittance Form" (rev. ~~10/08 8/94~~), which is hereby adopted herein and incorporated by reference. If the claim is settled prior to the mediation conference being held, the insurer shall report the outcome of the issue to the mediator prior to the scheduled hearing and the mediator will submit Form DFS-I5-1971 indicating the settlement. A mediation conference will not be considered complete and the Administrator will not bill the insurer until this form is submitted.

(9) Disbursement of Costs.

(a) The insurer shall pay the mediator's fee and the Administrator's fee which shall not exceed \$225. The Department reserves the right to reduce fees based on consumer surveys and cost analysis. All funds due the Department shall be remitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212, along with a reference to the Department's file number, the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Insurance Regulatory Trust Fund to defer Department costs.

1. Completed Mediation Conference. A mediation conference is considered complete once the date of the scheduled mediation has passed and disposition Form DFS-I5-1971 has been received by the Administrator. A mediation conference will not be considered complete and will not be billed if it is rescheduled with the agreement of all parties as specified in paragraph (8)(b) of this rule, or if Form DFS-I5-1971 is not received by the Administrator. If the mediation conference is held, the mediator shall receive the mediator's fee. Upon conclusion of the conference, the insurer

~~shall remit \$25 to the Department at the Department of Financial Services, Mediation Section, Bureau of Consumer Assistance, Tallahassee, Florida 32314-6100, along with reference to the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Insurance Regulatory Trust Fund to defer Department costs.~~

2. Cancellation Due To Absence. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered an absence. Payment shall be as follows:

a. If the insured fails to appear at the conference, the conference shall be considered to have been held and the insurer must make payment in accordance with subsection (6) of this rule. If the insured wishes to schedule a new conference after failing to appear, the total cost of mediation for the new conference will be borne by the insured. The new conference shall be rescheduled only upon the insured's payment of the total cost of the mediation at the rate specified in subsection (6) of this rule rescheduled upon the insured's payment of the mediator's fee for the conference scheduled to take the place of the conference at which the insured failed to appear.

b. If the insurer fails to appear at the conference, the insurer shall make payment for the conference in accordance with subsection (6) of this rule. If the insurer fails to appear at the conference without good cause, the insurer shall pay the insured's actual cash expenses incurred in attending the conference and shall pay a second total cost of mediation the mediator's fee for the rescheduled conference. Good cause here includes severe illness, injury, or other emergency which could not be controlled by the insurer and could not reasonably be remedied by the insurer prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the Department will report the failure to appear to the Florida Office of Insurance Regulation as a potential violation of Florida law. The Florida Office of Insurance Regulation may take such further action as it deems appropriate the insurer shall be subject to penalty, including revocation, suspension, or fine, for violation of Section 626.9541(1)(i), F.S. Such suspension of an insurer's certificate of authority shall be for a period of 2 years. An administrative fine shall be in the amount of \$2,500 per violation in cases of non-willful violation, and \$20,000 per violation in cases of a knowing and willful violation. The Department will mitigate these penalties based upon the following factors: Solvency of the insurer, best interests of or potential harm to insureds, and willfulness of the violation.

(b) Any disputes regarding the amount of disbursement of funds shall be resolved by the Department.

(c) Except as provided in subparagraph (8)(a)3., any expenses associated with the mediation conference, such as travel, telephone, postage, meals, lodging, facilities, and other related expenses, shall be borne by the party, mediator or other person incurring the expense.

(10) Post-Mediation.

(a) At the conclusion of the mediation conference, the mediator will file with the Department the “Disposition of Property Insurance Mediation Conference” Form DFS-15-1971 ~~a mediator’s status report~~ indicating whether or not the parties reached a settlement. If the parties reached any settlement, then the mediator shall include a copy of the settlement agreement with Form DFS-15-1971 ~~the status report~~. In the event a settlement is reached, the insured shall have 3 business days from the date of the written settlement within which he or she may rescind the settlement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and not rescinded, it shall act as a release of specific issues that were presented at the conference.

(b) Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs which would have been covered under the policy but for the release.

~~(c) If the insured decides not to participate in this program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured’s insurance policy, or by litigation, or by any other dispute resolution procedure available under Florida law.~~

(11) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department’s duties under this rule.

(12) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

Specific Authority 624.308(1), 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), ~~624.418(2)(a)~~, ~~624.421(1)(a)~~, ~~624.421(1)(3)~~, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9581(1), 626.9641(1)(g), 627.7015 FS. History—New 8-18-94, Amended 5-1-96, 4-6-00, Formerly 4J-166.031, 69B-166.031, Amended

Section II Proposed 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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.045

RULE TITLE:
Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) payment methodology in accordance with the 2008-09 General Appropriations Act, House Bill 5001, Specific Appropriation 235 and House Bill 5085, Section 5, which amended Section 409.908, Florida Statutes.

1. Effective October 1, 2008, as a result of modifying the reimbursement for intermediate care facilities for the developmentally disabled, the Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled for Community Owned and Operated Facilities Reimbursement Plan to achieve a \$6,160,256 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009.

Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

3. In Section V A., the initial use of the term “prospective” has been deleted.

SUMMARY: The Agency shall implement a recurring methodology in the Title XIX Private Intermediate Care Facilities (ICFs) reimbursement plan to achieve a rate reduction and delete the term “prospective” from Section V.A. **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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 21, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759, stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version IIIV, Effective Date October 1, 2008 ~~February 22, 2006~~, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History–New 3-14-99, Amended 10-12-04, 2-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.012 **RULE TITLE:** Prescriptions

PURPOSE AND EFFECT: The purpose and effect to authorize electronic signatures on prescriptions.

SUMMARY: Electronic signatures on prescriptions are authorized.

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.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 463.005, 463.012, 463.0135, 463.016(1)(k) 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 Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.012 Prescriptions.

(1) All prescriptions written by a licensed practitioner shall contain the name, address, telephone number and signature of the licensed practitioner who wrote the prescription and the information shall be kept on file by the licensed practitioner for a period of at least two (2) years. If the licensed practitioner maintains electronic patient records, the practitioner may affix an electronic signature to the prescription only if the electronic signature is generated by using either public key infrastructure or signature dynamics technology, and meets the criteria of subparagraphs (1)(a)-(d) of Rule 64B13-3.003, F.A.C.

(2) through (5) No change.

Specific Authority 463.005 FS. Law Implemented 463.005, 463.012, 463.0135, 463.016(1)(k) FS. History–New 4-10-84, Formerly 21Q-3.12, Amended 3-4-86, 8-30-87, Formerly 21Q-3.012, 61F8-3.012, Amended 2-5-96, Formerly 59V-3.012, Amended 1-2-08, 6-5-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.004 RULE TITLE: Manner of Application
PURPOSE AND EFFECT: The purpose and effect is to incorporate the updated application form.

SUMMARY: The updated application form is incorporated.

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.

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b), (2) FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DH-MQA 1128, (Revised 8/08) ~~DPR OPA 0001~~ effective 4/8/92, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at <http://www.doh.state.fl.us/optometry/index.html>. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to

include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) through (5) No change.

Specific Authority 456.033, 463.006(1)(b), (2) FS. Law Implemented 456.013(7), 456.033, 463.006(1)(b), (2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.007 RULE TITLE: Optometry Faculty Certificate
PURPOSE AND EFFECT: The purpose and effect is to incorporate the application form for Optometry Faculty Certificates.

SUMMARY: The application form for Optometry Faculty Certificates is incorporated.

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.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 463.0057 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 Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.007 Optometry Faculty Certificate.

To obtain a optometric faculty certificate pursuant to Section 463.007, F.S., the applicant must submit an Initial Optometry Faculty Certificate Application, form number DH-MQA 1134,

(8/08) and the fees set forth in Rule 64B13-6.001, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry/index.html>

Specific Authority 463.005 FS. Law Implemented 463.0057 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.008
RULE TITLE: Dispensing Practitioner Registration
PURPOSE AND EFFECT: The purpose and effect is to incorporate by reference the Dispensing Practitioner Registration form.

SUMMARY: The Dispensing Practitioner Registration form is incorporated.

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.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.0276(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.008 Dispensing Practitioner Registration.

To register as a dispensing practitioner, the licensee must submit a Dispensing Practitioner Registration, form number DH-MQA 1137, (8/08) and the fees set forth in Rule 64B13-6.003, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 463.005 FS. Law Implemented 456.0276(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-16.002
RULE TITLE: Branch Office License
PURPOSE AND EFFECT: The purpose and effect is to incorporate by reference the application forms for branch offices.

SUMMARY: The application forms for branch offices are incorporated by reference.

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.

SPECIFIC AUTHORITY: 456.013(2), 463.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 463.011 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 Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-16.002 Branch Office License.

Each Branch Office must be licensed. The Department shall issue a Branch Office License for a specified location to each licensed practitioner or a certified optometrist in good standing who submits to the Board of Optometry a Branch Office Application, Form No. DH-MQA1135, (8/08) or a Secondary Branch Office Application, Form No. DH-MQA1136, (8/08) written request and the fee required by subsection 64B13-6.001(6), Florida Administrative Code, for each location. The applications forms are available from the Board office or the Board website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 456.013(2), 463.005(1)(a) FS. Law Implemented 456.013(2), 463.011 FS. History--New 5-29-90, Formerly 21Q-16.002, 61F8-16.002, 59V-16.002, Amended 11-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-64.005 RULE TITLE:
Adjustments to Reflect Consumer
Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2008-2009.

SUMMARY: Firefighter death benefits in Section 112.191, Florida Statutes are raised annually to reflect price level changes.

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.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, January 19, 2009, 10:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Bannister, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone: (850)413-3170; Fax: (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, 2008 ~~2007~~ through June 30, 2009 ~~2008~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2008 ~~2007~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$60,140.00 ~~57,759.00~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$60,140.00 ~~57,759.00~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$175,565.91 ~~173,278.31~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Bannister, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, State of Florida Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03018 RULE TITLE:
Special Programs for Students with
Specific Learning Disabilities

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 48, November 26, 2008 issue of the Florida Administrative Weekly.

The date of the State Board meeting to continue the hearing on this rule will be January 21, 2009, rather than January 20, 2009, as noticed.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047 RULE TITLE:
State Building Code Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2) Effective March 1, 2009, the Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, and amended by the Commission on December 10, 2008, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(3) Modifications and Amendments. All proposed modifications to the selected base codes and amendments to the Florida Building Code shall be submitted on the form adopted by reference in subsection 9B-3.050(4), F.A.C., that must be completed in full prior to submittal. The text of the proposed modification or amendment must be provided in legislative format, with underlining indicating where new language is added to the existing provisions and strikeout indicating where existing language is deleted. Copies of the form may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

~~(4) PROPOSED EFFECTIVE DATE MARCH 1, 2009.~~

Specific Authority 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, ~~3-1-09~~.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-7.006	Application; Operation in Interstate or Foreign Commerce; Certification Required; Medical Examination Required
15A-7.009	Issuance of Commercial Driver's License; Department; Duties
15A-7.010	Issuance of License; Department to Check Commercial Driver's License Information System
15A-7.017	Hazmat Endorsement Threat Assessment Program
15A-7.019	Third Party Testing Program

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. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

15A-7.006 Application; Operation in Interstate or Foreign Commerce; Certification Required; Medical Examination Required; ~~Exceptions~~.

(1) Upon making application for a CDL, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce or any applicant otherwise subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, pursuant to Section 316.302(1) ~~322.08(4) and 322.59~~, F.S., shall certify that he or she meets the qualification requirements of Part 391.

(2) Upon application for a driver's license, applicants who drive interstate are subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, and will present to the department a valid medical examiner's certificate ~~required by Title 49 C.F.R. Part 391~~ issued not more than 2 years immediately preceding licensure.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 316.302(1), 322.01(24), 322.07(3)(a), 322.08(4), 322.59 FS.

15A-7.009 Issuance of Commercial Driver's License; Department; Duties.

Prior to the issuance of an original or renewal commercial driver's license or the reissuance of a commercial driver's license with a change of any classification, endorsement, restriction, or name change, the department shall:

(1) Check the driving record of the applicant as maintained by the department; and

(2) Electronically check ~~Contact~~ the Commercial Driver License Information System (CDLIS) to determine whether the applicant possesses a valid commercial driver's license issued by any other state, and whether such license or the applicant's privilege to operate commercial motor vehicle has been disqualified.

(3) Electronically check ~~Contact~~ the National Driver Register (NDR) to determine if the applicant has any open driver license suspensions, revocations or cancellations.

Specific Authority 322.02(63) FS. Law Implemented ~~322.17~~, 322.65 FS. History—New 4-7-91.

15A-7.010 Issuance of License; Department to Check ~~Notify~~ Commercial Driver's License Information System.

Prior to the issuance of an original or renewal commercial driver's license or the reissuance of a commercial driver's license with a change of any classification, endorsement, restriction, or name change, the department shall electronically check ~~notify~~ the Commercial Driver License Information

System (CDLIS) of the issuance and shall provide the applicant's name, social security number and any other required information to the operator of the system.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.17, 322.65 FS., 49 CFR 383.153(b)(2) History-New 4-7-91.

15A-7.017 Hazmat Endorsement Threat Assessment Program.

(1) All applicants for CDL hazardous materials (Hazmat) endorsements are required to undergo fingerprint-based background checks in accordance with the USA Patriot Act and federal regulations of the Transportation Security Administration, 49 CFR, Part 1572. Department policy and procedures for processing Hazmat applicants procedures conform to 49 CFR Part 1572 in all respects.

(2) Hazmat endorsements and the associated background check results obtained in other states are not transferable to Florida CDLs. All Hazmat applicants including applicants reciprocating an out of state Hazmat-endorsed CDL are required to pass a new Hazmat knowledge exam and a new background check. Applicants presenting Hazmat endorsed CDLs from other states in conjunction with application for a Florida CDL will receive a 90-day temporary Hazmat endorsement pending completion of this process. Florida CDLs issued to these applicants will display "Hazmat until (date of issuance + 90 days)".

(3) Hazardous materials knowledge test results older than 60 days prior to the date of application may not be used to meet the testing requirement for issuance of a Hazmat endorsement.

(4) In accordance with Section 322.18(2)(e), Florida Statutes, hazmat-endorsed CDLs are valid for a period of 4 years. Hazmat-endorsed CDLs may be renewed up to 12 months in advance of their expiration dates.

(5) In accordance with Section 322.21(1)(h), Florida Statutes, the application fee for a Hazmat endorsement is set at \$91. This fee applies in addition to other applicable issuance and endorsement fees established by Section 322.21, Florida Statutes

Specific Authority 322.02(6) FS. Law Implemented 322.18(2)(e), 322.21(1)(h)(4) FS.

15A-7.019 Third Party Testing Program.

(1) Commercial Driver License Third Party Administrators and Third Party Testers may be authorized by the Department to conduct driver license tests in accordance with Section 322.56, Florida Statutes.

(2) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with all applicable rules established in this chapter.

(3) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with contractual agreements, instructional manuals, approved

testing locations and routes, and similar written documents establishing policies, procedures, and recordkeeping requirements to maintain the integrity of the testing program.

(4) Electronic and written records created by Commercial Driver License Third Party Administrators and Third Party Testers are public records of the State of Florida, and are subject to applicable laws and penalties regarding falsification of such records. Acts that constitute falsification of third party testing records include, but are not limited to:

(a) Entry of information on CDL test score sheets (form HSMV 7183) that falsifies the parts of a test performed, the type of vehicle used, the test applicant's (driver's) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test;

(b) Entry of information in the Department's electronic test records that falsifies the parts of a test performed, the type of vehicle used, the test applicant's (driver's) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test. Use of the tester's login name and password to create an electronic test record is deemed an electronic signature affirming that the test was personally conducted and the results were entered by that tester.

(c) Withholding or destruction of information that falsifies the true record of test activity, such as not recording a test given but failed by the applicant.

Specific Authority 322.02(6) FS. Law Implemented 322.56 FS.

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

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-9.011	Policy and Purpose
40B-9.021	Definitions
40B-9.031	Selection of Lands – Five Year Plan
40B-9.041	Acquisition Procedures – Negotiations
40B-9.0411	Land Acquisition Procedures
40B-9.042	Inholding and Addition Property
40B-9.045	Acquisition Procedures – Condemnation
40B-9.0451	Land Condemnation Procedures
40B-9.051	Surveys
40B-9.061	Appraisals
40B-9.065	Disclosure of Beneficial Interest
40B-9.071	Use of Trust Fund

40B-9.081 Disposition of Surplus Land
 40B-9.111 Funding of the District Lands Management Program
 40B-9.121 Conceptual Management Plans for District Lands
 40B-9.122 Resource Management Plans for District Lands
 40B-9.123 Additional Definitions
 40B-9.124 Policy and Purpose
 40B-9.125 Scope and Applicability
 40B-9.126 Access to District Lands
 40B-9.131 Public Use of District Lands
 40B-9.1311 Public Use of District Lands: Allowed Activities
 40B-9.132 Public Vehicle Use
 40B-9.133 Possession and Use of Firearms, Archery Equipment, Trapping Devices and Free-running Hunting Dogs
 40B-9.134 Trespass after Notice
 40B-9.138 Other Prohibited Activities
 40B-9.1381 Prohibited Activities
 40B-9.141 Special Use Licenses
 40B-9.1411 Special Use Authorizations
 40B-9.142 Easements
 40B-9.145 Leases
 40B-9.151 Closure of District Lands
 40B-9.161 Violations
 40B-9.320 Conflicting Rules

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. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly.

WATER MANAGEMENT LANDS ACQUISITION AND MANAGEMENT PROCEDURES

40B-9.011 Policy and Purpose.

(1) Under subsection 373.139(2), Florida Statutes, the Governing Board is authorized to acquire fee or less than fee title to real property, easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservative of wetlands, streams and lakes. Part I of this chapter governs the acquisition of these interests in lands by the Suwannee River Water Management District.

(2) Under paragraph 373.1391(1)(a), Florida Statutes, the Governing Board is charged with the responsibility to manage and maintain lands titled to the Suwannee River Water Management to ensure a balance between public access, general public recreational purposes, and restoration and protection of the lands' natural state and condition. Part II of

this chapter further governs the use of lands titled to the Suwannee River Water Management District. ~~The purpose of this rule is to implement the legislative intent expressed in Section 373.59, Florida Statutes, and therefore, to establish District policies and procedures regarding a five year plan for the selection of land, and provide procedures for the acquisition and management of land, title to which shall vest in the Suwannee River Water Management District. It is also the intent of these rules to provide uniform acquisition procedures in order to effectuate efficient legal methods in accordance with sound business practices.~~

(3) Lands titled to the District may be conveyed, sold, exchanged, leased, or released by the Governing Board as provided in Sections 373.056, 373.089 and 373.096, Florida Statutes.

(4) Consistent with the Legislature's directives, the District's policy is to manage and maintain District lands, to the extent practicable, to ensure a balance between restoration and protection of natural resources and public access and recreation.

(5) To further this policy, the land management and use provisions of Part II of this chapter are based upon the following priorities:

- (a) Water resource conservation and protection;
- (b) Environmental protection, with an emphasis on restoration and preservation of ecosystems; and
- (c) Compatible public recreation.

(6) It is further the policy of the District to make its lands accessible to persons with disabilities to the extent economically feasible and consistent with resource protection.

(7) This chapter is divided into two parts, Part I and Part II. Part I included Rule 40B-9.011 through Rule 40B-9.121, F.A.C., and pertains to land acquisition. Part II includes Rule 40B-9.123 through Rule 40B-9.320, F.A.C., and pertains to land management.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.171~~ FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 3-1-83, Amended _____.

40B-9.021 Definitions.

When used in this part, the term herein:

(1) "Acquisition plan" means the work plan adopted by the Governing Board that describes the District's land acquisition strategies.

(2) "Conservation easement" means a right of interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition. A conservation easement restricts the underlying fee owner's use of the property consistent with the purpose of the easement. Conservation easements are

perpetual, undivided interests in property that run with the land. District conservation easements are governed by section 704.03, Florida Statutes.

(3) “Department” means the Florida Department of Environmental Protection or its successor agency or agencies.

~~(2) “Secretary” means the Secretary of the Florida Department of Environmental Protection.~~

~~(4)(3) “District” means the Suwannee River Water Management District, operating under the authority of Chapter 373, Florida Statutes.~~

(5) “District lands” means any fee simple interest or other interests in real property titled to the District.

(6) “District lease” means the granting of either an exclusive or non-exclusive use of or interest in District lands for a specified period of time.

(7) “Funding program” means the program established pursuant to Section 259.105, Florida Statutes, the Florida Forever Act.

(8) “Governing Board” means the governing board of the Suwannee River Water Management District.

~~(4) “Fund” means the Water Management Lands Trust Fund.~~

(5) “Plan” means the five year plan as adopted by the Governing Board of the Suwannee River Water Management District.

(6) “Project” means a parcel or parcels of land in a discrete unit of purchase.

~~(7) “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the state of Florida.~~

~~(8) “Acquisition” means the reduction of the title to land to be acquired to fee, or in the discretion of the District such other legal interest necessary for water management, water supply and the conservation and protection of water resources.~~

~~(9) “Lands” means real property acquired by the District pursuant to Section 373.59, Florida Statutes.~~

~~(10) “Conceptual Management Plan” means the document discussing proposed management and use that is prepared prior to acquisition.~~

~~(11) “Resource Management Plan” is the document approved by the Governing Board that specifies management activities and authorized uses of the lands.~~

~~(12) “Public Use Guide” is the summary document that list specific public uses for the Lands authorized by the Governing Board that can be permitted by the District.~~

(9) “Management plan” means the District Land Management Plan adopted by the Governing Board that details the District’s land management activities or other property specific land management plan adopted by the Governing Board.

(10) “Project” means a parcel or parcels of land in a discrete unit of purchase.

(11) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses.

(12) “Secretary” means the Secretary of the Florida Department of Environmental Protection or its successor agency or agencies.

(13) “Surplus lands” means those District-owned parcels that do not and are not expected to contribute significantly to the achievement of the District’s acquisition objectives including the protection or enhancement of water resource benefits and effective and efficient land management.

~~Specific Authority 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.171, 373.59 FS. Law Implemented 259.01, 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 4-1-93, _____.~~

40B-9.031 Selection of Lands – Five Year Plan.

~~(1) The District shall adopt a five year plan designating the areas of land to be acquired which shall be filed annually with the Legislature and the Secretary by January 15. Acquisition and management activity for the preceding fiscal year shall be included in five year plan.~~

~~(2) Prior to the adoption, amendment or modification of the five year plan, the District shall hold one or more public hearings.~~

~~Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 5-26-88, Repealed _____.~~

40B-9.041 Acquisition Procedures – Negotiations.

(1) Bona fide offers for sale. The District’s land acquisition process is initiated when the District receives from an owner of real property a bona fide offer for sale to the District. A bona fide offer is one which includes: Upon determination of land requirements, descriptions and maps sufficient to identify the lands to be acquired shall be obtained.

(a) The county property appraiser’s tax parcel identification number;

(b) An aerial map or other documentation upon which the property boundaries are shown or described;

(c) A copy of the deed showing the current owner of record for the property being offered;

(d) The owner’s initial asking price for the property;

(e) Identification of any easements, deed restrictions, mineral interests, or other rights held by persons other than the fee title owner; and

(f) Identification of any existing purchase agreement, option contract, listing agreement, or any other agency arrangement or agreement entered into by the seller relating to the subject property.

(2) Criterial for evaluation of bona fide offers.

Upon receipt, District staff will evaluate all *bona fide* offers for sale of real property under the criteria contained within the District's land acquisition plan and provide a recommendation for disposition to the Governing Board. Ownership information shall be obtained and reviewed in order to determine the title to the land being acquired.

(3) Following Governing Board approval of a property for state priority funding, the following due diligence must be completed prior to a contract for sale:

(a) Evidence of good and sufficient fee title to the property in the seller must be provided by the seller to the District.

(b) The property owner must provide access to the District and its agents as needed to obtain an appraisal as required under paragraph 373.139(3)(c), Florida Statutes, and a Phase I environmental site assessment that addresses the federal Environmental Protection Agency standards in CFR Part 312, the state Department of Environmental Protection standards, and any other applicable environmental regulatory agency standards. The appraisal must be performed by a qualified appraiser who is registered, licensed, or certified under Part II, Chapter 475, Florida Statutes. The Phase I environmental site assessment must be performed by a qualified professional engineer, professional geologist or other environmental professional as the District deems appropriate. The District shall obtain at least one written appraisal pursuant to Rule 40B-9.061, F.A.C.

(4) Contracts for sale.

The Governing Board must adopt a purchase resolution which authorizes the Executive Director to execute a contract specifying the source of funds for the land to be acquired. The District shall attempt to acquire each parcel through voluntary negotiation prior to commencement of proceedings in eminent domain.

(5) All contracts to purchase shall be reduced to writing and shall be contingent upon approval by the Governing Board.

(6) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) The District shall contact each owner or authorized representative and negotiate the acquisition of the property.

(b) A "Negotiation Report" may be prepared and forwarded to Legal Counsel, which shall summarize such negotiations.

(c) In the event an offer is accepted, the District shall:

1. Arrange for the proper execution and recording of all necessary documents.

2. Request Legal Counsel to prepare a resolution requesting the Governing Board to approve the necessary funds pursuant to Chapter 62-402, F.A.C., if applicable.

(d) When a negotiated settlement cannot be readily attained, an authorized officer shall send a Memorandum to Legal Counsel which shall include:

1. A request for resolution to institute eminent domain proceedings.

2. Identification of parcels by title memorandum number.

3. Legal interest or estate sought for acquisition.

(5)(e) Donations of land to District.

The District may accept donations or gifts of real property interests ~~land~~. In such event the provisions of this subsection shall be followed, except that the requirement for an appraisals may be waived upon concurrence of both the property landowner and the District.

(7) The District shall adhere to the provisions of Section 287.055, Florida Statutes, if applicable.

Specific Authority 373.044, 373.083, 373.139 ~~373.113, 373.171~~ FS. Law Implemented 373.013, 373.139, 373.59 FS. History--New 3-1-83, Amended 5-26-88, _____.

40B-9.042 Inholding and Addition Property.

(1) The procedures in this section apply to offers of real property containing 40 acres or less.

(2) The District will consider purchasing parcels less than 40 acres in size if they are contiguous with existing District ownership and either:

(a) Provide additional protection for natural resources, or

(b) Improve the District's ability to manage its lands.

(3) In addition to qualifying under subsection 40B-9.042(2), F.A.C., above, the following conditions must be met:

(a) The fee owner of the property must control at least 50% of the mineral interests unless the outstanding royalty rights or interests are held by the State of Florida or the federal government;

(b) The property may not be subject to any current or future assessments by a homeowners association or other similar entity.

(c) The total asking price must be less than \$100,000.

(4) Upon determining that the offer meets the criteria and conditions in subsections 40B-9.042(2) and (3), F.A.C., above, Staff shall:

(a) Obtain a form or letter appraisal from the District's Land Acquisition Specialist or from an appraiser on the District's approved list; and

(b) Submit an offer at an amount not-to-exceed the appraised fair market value with an option approved by District legal counsel to the landowner.

(5) If the offer is accepted by the landowner, the District will conduct a public hearing at which the proposed purchase will be presented for Governing Board approval.

Specific Authority 373.044, 373, 083, 373.139 FS. Law Implemented 373.013, 373.089, 373.139, 373.59 FS. History--New _____.

40B-9.045 Acquisition Procedures – Condemnation.

~~(1) Eminent domain proceedings may only be used by the District to acquire real property for flood control and water storage or for curing title defects or encumbrances to real property owned by the District or to be acquired by the District from a willing seller. Proceedings in eminent domain shall not be commenced until authorized by the Governing Board.~~

~~(2) Eminent domain proceedings brought by the District shall be conducted in accordance with the applicable provisions of Chapters 73 and 74, Florida Statutes, and Section 373.1961, Florida Statutes. The Governing Board may adopt a resolution authorizing the institution of eminent domain proceedings and which shall meet the requirements of Chapters 73 and 74, Florida Statutes, if applicable.~~

Specific Authority ~~373.026, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.139, 373.103, 373.113, 373.171~~ FS. Law Implemented ~~373.013, 373.139, 373.1961, 373.59~~ FS. History–New 3-1-83, Amended _____.

40B-9.051 Surveys.

~~(1) In order to determine the location, acreage and legal description of land to be acquired, the District shall obtain a survey.~~

~~(2) Survey requirements may be waived in whole or in part by the District. In the event the survey requirements are waived in whole or part, the District shall then use the best available data in order to arrive at the boundaries and acreage of the land to be acquired.~~

~~(3) All surveys shall meet the minimum technical standard for land surveying in the State of Florida as adopted by the Florida State Board of Land Surveyors.~~

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.171~~ FS. Law Implemented ~~373.103, 373.139, 373.59~~ FS. History–New 3-1-83, Repealed _____.

40B-9.061 Appraisals.

~~(1) All lands to be acquired shall be appraised by at least one real estate appraiser, except as provided in paragraph 40B-9.041(6)(c), F.A.C., of this chapter.~~

~~(2) Appraiser shall have no vested or fiduciary interest in the property to be appraised, except for the professional fee.~~

~~(3) After a written contract between the District and the appraiser has been executed, the District shall transmit all pertinent data to the appraiser regarding the assignment.~~

Specific Authority ~~373.044, 373.113, 373.171~~ FS. Law Implemented ~~373.103, 373.139, 373.59~~ FS. History–New 3-1-83, Amended 5-26-88, Repealed _____.

40B-9.065 Disclosure of Beneficial Interest.

In all cases where fee title is ~~not~~ held in a representative capacity the name of the beneficial owner, the requirements of Section 286.23, Florida Statutes, must ~~will~~ be met.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.139, 373.103, 373.113, 373.171~~ FS. Law Implemented ~~286.23, 373.103, 373.139, 373.59~~ FS. History–New 3-1-83, Amended _____.

40B-9.071 Use of Trust Fund.

~~(1) For lands acquired by negotiation and purchase, the Governing Board shall request the Department to release the District's share of monies from the Fund by adopting a resolution which shall comply with Chapter 62-402, F.A.C.~~

~~(2) For lands acquired by eminent domain, subsequent to the adoption of a resolution authorizing eminent domain proceedings, the Governing Board shall adopt a resolution pursuant to subsection (1) above, which in addition shall authorize the Executive Director or other staff officer to request monies from the Fund as follows:~~

~~(a) A request from the District for the District's share of funds sufficient to pay the owner the amount specified in the final judgment or the stipulation and order.~~

~~(b) A request from the District for the District's share of funds sufficient to pay the amount specified in the court's order or the stipulation and order for any costs and fees of the owner, whether incurred in the trial court or an appeal.~~

~~(c) A request from the District for reimbursement of all the District's share of costs and fees incurred by the District associated with such acquisition.~~

~~(3) The District shall request the Department to release funds specified in subsection (2) above of this section within a sufficient time to allow the District to comply with Section 73.111, Florida Statutes, or Section 74.071, Florida Statutes, and other laws as applicable.~~

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.171~~ FS. Law Implemented ~~373.103, 373.139, 373.59~~ FS. History–New 3-1-83, Repealed _____.

40B-9.081 Disposition of Surplus Land.

~~(1) The District may sell or exchange District lands including those which have been acquired with funds from the Water Management District Trust Fund or in exchange for property which has been so acquired. District lands are considered surplus in accordance with Section 373.089, Florida Statutes, when:~~

~~(a) They are not required for District or project purposes pursuant to Section 373.59, Florida Statutes;~~

~~(b) They have no probable future utility in the land management program of the District; and~~

~~(c) They have been declared surplus by the Governing Board.~~

~~(2) All funds received from the sale of surplus lands acquired with Water Management District Trust Funds shall be used to purchase other lands meeting the criteria in Section 373.59, Florida Statutes.~~

~~(3) The District may convey land not required for its purposes to any governmental agency under such terms and conditions as the governing board may determine in accordance with Section 373.056, Florida Statutes.~~

~~(4) The District may retain or convey mineral rights on surplus lands in accordance with Section 270.11, Florida Statutes.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 270.11, 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 5-26-88,_____.

40B-9.111 Funding of the District Lands Management Program.

~~(1) Under Section 373.59(8), Florida Statutes, the District may use a specified portion of the Fund for management, maintenance and capital improvements for Lands acquired pursuant to Chapter 373.59, Florida Statutes.~~

~~(2) Pursuant to Chapter 62 402, F.A.C., all revenues derived from the use and management of the Lands are returned to the Fund or placed in an account to be used as specified in subsection (1).~~

~~(3) The Governing Board shall submit a formal resolution to the Department for funds needed either for reimbursement of expenditures of the District or to meet expected cash needs of the District for the management, maintenance or capital improvements to the Lands that will comply with Section 373.59(3), Florida Statutes.~~

~~(4) The District shall allocate a portion of its land management budget for payments in lieu of taxes to qualified counties pursuant to Section 373.59(13), Florida Statutes.~~

Specific Authority 373.016, 373.044, 373.59 FS. Law Implemented 373.1401, 373.59 FS. History–New 4-1-93, Repealed_____.

40B-9.121 Conceptual Management Plans for District Lands.

~~(1) A Conceptual Management Plan (CMP) shall be prepared by the District for all Lands prior to acquisition. Floodplain information; sensitive water resource or natural resource areas such as springs, wetlands and significant wildlife habitat; evidence of past abuse of the resource such as trash dumping, illegal hunting, cultural artifact collecting, wildfires; economic resources; continuing interests of the seller; historic public use; availability of similar public use resources; or other resources that are specific to a parcel shall be considered in developing the CMP.~~

~~(2) The CMP will be available for public review and comment at the public hearing for the proposed acquisition. Each public hearing will be noticed and advertised as required by Chapters 373 and 120, Florida Statutes.~~

~~(3) Upon approval of the CMP by the Governing Board and successful acquisition of the parcel, the CMP shall guide management and public use of the Land until the CMP is~~

~~incorporated into a Resource Management Plan (RMP). CMPs shall be available for review by the public during normal working hours at the District headquarters.~~

Specific Authority 373.016, 373.044, 373.59 FS. Law Implemented 373.59 FS. History–New 4-1-93, Repealed_____.

Part II

Land Management and Use

40B-9.122 Resource Management Plans for District Lands.

~~(1) The District shall develop or have developed Resource Management Plans (RMP) to guide the maintenance, improvement, restoration and use of the acquired Lands by the District, other agencies and the general public.~~

~~(2) The RMP will describe the parcel, including its location, external and internal access, resources embodied in or found on the parcel, and management and public use goals for the parcel. The RMP will be developed utilizing the following information resources as appropriate: surface and ground water resource data; aerial photography; field inspections; soils data; data available from sources regarding wildlife and habitat endangerment such as the Florida Natural Areas Inventory; and other data resources that are available to the District.~~

~~(3) The RMP will be considered for approval by the Governing Board during a public meeting, noticed pursuant to the requirements of Chapter 120, Florida Statutes. Upon approval of the RMP by the Governing Board, the RMP shall guide management and public use of the Land. RMPs are available for review by the public at the District headquarters.~~

Specific Authority 373.016, 373.044, 373.59 FS. Law Implemented 373.59 FS. History–New 4-1-93, Repealed_____.

40B-9.123 Additional Definitions.

When used in Part II of this chapter:

(1) “Access” means a point where the public can enter District lands by foot, horseback or non-motorized vehicles.

(2) “Aircraft” means any vehicle supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces, including powered airplanes, gliders, and helicopters.

(3) “Boating” includes the use of any type of motorized or non-motorized vessel on water.

(4) “Commercial activity” means the sale or leasing, or offering for sale or lease, for profit any merchandise or service associated with the use of District lands including, but not limited to, providing guide services, vehicles or animals on District lands.

(5) “Camping” means to use a vehicle, tent, or other shelter, and/or to arrange bedding with the intent to stay overnight.

(6) “Concession” means the privilege to establish a commercial activity on District land.

(7) “District lands” means real property to which the Governing Board holds fee simple title.

(8) “Entrance” means a designated location or boundary where public motorized vehicle access to District lands is authorized.

(9) “Facility” or “Structure” means any object placed on District lands intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.

(10) “Firearms and similar devices” means shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, gas guns, blow guns, bows, crossbows, spear guns, or any other device capable of mechanically propelling an arrow, spear, or other projectile.

(11) “Historic property” or “historic resource” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, or folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historic or archaeological value, or any part thereof, relating to history, government, and culture of the state.

(12) “Mobility-impaired person” means a person who is permanently physically disabled by being either paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation or permanently required to use assisting aids to walk, or having had a complete single-leg amputation above the knee.

(13) “Motorized vehicle” means any vehicle which travels over land on wheels and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.

(14) “Paintball equipment” means paint balls, paintball guns, refillable gas tanks, paintball gun propellant canisters, paintball targets, and any other device associated with paintball activities.

(15) “Public road” means any road, path, land, or trail designated by name, number or map for public motorized vehicle access.

(16) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses.

(17) “Recreational site” means an improved or unimproved site established to facilitate recreational use by the public.

(18) “Resource-based recreational purpose” means any outdoor activity that depends on natural resources and includes, but is not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, boating, diving, wildlife viewing and other passive recreation.

(19) “Seasonal road” means a road open to public motor vehicle use for hunting or other particular uses during a specific time period, or which may be closed due to periodic site conditions.

(20) “Special Use Authorization” means the granting of a privilege to use District lands for a specified purpose and does not confer any property or possessory interest to the holder.

(21) “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.125 Scope and Applicability.

(1) District lands shall be managed and maintained, to the extent practicable, in a manner that ensures a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition. Part II of this chapter establishes how District lands may be accessed by the public, the allowed recreational uses on District lands, the manner in which these uses may be exercised, and uses that are prohibited on District lands.

(2) District lands are open to the public for lawful resource-based recreational purposes except as otherwise conditioned, restricted or prohibited by this chapter or unless such use is inconsistent with the purposes for which the lands were acquired, as provided in the District land management plan.

(3) Nothing in this chapter shall prevent any other federal, state, or local agency, including but not limited to, the entity contractually responsible for managing District lands, from requiring compliance with its rules, regulations, and/or laws to the extent of such entity’s legal authority.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.126 Access to District Lands.

(1) District lands shall be open to the public during daytime hours only (one and one-half hour before sunrise to one and one-half hour after sunset) unless otherwise posted or authorized.

(2) Public motor vehicle access to District lands is only allowed at designated entrances.

(3) District lands may be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.131 Public Use of District Lands.

~~(1) The Lands shall be evaluated and the compatible public uses will be documented in the management plans. This evaluation will be based on the sensitivity of the Land to degradation, the need for specific public uses, the cost to the District to provide the public use, the ability of the District to reasonably assure public safety and other factors that may be applicable to the specific parcel.~~

~~(2) The District shall publish and make available to the public upon request a "Save Our Rivers Lands an informational "Public Use Guide" which summarizes allowed activities and use restrictions for each District property. The Public Use Guide, approved by the Governing Board on January 21, 1993, is hereby incorporated by reference. The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, Florida Statutes. Copies of the District's Public Use Guide are available at from the District's headquarters and on its website: www.srwmnd.state.fl.us. Additionally, persons the public may apply for authorization of other public uses of District lands, as specified in Rule 40B-9.141, Florida Administrative Code F.A.C., "Special Use Authorizations Licenses.", of other public uses of the Lands. These applications will be reviewed by District staff using the criteria listed in subsection 40B-9.131(1), F.A.C.~~

~~(2)(3) Activities that are not authorized in this section, in the Public Use Guide, posted on the Land or specifically authorized under a Special Use Authorization or otherwise in writing by the District are expressly prohibited and subject to prosecution. The public is advised that Compliance with these rules does not preclude the need to also comply with State law and/or other applicable state and federal rules prevent the District's cooperating agencies, such as the Florida Game and Fresh Water Fish Commission, U.S. Department of Interior, Fish and Wildlife Service, Florida Department of Agriculture and Consumer Services and Florida Department of Natural Resources, from requiring compliance with other rules or laws to the fullest extent of their lawful authority.~~

~~(3) The following activities are allowed subject to any conditions and/or restrictions specified herein:~~

~~(a) Bicycling is allowed on all District lands open to the public unless restricted by signage.~~

~~(b) Boating for recreation is allowed on all District-owned waterways provided:~~

~~1. Boats launched from trailers must use boat ramps.~~

~~2. Boats must not be operated in a manner which could harm persons, plants, animals, or other natural resources.~~

~~The District may prohibit or restrict boating in specific areas as needed to ensure public safety, resource protection, and protection of District facilities or equipment. These restrictions may include limitations on engine horsepower, speed, or vessel type and shall be specific to a water body. Areas closed to boating and boating restrictions shall be posted by signage.~~

(c) Camping is only allowed on District lands at approved locations and as permitted by a Special Use Authorization issued by the District under Rule 40B-9.141, Florida Administrative Code.

(d) Commercial activity on District lands may be allowed pursuant to prior written authorization in the form of an agreement or lease with the District. A person proposing any commercial activity on District lands must submit the following minimum information to the District:

1. Name and address of business;

2. Name and address of business owner or person responsible;

3. Type of activity to be conducted;

4. Statement justifying the need for the proposed commercial activity in order to facilitate public access and/or use of District lands for a resource-based recreational purpose;

5. Number of participants;

6. Dates and duration of the proposed activity; and

7. Signed statement committing to abide by all applicable District requirements.

Any proposed commercial activity that will exceed one year in duration, require exclusive use of an area of land, or result in monetary consideration to the District, may only occur under a lease agreement approved by the Governing Board.

The District will review the request for compatibility with the applicable land management plan and notify the applicant in writing. Requests to exclusively use a specific site that will impede the public's use or for uses that will degrade the property will be denied.

(e) Dogs are allowed on District lands provided they are on a leash or caged at all times unless consistent with authorized uses in state wildlife management areas and federal wildlife refuges or specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code. Other types of domesticated animals, such as cats, are prohibited on District lands.

(f) Equestrian and other saddle animals, including those for use with noncommercial horse-drawn carriages and buggies, are allowed on all District lands on roads open to public motorized vehicles and all equestrian trails except where such use is specifically prohibited by signage. The person responsible for bringing a saddle animal onto District lands must have current, written proof of a negative Coggins test result.

(g) Fishing for recreation is allowed on District lands as authorized by the Florida Fish and Wildlife Conservation Commission, unless otherwise posted.

(h) Group recreational, educational or public service uses are allowed on all District lands open to the public provided a Special Use Authorization is issued by the District under Rule 40B-9.141, Florida Administrative Code.

(i) Hiking and other resource-based recreational purposes, such as photography, nature study, orienteering, are allowed on all District lands open to the public except where specifically prohibited by signage. For the purpose of this subsection, the term "hiking" includes jogging, wildlife viewing, or any other recreational activity where travel is by foot only and does not include another activity described in this chapter.

(j) Hunting for recreation is allowed in Florida wildlife management areas in accordance with applicable wildlife management area rules of the Florida Fish and Wildlife Conservation Commission, in United States national wildlife refuges subject to permit, and on District lands as designated and identified by signage. Public hunting areas on District lands must be approved by the Governing Board at a duly noticed public meeting. The District may allow hunting on lands not designated through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

(k) Motorized vehicle use is allowed on District lands on public use and seasonal roads and in other areas designated by signage. The use of motorized vehicles on District lands is subject to the following requirements:

1. All motorized vehicles must be licensed for use on Florida highways.

2. All motorized vehicle operators must be licensed as required by Florida law.

3. All motorized vehicle operators must comply with posted speed limits. If no speed limit is posted, the speed limit is 20 mph.

4. Under Section 316.192, Florida Statutes, driving a motorized vehicle in a willful and wanton disregard for the safety of persons or property is considered reckless driving. Pursuant to Section 316.1925, Florida Statutes, any person who drives a motorized vehicle shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, Florida Statutes.

5. Emergency motorized vehicles on District lands are not restricted to roads open to the public or to the 20 mph. or other posted speed limits.

(l) Picnicking is allowed on all District lands open to the public, unless otherwise posted.

(m) Research uses are allowed on all District lands provided a Special Use Authorization is issued by the District under Rule 40B-9.141, Florida Administrative Code, and further provided that if the proposed use will close or restrict public access, a contract or lease with the District is required.

(n) Swimming is allowed on District lands only in areas designated by signage.

Specific Authority 373.044, ~~373.083, 373.1391~~ 373.59 FS. Law Implemented ~~373.056, 373.096, 373.099, 373.1401~~ 373.59 FS. History–New 4-1-93, Amended _____.

40B-9.132 Public Vehicle Use.

~~(1) Only conventional motorized vehicles, licensed for use on Florida highways, may be operated on the Lands. The use of other motorized vehicles shall require a Special Use License, as specified in Rule 40B-9.141, F.A.C., from the District. Vehicles shall be operated by licensed operators.~~

~~(2) Motorized vehicles shall be operated by the public only on roads designated as open for public motor vehicles.~~

~~(3) Under Section 316.192, Florida Statutes, driving a vehicle in willful and wanton disregard for the safety of persons or property is reckless driving. Pursuant to Section 316.1925, Florida Statutes, any persons who drive vehicles on the Lands shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, Florida Statutes.~~

~~(4) Motorized vehicle operators shall comply with posted speed limits on the Lands. If no speed limit is posted, then the speed limit is 20 mph.~~

~~(5) Horse-drawn carriages and buggies are considered motorized vehicles for the purposes of this rule.~~

~~(6) Bicycles and horses are not considered to be vehicles for the purposes of this rule. Bicycling and horseback riding are permitted only on established roads and trails unless these uses are specifically posted as prohibited.~~

Specific Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History–New 4-1-93, Repealed _____.

40B-9.133 Possession and Use of Firearms, Archery Equipment, Trapping Devices and Free-running Hunting Dogs.

~~(1) Hunting, trapping, firearms, archery equipment, trapping devices and the releasing of free-running hunting dogs is prohibited on the Lands unless the Land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.~~

~~(2) Public hunting areas on the Lands are administered by the District through agreements for services. If the Land is included in a public hunting area, it shall be posted as prescribed by Chapter 810, Florida Statutes. Upon request, the District shall provide reasonable information on the location and specific regulations for all public hunting areas on the Lands.~~

~~(3) Public hunting areas shall be established only with the approval of the Governing Board. Governing Board approval shall be given at a public meeting which shall be advertised as required by Chapter 120, Florida Statutes. The District shall enter into a management agreement with the entity to be responsible for managing public hunting on the Lands. These agreements are considered to be authorizations to remove designated game species. The agreements will be available at the District headquarters for review by the public.~~

~~(4) Under Section 810.09(2)(c), Florida Statutes, possession of a firearm on those Lands posted as closed to hunting is a third degree felony, punishable as provided in Section 775.082, 775.083, or 775.084, Florida Statutes.~~

Specific Authority 373.1401, 373.044, 373.59, 810.09 FS. Law Implemented 373.1401, 373.59, 810.09 FS. History—New 4-1-93, Amended 8-7-96, Repealed _____.

40B-9.134 Trespass after Notice.

~~Under Section 810.09(2)(b), Florida Statutes, any person who defies an order to leave the Lands, personally communicated to him by the District or other authorized persons, or who opens or circumvents any fence or closed gate is guilty of a misdemeanor of the first degree punishable as provided in Section 775.082 or 775.083, Florida Statutes.~~

Specific Authority 373.044, 373.59, 810.09 FS. Law Implemented 373.59, 810.09 FS. History—New 4-1-93, Repealed _____.

40B-9.138 Other Prohibited Activities.

~~The following other activities are prohibited on the Lands:~~

- ~~(1) The possession of alcoholic beverages.~~
- ~~(2) Littering or dumping of refuse.~~
- ~~(3) Vandalism, destruction or removal of posts, cables, chains, fencing, signs, or any other improvements, structures or property of the District.~~

~~(4) The removal of trees, animals, plant, soil or mineral matter, or cultural artifacts unless specifically authorized in a legal agreement with the District such as a timber cutting license or a Special Use License, as specified in Rule 40B-9.141, F.A.C.~~

Specific Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed _____.

40B-9.1381 Prohibited Activities.

(1) The following activities are prohibited on District lands to the extent specified herein:

(a) Hunting or trapping animals, and releasing free-running dogs on District lands is prohibited except as provided in paragraph 40B-9.131(3)(h), F.A.C., above.

(b) The possession and/or use of alcoholic beverages on District land is prohibited.

(c) The disposal or discharge of any type of waste outside of designated waste collection facilities on District lands is prohibited.

(d) The disposal of oil, gasoline, or other hazardous substances on District lands is prohibited.

(e) Removing from or altering, destroying, or harming any animal, plant, soil, or mineral on District lands is prohibited, unless associated with:

- 1. District authorized research efforts;
- 2. Hunting and fishing activities specifically authorized under Part II of this chapter; or

3. District initiated removals associated with reforestation, control of exotic or nuisance species, timber harvests, or other land management activities.

(f) The introduction or release of any seed, plant or animal on District lands is prohibited unless pursuant to a District approved land management or restoration activity.

(g) Removal, alteration or destruction of historic resources on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of any archaeological or cultural resources on District lands. Any person who discovers historic resources on District lands shall immediately notify the District of such discovery.

(h) Scuba diving or the use of underwater breathing apparatus on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code. To receive a Special Use Authorization for scuba diving, in addition to meeting the criteria in Rule 40B-9.141, Florida Administrative Code, the applicant must provide reasonable assurances that the dive is for a scientific or investigative purpose and the person performing the dive is certified for the type of dive to be performed. A person issued a Special Use Authorization to perform a dive from District lands must submit a report upon completion of the dive informing the District of any scientific or historic evidence discovered during the dive.

(i) Taking off or landing aircraft on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code, or the result of a bona fide emergency.

(j) Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code, unless associated with District authorized reforestation, exotic or nuisance species control, timber harvests, or other land management activities, or approved hunts managed by the Florida Fish and Wildlife Conservation Commission.

(k) The mooring of any boat on District lands for more than 24 consecutive hours is prohibited, unless otherwise indicated by signage.

(l) The destruction, removal or alteration of any District-owned facilities, vehicles or other property is prohibited. District-owned property includes, but is not limited to, water control structures, boardwalks, kiosks and other

recreational facilities, scientific study plots, photo points, transect lines, survey markers, buildings, towers, recorders, gauges, signs, gates, fences and monuments.

(m) The use of firearms, archery equipment, animal traps, or other similar devices on District lands is prohibited unless specifically authorized for:

1. Hunting activities as authorized under paragraph 40B-9.131(3)(h), F.A.C., above;

2. District initiated land management activities; or

3. A use specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

The possession of firearms or other similar devices on District lands must comply with Chapter 790, Florida Statutes.

(n) The use of paintball guns, paintball markers, and any other paintball equipment on District lands is prohibited.

(o) The possession or discharge of any fireworks or explosives on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

(p) Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, paper signs, advertising devices, or informational matter of any kind, excluding District or management agency notices, on District lands is prohibited.

(q) Igniting any fire on District lands is prohibited except for District authorized prescribed burns or fires specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

(r) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

Any unauthorized facility or structure discovered on District lands shall be removed according to the following procedure:

1. Upon discovery of an unauthorized facility or structure, the District will post a notice on such facility or structure for a period of 14 days, informing the owner that such facility or structure is not authorized and that the owner must immediately remove such facility or structure.

2. If the owner of the unauthorized facility or structure fails to remove such facility or structure within 14 days after posting of the District notice, the District will remove such facility or structure from District lands or claim such facility or structure as District property.

The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

(s) Any use of District lands not authorized by Part II of this chapter is prohibited.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.141 Special Use Licenses.

(1) The public may apply for Special Use Licenses for public use and access, temporary ingress and egress and other purposes consistent with the Conceptual Management Plan, the approved Resource Management Plan or other Governing Board approved District policies. If the application is approved, then a Special Use License will be executed between the Applicant and District specifying the terms of the authorization. If the application is recommended for denial, a written notice will be sent to the applicant specifying the date and time of the public meeting when the Governing Board will consider the recommendation of a denial. The Governing Board shall then either grant the application with or without restrictions or deny the application and state the reason for denial.

(2) Any person receiving a denial may request a hearing by filing a written petition with the District within fourteen (14) days of the Governing Board's action. The hearing shall be conducted pursuant to Chapter 120, Florida Statutes.

(3) Members of the public who receive Special Use Licenses shall have the License in their possession while on the Lands. Failure to comply with the terms of the License is grounds for revocation and denial of future Licenses. Under Section 810.09, Florida Statutes, any person, who without being authorized or licensed, enters upon or remains in property as to which notice against entering or remaining has been given through communication commits the offense of trespass.

Specific Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed _____.

40B-9.1411 Special Use Authorizations.

(1) Persons may apply for Special Use Authorizations for public uses of District lands not specifically authorized in Part II of this chapter, the District's Public Use Guide, and Rule 40B-9.131, Florida Administrative Code, provided the impacts from the requested use are consistent with the District's Land Management Plan, and other applicable District policies. If the application is approved, a Special Use Authorization will be issued specifying the terms of the Authorization. If the application is denied, the applicant may appear before the District's Governing Board at a regularly scheduled meeting.

(2) Persons who receive Special Use Authorizations must have the authorization in their possession at all times while on District lands. Failure to comply with the terms of the authorization is grounds for revocation of the authorization and denial of future authorizations.

(3) To receive a Special Use Authorization, the applicant must provide reasonable assurance that the requested use:

(a) Is natural resource-based;

- (b) Will not permanently alter District lands;
- (c) Is consistent with the management of the District lands involved;
- (d) Will not harm the environmental or historical resources of the District lands;
- (e) Will not cause unreasonable expense to the District;
- (f) Will not create a substantial risk of liability to the District;
- (g) Will not harm any dam, impoundment, works, water control structures, roads, or District owned facilities or equipment;
- (h) Will not interfere with District leased, licensed, or authorized uses of the land; and
- (i) Will not interfere with any other use allowed by Part II of this chapter.

The District shall impose upon any Special Use Authorization issued pursuant to this Chapter such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this chapter.

(5) The Governing Board hereby delegates to the Executive Director, Deputy Executive Director and Senior Land Resources Manager, the authority to issue, deny or revoke Special Use Authorizations pursuant to this section.

(6) Any person may apply for a Special Use Authorization according to the following procedure:

(a) Submit an oral or written request addressing the reasonable assurances required by this section to Suwannee River Water Management District Land Acquisition and Management Department at (386)362-1001 or (800)226-1066 (Florida only) or 9225 County Road 49, Live Oak, FL 32060, or complete a pre-approved authorization obtained from a District kiosk on the property.

(b) If the requested use will create a substantial risk of liability to the District, the applicant may mitigate by:

1. Providing proof of liability and property damage insurance naming the District as an additional insured party in an amount sufficient to cover the cost of the liability posed to the District; or

2. Providing waivers or releases of liability sufficient to eliminate the liability posed to the District.

(c) The application shall be reviewed by the Land Acquisition and Management Department for compliance with the criteria listed in this section and a recommendation regarding the application forwarded to the Deputy Executive Director.

(d) If the requested use satisfies all of the criteria set forth in this section, authorized District staff shall issue the Special Use Authorization.

(e) If the requested use does not meet the criteria set forth in this section, authorized District staff shall deny the Special Use Authorization application.

(7) Authorized District staff shall revoke a Special Use Authorization if the person authorized does not obtain all other required federal, state, or local approvals or permits prior to the start of any District authorized use.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1359, 373.1391, 373.1401 FS. History–New _____.

40B-9.142 Easements.

(1) The granting of a license or easement for ingress and egress or other rights-of-way will be considered only when there exists a way of necessity as defined in Section 704.01 F.S., or it will benefit the general public.

(2) Where there is no associated clear way of necessity, the right requested must not conflict with the purposes for which the District lands were acquired. Prior to consideration, the following information must be submitted to the District:

(a) A map or aerial photograph at a scale of at least 1:24,000 showing the proposed route and, if applicable, an outline of the property to be benefited;

(b) A complete description of the route, including dimensions, and its intended use;

(c) A description of any practical alternative routes; and

(d) A copy of the deed by which the applicant acquired title to the property to be benefited, if applicable, and any evidence of a claim of right. If a right-of-way is granted, it shall be described and conveyed in the most limited form that meets the intended purpose.

(3) Easements may only be granted upon approval and execution by the Governing Board. The conveyance of any easement by the District shall require payment by the applicant of the fair market value as determined by any of the following:

(a) A real estate appraisal performed by a licensed real estate appraiser on the District’s approved list or by the District’s Staff Appraiser, or the fee value for bare land as documented in an acquisition appraisal and adjusted by an appropriate market index for the period since the District’s acquisition; and

(b) Payment of any reasonable administrative, survey, and legal costs.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.093, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.145 Leases.

(1) The District may grant a lease to use District land only when the purpose of the lease is consistent with the District’s land management plan and in compliance with the requirements of Section 373.093, F.S. The scope of any lease to use District land shall be restricted to the minimum necessary to conduct the proposed activity. The lease shall include such terms and conditions as are considered to be in the best interest of the District.

(2) A person may request to lease District land by contacting the Suwannee River Water Management District, Land Acquisition and Management Department at (386)362-1001 or (800)226-1066 (Florida only) or 9225 County Road 49, Live Oak, FL 32060.

(3) The Governing Board hereby delegates to the Executive Director the authority to enter into leases of District land where:

(a) The use of District land proposed under the lease is specifically included in a Governing Board approved land management plan;

(b) The total estimated lease revenue is less than \$100,000; and

(c) The period of the lease does not exceed five years. Staff may request Governing Board for approval any proposed lease when staff determines that entering into the lease will provide significant public benefit.

(4) When required by Section 373.093, F.S., the District shall publish notice of its intent to grant a lease of District land in a newspaper in the county in which the land is situated.

(5) Any District lease in existence prior to [effective date of rule] shall remain in effect until it expires by its own terms or is cancelled or revoked. Thereafter, the use authorized by the existing District lease shall be subject to this section.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.151 Closure of District Lands.

(1) District The L-lands shall be closed to the public when such action is necessary to protect the water resources, natural resources and/or historic cultural resources of the L-land. Such closure is not limited to, but may include those areas that are used for water resource development, water supply development or stormwater management projects, linear facilities, or sustainable agriculture or silviculture.

(2) General P-public use of District the L-lands is prohibited during events such as flooding, wildfire danger, timber harvesting, land management activities such as prescribed burns or construction, and or other events situations that are result in potentially dangerous conditions to the public or necessary to protect the property. The District shall provide notice to the public of such closures.

(3) District lands may be temporarily closed to the public use when necessary to conduct research, studies, or data collection approved or sponsored by the District. Temporary closure of District the L-lands will be posted at all entrances to the affected Lands.

(4) The Governing Board hereby delegates to the Executive Director the authority to close District lands in accordance with this section.

Specific Authority ~~373.016~~, 373.044, 373.083, 373.1391 ~~373.59~~ FS. Law Implemented 373.59 FS. History–New 4-1-93, Amended _____.

40B-9.161 Violations.

(1) Pursuant to Under Section 373.613, Florida Statutes, failure to comply with any the provisions of these rules is a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes.

(2) The penalties specified identified in these rules are in addition to and cumulative to and do not supersede other legal remedies penalties or options available to District including civil remedies.

Specific Authority 373.044, 373.613 FS. Law Implemented 373.59, 373.613 FS. History–New 4-1-93, Amended _____.

40B-9.320 Conflicting Rules.

If an agency has entered into lease agreement with the District regarding specific District lands, the rules of that agency shall apply where in conflict with these rules. If the lease agreement does not address a specific use, or if the agency does not have rules addressing a specific use, then the District’s rules shall apply. In the absence of a lease agreement or specific language in a lease agreement, the District’s rules shall apply.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.042	General Permit by Rule
40C-2.101	Publications Incorporated by Reference
40C-2.900	Forms and Instructions

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. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

40C-2.042 General Permit by Rule.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source to irrigate agricultural crops, nursery plants, cemeteries, golf courses, and recreational areas such as playgrounds, football, baseball, and soccer fields, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water used is limited to only that necessary for efficient utilization. Such water use shall be subject to the following exceptions:

(a) Irrigation using a micro-spray, micro-jet, or drip, or bubbler irrigation system is allowed anytime.

(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary

source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.

(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(b) through (k) renumbered (d) through (m) No change.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water ~~from any source~~ for landscape irrigation, provided landscape irrigation occurs in accordance with the provisions of subsection 40C-2.042(2), F.A.C., and provided the amount of water used is limited to only that necessary for efficient utilization. For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way, but it does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields. For the purpose of this rule, the terms "residential landscape irrigation" and "non-residential landscape irrigation" are defined in this paragraph (a) as follows. "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way. For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

1. When Daylight Savings Time is in effect, ~~from the second Sunday in March through the first Sunday in November,~~ landscape irrigation will occur in accordance with the following irrigation schedule:

a. through d. No change.

2. When Eastern Standard Time is in effect, ~~from the first Sunday in November to the second Sunday in March,~~ landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. through d. No change.

3.a. Irrigation using a micro-spray, micro-jet, ~~or drip, or bubbler~~ irrigation system is allowed anytime at any time of day on any day.

b. through f. No change.

4. ~~Although the use of reclaimed water for landscape irrigation is subject to the irrigation schedules set forth in subparagraphs 40C-2.042(2)(a)1. and 2., F.A.C., in those limited conditions described in this subparagraph 4., a person is authorized to irrigate landscape with reclaimed water on more than the 2 days specified in the schedule for Daylight Savings Time and on more than the 1 day specified in the schedule for Eastern Standard Time. This additional authorization is provided under certain conditions because some reclaimed water providers cannot feasibly operate their wastewater disposal systems currently unless they provide reclaimed water to their customers for use on a more continuous basis than what would occur under the day limitations in these irrigation schedules. Those persons who receive written notification from their reclaimed water provider that this condition exists are authorized to irrigate landscape with reclaimed water on those additional days specified in the notification. The additional authorization shall cease upon written notification that this condition no longer exists. During the period in which additional days of irrigation are authorized, the irrigation prohibition between 10:00 a.m. and 4:00 p.m., the irrigation volume limitation, and the 1 hour per zone limitation in the irrigation schedules shall continue to apply.~~

4.6- When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under subsection 40C-2.042(2), F.A.C. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of service connection at the property boundary or on the property.

5.7- Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

6. The use of water from a reclaimed water system is allowed anytime. For the purpose of this subparagraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

7. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(b) No change.

(c) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur in a manner other than that authorized in subsection 40C-2.042(2), F.A.C., may submit an application for a Standard General Consumptive Use Permit pursuant to Chapter 40C-20, F.A.C., using form 40C-2-1082-2, pursuant to Chapter 40C-20, F.A.C. Standard General Consumptive Use Permit for Landscape Irrigation, form number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference. This permit application is limited to including no more than 25 nearby properties within a common plan of development. If a development consists of more than one phase or section, the 25 properties must be located within a single phase or section. A person seeking authorization to irrigate more than 1 additional day than that authorized by subsection 40C-2.042(2), F.A.C., must apply for a Standard General Consumptive Use Permit pursuant to Chapter 40C-20, F.A.C., using form 40C-2-1082-1.

(3) through (7) No change.

(8) The Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraph 40C-2.041(1)(a)-(c), F.A.C. This permit is subject to all the provisions in paragraph 40C-2.042(2)(a), F.A.C. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under this subsection. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of service connection at the property boundary or on the property.

Specific Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 373.019(6), 373.109, 373.118, 373.219, 373.223, 373.250, 373.609, 373.62 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06, 3-8-09, _____.

40C-2.101 Publications Incorporated by Reference.

(1) through (2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

40C-2.900 Forms and Instructions.

(1) No change.

~~(2) Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week, form number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference.~~

(3) through (4) renumbered (2) through (3) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

RULE TITLE:

59G-5.020

Provider Requirements

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. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule incorporates by reference the Florida Medicaid Provider General Handbook, July 2008. The following revisions were made to the handbook.

Page 1-19 Managed Care Mandatory Assignment. We added the citations Sec. 1932. [42 U.S.C. ss.1369u-2](a)(2)(A)(iv) and (v) of the Social Security Act, which exempt foster care children and children in subsidized adoption arrangements from enrolling with a managed care provider.

Page 2-8 Enrollment on the Medicaid Fiscal Agent’s Web Portal. We corrected the Medicaid fiscal agent’s web portal address to read, “<http://mymedicaid-florida.com>.”

Page 2-23 Criminal History Check Exemption for Corporations. We deleted the policy permitting registered agents to submit their fingerprints instead of the corporation’s principles.

Page 2-30 Durable Medical Equipment Providers and Durable Medical Equipment Provider Surety Bond Exemptions. We added, “In accordance with Section 409.908(48)(b), F.S., effective January 1, 2009,” to the beginning of the first sentence.

Page 2-47 The Change of Ownership Process. We added to the beginning of the first sentence, second bullet, “At least sixty (60) days before the anticipated date of the change of ownership.” Also we changed “must” to “shall.” We revised the last sentence in bullet 4 to read, “Medicaid Provider Enrollment may make exceptions on a case-by-case basis in order to ensure that recipients have continuity of care, pursuant to Sections 409.907(9)(a) and 409.907(11), F.S.”

Page 3-17 CF-ES Form 2681. We deleted the reference to the Sep 2000 version on the form, because that version is now obsolete.

Page 3-19 CF-ES Form 2014. We deleted the reference to the Sep 2001 version on the form, because that version is now obsolete.

Page 4-10 How to Determine Medicaid’s Fee. We corrected the Medicaid fiscal agent’s web address.

Page 5-2 Reporting Suspected Abuse or to File a Complaint. After the web address, we added instructions to “Click on the link ‘Report Medicaid Abuse and Overpayment.’”

Page 5-4 Administrative Sanctions. We revised the section to read, “AHCA shall impose sanctions on providers in accordance with Section 409.913, F.S. and Rule 59G-9.070, F.A.C. Sanctions include the following: suspension from participation in the Medicaid Program; termination from participation in the Medicaid Program; imposition of fines; imposition of liens against provider assets; prepayment reviews of claims; comprehensive follow-up reviews; and corrective-action plans.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE
59G-8.500	Cause of Disenrollment from Health Plans

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. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee and during the public hearing process.

We changed the title of the rule to read, “Good Cause for Disenrollment from Health Plans.”

59G-8.500(1). We added the following definition for “no change period” to the rule, “The no change period is defined as the period of time during which a recipient cannot change plans without a good cause reason in accordance with 42 CFR 438.56(c).”

59G-8.500(2). We deleted “for” from the title so it reads, “Good Cause Reasons.”

59G-8.500(2)(a). We revised the paragraph to read, “The recipient moves out of the county, or the recipient’s address is incorrect and the recipient does not live in a county, where the health plan is authorized to provide services.”

59G-8.500(2)(b). We combined former rule paragraph (b), “The health care provider is no longer with the health plan,” with former rule paragraph (f), now paragraph (e). The revised paragraph (e) now reads, “The recipient has an active relationship with a health care provider who is not on the health plan’s network, but is in the network of another health plan; or the health care provider with whom the recipient has an active relationship is no longer with the health plan.”

Former paragraph 59G-8.500(2)(c) was renumbered (b).

Former paragraph 59G-8.500(2)(d) now (c). We revised the paragraph to read, “A marketing violation occurred with the individual recipient that is substantiated by the Agency for Health Care Administration, Bureau of Managed Health Care. The recipient must submit the allegation in writing to the Bureau of Managed Care, 2727 Mahan Drive, M.S. 26, Tallahassee, FL, 32308.”

Former paragraph 59G-8.500(2)(e) was renumbered (d).

Former paragraph 59G-8.500(2)(f) was renumbered (e).

Former paragraph 59G-8.500(2)(g) was renumbered (f).

Former paragraph 59G-8.500(2)(h) was renumbered (g).

Former paragraph 59G-8.500(2)(i) was renumbered (h).

Former paragraph 59G-8.500(2)(j) was renumbered (i).

Former paragraph 59G-8.500(2)(k) now (j). For clarification, we deleted the reference to 42 CFR 438.56(d)(2) and itemized each of the allowable good cause reasons in the rule. The paragraph now reads, “Poor quality of care;”

59G-8.500(2)(k) was revised to read, “Lack of access to services covered under the contract, including lack of access to medically-necessary specialty services;”

59G-8.500(2)(l) was revised to read, “The health plan makes inordinate or inappropriate changes of the recipient’s primary care provider (PCP);”

59G-8.500(2)(m) was revised to read, “An unreasonable delay or denial of service;”

We added paragraph 59G-8.500(2)(n), which reads, “Service access impairments due to significant changes in the geographic location of services;”

We added paragraph 59G-8.500(2)(o), which reads, “There is a lack of access to health plan providers experienced in dealing with the recipient’s health care needs; and”

We added 59G-8.500(2)(p), which reads, “Fraudulent enrollment.”

Former paragraph 59G-8.500(2)(l) was renumbered (q).

Former paragraph 59G-8.500(2)(m) was renumbered (r).

59G-8.500(3)(a)(b). We deleted these paragraphs, because the purpose of the rule is state good cause reasons.

Former paragraph 59G8.500(4) now (3). We rewrote this paragraph to read, “The Agency’s vendors shall mail a Disenrollment Denial Letter, AHCA/HSD Form #1, Eng., January 2009; Spanish version, AHCA/HSD Form #1Sp., January 2009; or Creole version, AHCA/HSD, Form #1C., January 2009, incorporated by reference, to recipients whose requests to disenroll from plans during the no change period are denied.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-21.005	Payment of Claims

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 7, February 15, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-620.100 Scope/Applicability/References
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. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

In addition to the below rule amendments, the department has made the following additional changes to the DEP Form 62-620.910(17): The DEP Form is now incorporated by reference in subparagraph 62-620.100(2)(o)1.b., F.A.C., and also includes the website address for submission of an electronic certification.

62-620.100 Scope/Applicability/References.

(1) through (2)(n) No change.

(o) Conditional exclusion for "no exposure" of industrial activities and materials to stormwater. Discharges composed entirely of stormwater are not stormwater discharges associated with industrial activity if there is "no exposure" of industrial materials and activities to precipitation and/or runoff, and the discharger satisfies the conditions in subparagraphs (o)1. through (o)3. of this section. "No exposure" means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

1. Qualification. To qualify for this exclusion, the operator of the discharge must:

a. Provide a storm resistant shelter to protect industrial materials and activities from exposure to precipitation and runoff;

b. Submit to the Department a completed and signed Form 62-620.910(17), entitled "No Exposure Certification for Exclusion from NPDES Stormwater Permitting," effective _____, incorporated by reference and made part of this

chapter, certifying that there are no discharges of stormwater contaminated by exposure to industrial materials and activities from the entire facility, except as provided in subparagraph (o)2. of this section. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website. The completed and signed Form 62-620.910(17), and certification fee as required by subparagraph 62-4.050(4)(d)3., F.A.C., must be submitted either by mail to: Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; or electronically using the Department's Interactive Notice of Intent (iNOI) at <http://www.dep.state.fl.us/water/stormwater/npdes/>;

c. Renew the certification every 5 years on or before the expiration of each 5 year interval by filing a new completed and signed Form 62-620.910(17) effective _____, and certification fee as required by subparagraph 62-4.050(4)(d)3., F.A.C., either by mail to the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or electronically using the Department's Interactive Notice of Intent (iNOI) at <http://www.dep.state.fl.us/water/stormwater/npdes/>;

d. Allow the Department or its agents to inspect the facility to determine compliance with the "no exposure" conditions; and

e. For facilities that discharge through a Municipal Separate Storm Sewer System (MS4), submit a copy of the certification of "no exposure" to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.

2. Industrial materials and activities not requiring storm resistant shelter. To qualify for this exclusion, storm resistant shelter is not required for:

a. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak ("Sealed" means banded or otherwise secured and without operational taps or valves);

b. Adequately maintained vehicles used in material handling; and

c. Final products, other than products that would be mobilized in stormwater discharge (e.g., rock salt).

3. Limitations. This conditional exclusion from stormwater permitting under this chapter and/or Chapter 62-621, F.A.C., is not available:

a. For stormwater discharges from construction activities;

b. For individual outfalls. The exclusion is available on a facility-wide basis only;

c. If circumstances change and industrial materials or activities become exposed to precipitation and/or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement for un-permitted

discharge. Any conditionally excluded discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances; and

d. Notwithstanding the provisions of this paragraph, the Department retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes or contributes to the violation of an applicable water quality standard, including designated uses.

(3) through (4) No change.

Specific Authority 403.061, 403.087, 403.0885 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 3-2-00, 10-22-00, 10-23-00, 6-1-01, 8-25-03, 12-8-03, 12-23-04, 2-7-06, 3-13-06, 6-19-06, 7-10-06, 10-16-07, 11-28-07,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.2031
RULE TITLE: Licensure by Examination; Foreign Pharmacy Graduates
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. 34, No. 36, September 5, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall now read as follows:

(1) Submit an application for licensure by examination on board approved form DOH/MQA/PH100 (Rev.07/08), Foreign Graduate Pharmacist Examination Application and Instructions, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

2. Subsection (3) shall now read as follows:

(3) For applications received at the Board of Pharmacy on or before June 30, 2009, the applicant must:

(a) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(b) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version and by passing the Test of Spoken English (TSE) with a score of 45 on the recalibrated TSE; or

(c) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with a scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

3. Subsection (4) shall now read as follows:

(4) For applications received at the Board of Pharmacy on or after July 1, 2009, the applicant must:

(a) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission;

(b) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 550 for the pencil and paper test or 213 for the computer version and by passing the Test of Spoken English (TSE) with a score of 50 on the recalibrated TSE; or

(c) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with a scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

4. Subsection (5) shall now read as follows:

(5) Complete 2080 hours of supervised work activity, of which a minimum of 500 hours must be completed within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of supervised work activity shall be approved for any applicant until said applicant has obtained the specified passing scores on the TOEFL or the TOEFL ibt.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.036	Determination of Moral Character
69A-37.039	Prescribed Forms for Training and Certification
69A-37.054	Out of State Training – Certificate of Compliance; Special Certificate of Compliance
69A-37.055	Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters
69A-37.056	Specifications for Certifiable Training
69A-37.058	Verification of Prescribed Training Hours

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. 34, No. 34, August 22, 2008 issue of the Florida Administrative Weekly.

The Notice of Change is published in accordance with subparagraph 120.54(3)(d)1., Florida Statutes.

69A-37.036 Determination of Moral Character.

(1) Applicants for a Certificate of Compliance as a firefighter shall submit fingerprints for the purpose of conducting a criminal background check. Determination of good moral character is required prior to certification as a firefighter pursuant to Sections 633.34(3)(4) and 633.35(2), F.S.

(2) The Bureau of Fire Standards and Training shall consider the results of the fingerprint procedure outlined in Section 633.34(3)(4) F.S., in making a determination as to the applicant's good moral character, and shall not certify anyone not meeting the conditions of Section 633.34, F.S.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(3)(4), 633.35(2), 633.45(2)(a) FS. History–New 9-7-81, Formerly 4A-37.04, 4A-37.36, Amended 11-26-85, 1-3-90, 3-20-95, 12-10-01, Formerly 4A-37.036, Amended _____.

69A-37.039 Prescribed Forms for Training and Certification.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.046, 633.34, 633.35, 633.38, 633.45, 633.101(1) FS. History–New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Amended 9-13-98, 12-10-01, Formerly 4A-37.039.

69A-37.054 Out of State Training – Certificate of Compliance; Special Certificate of Compliance.

(1) Certificate of Compliance.

(b) The Bureau shall issue a certificate of compliance to any qualified person who:

1. successfully passes the written and practical examination as required by Rule 69A-37.056, F.A.C. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College;

~~2. Passes the examination;~~

~~2.3.~~ Meets the other requirements of Section 633.35(2), F.S.; and

~~3.4.~~ Complies with the requirements of this section.

(2) Special Certificate of Compliance.

(b) Any person making application for a special certificate of compliance as the designated Administrative and Command Head of an organization must successfully pass the written examinations, submit all the documents, and meet all the requirements of this subsection, with the exception of the completion of the practical portion of the examination and the requirement of Rule

2. Complete a course of instruction of at least six hours presented by the Bureau which shall include:

c. The State Emergency Response Plan, and Florida Field Operations Guide, ~~and related documents and plans;~~

69A-37.055 Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) No change.

(2) Curriculum requirements. The Bureau will develop and maintain an objective-based curriculum addressing the topics contained in this subsection. Such curriculum shall be available electronically through the Division of State Fire Marshal's website and by email upon request. The curriculum will list each topic area, the required hours, and the objectives. The curriculum will be maintained by the Bureau.

(a) Part I of the curriculum, consisting of 206 hours of knowledge and skill-based training, will include:

1. through 2. No change.

3. Incident Command ~~Federal Requirements for Part I.~~

~~a. National Incident Management System – NIMS 100 Self Study.~~

~~b. National Incident Management System – NIMS IS-700 Self Study.~~

4. Wildland Fire Fighting Florida-Specific Requirements.

~~a. Florida Incident Field Operations Guide (FOG).~~

~~5.b.~~ Fire Department Terminology.

~~e.~~ Apparatus and Company Familiarization.

~~6.d.~~ Emergency Driving, Sections 316.126 and 316.2398, F.S.

~~7.e.~~ Rule Chapter 69A-37, F.A.C.

~~f. Florida Division of Forestry NWCG S-190, Introduction to Wildland Fire Behavior.~~

~~g. Florida Division of Forestry NWCG S-130 Wildland Firefighter Training.~~

~~8.h.~~ Physical Fitness Education.

~~9.i.~~ Physical Fitness Training.

~~10.j.~~ EMS First Responder – Current Certification as an emergency medical technician or paramedic, or successful completion of a USDOT first responder course will substitute for this area. Documentation of current certification or completion shall be submitted prior to completion of this curriculum.

~~11.k.~~ Florida State Emergency Response Committee Awareness and operational Level Hazardous Materials.

~~1.~~ Florida State Emergency Response Committee Operations Level Hazardous Materials.

~~12.m.~~ Examinations: each portion of the outline shall be the subject of both a written and a performance test to obtain the best measure of learning.

~~13.n.~~ Course Review.

(b) Part II of the curriculum, consisting of 192 hours of knowledge and skill-based training, which together with Part I totals 398 hours, will include:

1. No change.
2. Florida Specific Requirements
 - a. through c. No change.
 - d. ~~Florida Fire Chiefs~~ Statewide Emergency Response ~~Plan~~
 - e. through m. No change.

69A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the Bureau, training shall be obtained under the conditions specified herein. Satisfactory completion of the prescribed training, instruction, and standards in accordance with these specifications shall be certified by a designated instructor or member of the Bureau staff.

(1) Part I curriculum set forth in subsection 69A-37.055(2), F.A.C., taught independent of Part II curriculum set forth in paragraph 69A-37.055(2)(b), F.A.C., may be conducted through fire departments or facilities other than approved training centers, but must be compliant to or have access to all facilities, equipment, and instructors required for the delivery of the curriculum, in accordance with Rule 69A-37.060, F.A.C. Curriculum set forth in paragraph 69A-37.055(2)(a) and (b), F.A.C., taught as the Minimum Standards Course shall be taught at a facility approved pursuant to Rule 69A-37.060, F.A.C. Alternative delivery techniques including mentoring and/or blended learning (traditional classroom with computer based training must be approved by the Bureau and provide for verified complete compliance to the skill and knowledge objectives.

(6) ~~The knowledge and/or skill of~~ Each subject area within the Minimum Standards Course will be tested to validate the acquisition and application of relevant ~~such~~ knowledge and skill. All subject area and final tests, both written and practical, given during the Minimum Standards Course shall require maintenance of a percentage score of not less than 70% on each subject listed in the Minimum Standards Course. If a minimum score of 70% is not achieved on any test, the student shall be afforded a one-time make up examination to achieve the required 70%. Students not in compliance with the minimum score requirement shall be dropped from the course.

69A-37.058 Verification of Prescribed Training Hours.

(1) through (2) No change.

~~(3) Form DFS-K4-1028 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~(3)(4)~~ Proposed effective date January 1, 2009.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-138.005
 RULE TITLE: Examination of Insurers
 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. 34, No. 40, October 3, 2008 issue of the Florida Administrative Weekly.

69O-138.005(4)

(4) Section 624.316(2)(e), Florida Statutes, allows the Office to conduct examinations of an insurer by contracting for ~~with the consent of the insurer utilizing~~ the services of an independent Certified Public Accountant, an actuary, ~~or~~ a reinsurance specialist, an investment specialist, information technology specialist, or any combination of these individuals, as the particular circumstances of the examination require. An examination performed pursuant to this subsection must meet the requirements of subsection (1).

(a) ~~An~~ For purposes of this subsection, an actuary meeting the criteria established in Rule 69O-138.043 or 69O-170.031, F.A.C., will qualify to conduct an examination under this subsection.

(b)1. ~~A~~ For purposes of this subsection, a reinsurance specialist shall be qualified to conduct an examination under this subsection if that contractor person can demonstrate competency by education and experience to perform such an examination. Competency by education and experience shall be demonstrated if any one of the following is true:

a. An individual qualifies as an actuary pursuant to either Rule 69O-138.043 or 69O-170.031, F.A.C., and has at least one years' experience with the kind of reinsurance which will be the subject of the examination.

b. An individual has a bachelor's degree from an accredited college or university and four years of professional experience in insurance/reinsurance accounting or in reinsurance transactions. A master's degree from an accredited college or university in accounting, insurance, or risk management can substitute for one year of the required experience. Professional experience as described above can substitute on a year-for-year basis for the required education.

c. An individual is in good standing with the Society of Financial Examiners and is certified by that organization to be eligible to hold the title of Certified Financial Examiner.

2. In selecting a person as a reinsurance specialist the Office shall consider the individual's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed. This consideration shall include the individual's experience with the kind of insurance which is the subject of the examination; knowledge of accounting principles, practices and procedures; ability to prepare financial statements to reflect the reinsurance transactions; ability to provide professional and technical assistance;

understanding of risk transfer as defined in the NAIC Examiners Handbook and the NAIC Accounting Practices and Procedures and Annual Statement Instruction Manuals, as adopted in Rule 69O-137.001, F.A.C.; and the ability to evaluate claims experience, both reported and incurred but not reported, relevant to the type of insurance which is the subject of the examination.

~~(c) Regardless of education or experience, no independent certified public accountant, or actuary, or reinsurance specialist shall be qualified to conduct examinations under this subsection if such person:~~

~~1. Has been found guilty of, or has pleaded guilty or nolo contendere to, any felony or crime punishable by imprisonment of one year or more under the law of the United States or any state thereof or under the law of any other country, which involves moral turpitude, without regard to whether a judgement of conviction has been entered by the court having jurisdiction in such case; or~~

~~2. Has been found to have violated the insurance laws of this state with respect to any previous reports submitted to this Office; or~~

~~3. Has failed to detect or disclose material information in previous reports filed with this Office or other state officials having jurisdiction or regulatory authority in insurance matters or another state; or~~

~~4. Has performed any work for a regulated entity who has had delinquency proceedings initiated against it within three years after said work was performed without adequate explanation to the Office of how such work was not related to the cause of the delinquency proceedings; or~~

~~5. Is prohibited under Section 624.310, Florida Statutes, from engaging in insurance related activities in this state.~~

(c)1. An investment specialist shall be qualified to conduct an examination under this subsection if that contractor can demonstrate competency by education and experience to perform such an examination in that capacity. Competency by education and experience shall be demonstrated if any one of the following is true:

a. An individual has a bachelor's degree from an accredited college or university and four years of professional experience in the capacity for which the contractor is to perform. A master's degree from an accredited college or university in accounting, or finance can substitute for one year of the required experience. Professional experience as described above can substitute on a year-for-year basis for the required education.

b. An individual is in good standing with the Society of Financial Examiners and is certified by that organization to be eligible to hold the title of Certified Financial Examiner.

2. In selecting a person as an investment specialist the Office shall consider the individual's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed.

~~(d) The agreement of the insurer to perform an examination under this subsection is not required if the Office reasonably suspects criminal misconduct on the part of the insurer.~~

(d)1. An information technology specialist shall be qualified to conduct an examination under this subsection if that contractor can demonstrate competency by education and experience to perform such an examination in that capacity. Competency by education and experience shall be demonstrated if the individual has a bachelor's degree from an accredited college or university and four years of professional experience in the capacity for which the contractor is to perform. A master's degree from an accredited college or university in information technology or a similar field can substitute for one year of the required experience. Professional experience as described above can substitute on a year-for-year basis for the required education.

2. In selecting a person as an information technology specialist the Office shall consider the individual's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed.

~~(e)1. In the event that the Office and the insurer agree to conduct an examination utilizing the services of an independent Certified Public Accountant, an actuary, or a reinsurance specialist, or any combination of these, the Office shall submit a list of three firms in each of the specialties required by the particular circumstances of the examination to be performed (the term "firm" shall also include individuals) acceptable to the Office, from which the insurer shall select the firm or firms to conduct the examination.~~

~~2. The acceptability of a firm to the Office shall be determined based on consideration of the firm's professional competence, objectivity, and cost.~~

~~3. Consent of the insurer shall be demonstrated by written confirmation from an officer of that insurer which indicates agreement that an examination be performed by the firm, and acknowledgement that the firm is acceptable to the insurer.~~

~~4. All payments for an examination under this subsection shall be made directly to the firm in accordance with the rates and terms agreed to by the Office, the insurer, and the firm performing the examination.~~

(e) The firm selected by the office to perform the examination shall have no conflicts of interest that might affect its ability to independently perform its responsibilities on the examination.

(f) The rates charged to the insurer being examined under the contract shall be consistent with rates charged by other firms in a similar profession and shall be comparable with the rates charged for comparable examinations. The rates and terms shall be set forth in the contract. In the event that the examination is conducted without the consent of the insurer, pursuant to Section 624.316(2)(e), Florida Statutes, the insurer must pay all reasonable charges of the examining firm if the

~~examination finds impairment, insolvency (as that term is defined in Section 631.011, Florida Statutes), or criminal misconduct on the part of the insurer. In the event that the examination is conducted without the consent of the insurer and no impairment, insolvency, or criminal misconduct is found, then all reasonable charges of the examining firm shall be borne by the Office.~~

(g) Contractors may submit a curriculum vitae detailing their experience and qualifying credentials to the Office, as well as a proposed hourly rate for services to be performed. The acceptability of a contractor to the Office shall be determined based on consideration of the firm's professional competence, objectivity, and that the rates charged are consistent with rates charged by other firms in a similar profession providing comparable services. Once a contractor has been accepted by the Office, they will be placed on a list of eligible examination contractors.

(h) In selecting contractors to conduct a specific examination, the Office shall consider the contractor's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed. This consideration shall include the contractor's experience with the kind of insurance which is the subject of the examination.

(i) After a contractor has been selected for a specific examination the Office shall enter into a contract with the contractor, detailing the scope of work for the engagement. The contract shall include a provision that the contractor has no conflict of interest that might affect its ability to independently perform its responsibilities.

(j) The contractor shall submit all requests for payment to the Office on a form prescribed by the contract.

(k) Upon receipt and review of the contractor's request for payment, the Office will invoice the insurer being examined and the insurer shall make payment to the Office pursuant to Section 624.316(2)(e)3., Florida Statutes and Section 624.320(2), Florida Statutes.

(l) Upon receipt of the payment from the insurer being examined, the Office will make payment to the contractor.

(m) Forms OIR-A1-1976, Professional Services Agreement for Non Employee Examination; OIR-A1-1977, Scope of Services Addendum to Professional Services Agreement for Non Employee Examination; and OIR-A1-1978, Amendment to Scope of Services Addendum, are incorporated and adopted herein as the contracts by which the contractors are retained.

(5) Section 624.316(2)(f)1., Florida Statutes, requires the examination of a domestic insurer once each year for any domestic insurer that has continuously held a Certificate of Authority for less than 3 years. For purposes of an examination under this subsection, the 3 years shall constitute the time period from the date the Certificate of Authority is granted through the following 3 full calendar years in which the insurer has been licensed. The examination must cover the preceding

fiscal year or the time period since the last examination. An insurer may not be required to pay more than \$25,000 to cover the costs of any one examination under this subsection, nor may an independent certified public accountant's audited report be substituted for the required examination.

(6) Section 624.320, Florida Statutes, requires each insurer examined by the Office, pursuant to Section 624.316, Florida Statutes, to pay the Office for the expenses of that examination, subject to the cap imposed by Section 624.316(2)(f)1.e., Florida Statutes.

(7) Pursuant to Section 624.316(2)(f)2., Florida Statutes, the Office may extend the examination period to a maximum of once every 5 years. If an insurer petitions the Office, prior to November 1 of the year preceding the year in which the examination is due, to extend an examination from a 3 year time period to 5 years, the Office will grant such an extension if the insurer affirmatively demonstrates the following: that the insurer has continuously held a Certificate of Authority without a change in ownership subject to Section 624.4245 or 628.461, Florida Statutes, for more than 15 years, and has demonstrated sufficient compliance, pursuant to Section 624.316(2)(f)3., Florida Statutes, for each of the years since the last examination. Petitions shall be directed to Property and Casualty Financial Oversight or Life and Health Financial Oversight, as appropriate for that insurer. An extension granted as a result of a petition to the Office will be effective for that examination period only and will have no effect on the schedule of subsequent examinations. Extensions granted shall not be construed as a waiver of the Office's authority under Section 624.316, Florida Statutes, to conduct specific target examinations as often as the Office determines is reasonable under the facts and circumstances of a particular insurer's situation.

Specific Authority 624.308(1), 624.316(2) FS. Law Implemented 624.307(1), 624.316, 624.3161, 624.320, 624.321(1), 624.424 FS. History—New 6-9-93, Amended 11-23-94, 4-4-99, Formerly 4-138.005, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-204.010	Purpose and Scope
69O-204.020	Definitions
69O-204.030	Forms Incorporated By Reference
69O-204.040	Prohibited Practices
69O-204.050	Anti-fraud

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. 34, No. 39, September 26, 2008 issue of the Florida Administrative Weekly.

VIATICAL SETTLEMENT PROVIDERS

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History–New _____.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or viaticated certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New _____.

69O-204.030 Forms Incorporated By Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 11/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office’s website, <http://www.flor.com>, by clicking on “search” and entering the form number.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <https://portal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New _____.

69O-204.040 Prohibited Practices and Conflicts of Interest.

With respect to any viatical settlement contract or insurance policy, no viatical settlement provider knowingly may enter into a viatical settlement contract with a viator, if, in connection with such viatical settlement contract, anything of value will be paid to a viatical settlement broker that is controlling, controlled by, or under common control with such viatical settlement provider, financing entity or related provider trust that is involved in such viatical settlement contract.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New _____.

69O-204.050 Anti-Fraud.

Every licensed viatica settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History–New _____.

**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**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the State Board of Administration of Florida has issued an order.

A Petition for Emergency Waiver or Variance was filed on November 12, 2008, by Tower Hill Insurance Group, LLC on behalf of five of its managed companies. The Notice of Petition for Emergency Waiver or Variance was published in Vol. 34, No. 48, of the November 26, 2008, Florida Administrative Weekly. Petitioner sought an emergency waiver or variance from the premium formula and rates incorporated into Rule 19-8.028, F.A.C. The Denial of the Petition makes a finding that Petitioner failed to establish that the purpose of the underlying statute, Section 215.555, Florida Statutes, would be met by granting a variance or waiver from Rule 19-8.028, F.A.C. The State Board of Administration further found that Petitioner failed to establish that applying the aforementioned Rule would violate principles of fairness or would impose substantial hardship.

A copy of the order may be obtained by contacting: Tina Joanos, Agency Clerk, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on November 12, 2008, the St. Johns River Water Management District's Governing Board has issued an order to grant a variance under Section 120.542, F.S. (SJRWMD FOR #2008-90), to Brevard County, Florida (Petitioner). The Petition for Variance was received by SJRWMD on September 3, 2008. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 34, No. 41 on October 10, 2008. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on December 2, 2008, the South Florida Water Management District (SFWMD) Governing Board has issued an order.

Order No. 2008-532-DAO-ROW grants a waiver under Section 120.542, F.S., to William and Sandra Schmitt. The petition for waiver was received by the SFWMD on October 1, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 42, on October 17, 2008. No public comment was received. This Order provides a waiver of the District's criteria to allow eight existing palm trees to remain within the north right of way of the C-51 Canal at the rear of 184 Arlington Road; Section 15, Township 44 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent William and Sandra Schmitt from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 12, 2008, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, received a petition for waiver of Florida Administrative Code Rule 61A-2.014, F.A.C., from Tavistock Restaurants II, LLC. Petitioner Tavistock Restaurants II, LLC requests a waiver of subsection 61A-2.014(6), Florida Administrative Code, which requires all directors or officers of a corporation with an interest in an alcoholic beverage license to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has

been issued. Petitioner does not qualify as any of the three exceptions also created by Florida Administrative Code Rule 61A-2.014, F.A.C., but requests the waiver of application of the rule to the directors and officers of both the guarantor of Petitioner's lease for Petitioner's initial Florida venue, Lake Nona Property Holdings, LLC, and to the guarantor's managing member, Tavistock Corporation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT on December 8, 2008, the Board of Accountancy, received a petition for Robert Bates, seeking a variance from Rule 61H1-33.0031, F.A.C., which requires that a licensee complete four hours of Board-approved ethics continuing professional education in a reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on November 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 12, 2008, by Sean M. Lord. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 14, of the April 4, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours. The Board considered the instant Petition at a duly-noticed public meeting, held June 11, 2008, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statutes, Sections 473.312 and 473.313, F.S., would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Department of Environmental Protection, received a petition for a variance under Section 120.542, Florida Statutes, from Theresa Connor, Executive Director, Sarasota County, to obtain a variance or waiver from the provisions of Rule 62C-39.008, Florida Administrative Code, that require the water body shorelines of a reclaimed mine to meet minimum slope requirements, provide for naturally fluctuating water levels, and require revegetation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Howard Hayes, Florida Department of Environmental Protection, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217. Any written comments regarding the petition must be submitted to the Department at the above address no later than fourteen days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on December 11, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

This gives notice of a denial for variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Sarasota County Board of County Commissioners, 2817 Cattlemen Road, Sarasota, FL 34232, (File No. 0241136-002-EV) to allow an expanded turbidity mixing zone of 1,500 meters down current and 350 meters offshore for the Siesta Key beach placement site and the Sediment Containment Area, in Class III Waters of the Gulf of Mexico. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 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): 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 issuance. 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 the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. In accordance with subsection 28-106.111(2) and paragraph 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 material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed. This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department. This intent to deny 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, 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.

A copy of the Order may be obtained by contacting: Lainie Edwards by email at Lainie.Edwards@dep.state.fl.us or by phone at (850)414-7796 or also by mail at 3900 Commonwealth Blvd., Mail Station 300, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on December 16, 2008, the Department of Environmental Protection, received a petition for an emergency temporary variance from WRS Infrastructure and Environment Inc., on behalf of the Florida Department of Transportation, to allow discharge of ground water containing elevated levels of iron exceeding the ground water standard of 0.3 mg/L in Rule 62-520.420, F.A.C. The alternative iron level requested is 0.86 mg/L. The project is part of the construction of the Miami Intermodal Center near the Miami International Airport in Miami-Dade County. The Department has assigned OGC Case No.: 08-2905 to the petition.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cynthia Christen, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, (850)245-2230. Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a petition, filed on November 5, 2008, by Edwin A. Bayo, Esq. on behalf of Marcie Berger, D.M.D., seeking a waiver or variance of paragraph 64B5-14.005(2)(b), F.A.C., with respect to the following licensure requirement: that each applicant for any type of anesthesia permit provide documentation of actual clinical administration of anesthetics to 20 patients within 2 years prior to application of the particular type of anesthetics for the permit applied for.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a petition, filed on December 3, 2008, by Maria Del Rosario Blanco, DDS, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a petition, filed on December 4, 2008, by Madelene M. Trujillo, DDS, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a petition, filed on November 11, 2008, by Viviana Lea Waich, DDS, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

Notice is hereby given that on November 19, 2008, the Board of Medicine received a petition filed by German Alvarez, M.D., seeking a waiver or variance from Rule 64B8-4.018, F.A.C., with regard to the core clerkship rotations. 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.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Board of Medicine received a petition filed on behalf of Gangaram Ragi, M.D., seeking a waiver or variance from Rule 64B8-8.018, F.A.C., with regard to the rule provision which prohibits physicians with discipline on his license from voluntarily relinquishing said license without the relinquishment being deemed a disciplinary action.

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.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on December 16, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.010(6)(a), Florida Administrative Code, from Hidden Grove, Ltd., ("Petition"). The Petition is seeking a waiver of the rule that requires that a financial statement be submitted for 2006.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at

www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on December 17, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.0072(4)(c), Florida Administrative Code, from Malabar Cove, LLLP, (“Petition”). The Petition is seeking a waiver of the requirement to pay a non-refundable extension fee.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.0075(7)(a), Florida Administrative Code, from SP One, Ltd., (“Petition”). The Petition is seeking a waiver of the rule in order to modify and delete the automatic forgiveness term for supplemental loans awarded during the 2008 Universal Application Cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: January 13, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set

forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Employee Bonus Committee of the Florida **State Fair Authority Board** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2009, 1:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: New business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kathleen Fisher at (813)627-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kathleen Fisher at (813)627-4221.

The **Pesticide Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 9:00 a.m.
PLACE: UF/IFAS Tropical Research and Education Center – Homestead, 18905 Southwest 280th Street, Homestead, Florida 33031, (305)246-7000
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council during which there will be a review of pertinent pesticide issues impacting human health and the environment.
A copy of the agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Mail L-29, Tallahassee, Florida 32399-1650, (850)487-0532.

The **Florida Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.
DATE AND TIME: Thursday January 15, 2009, 10:00 a.m.
PLACE: Bert Harris Ag Center (Formerly: Sebring Agri-Civic Center) 4509 George Blvd., Sebring, FL 33875
GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss National Academy proposal review and vote on research proposals for the current year.
A copy of the agenda may be obtained by contacting: Marshall Wiseheart at (850)488-4366.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Marshall Wiseheart at (850)488-4366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Marshall Wiseheart at (850)488-4366.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a public meeting to which all persons are invited.
DATE AND TIME: Tuesday, January 13, 2009, 2:00 p.m. – 5:00 p.m. (EST)
PLACE: Courtyard by Marriott, 2000 N. W. Executive Center Circle, Boca Raton, FL 33431, (561)241-7070
GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.
A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL

32399, (850)414-9852. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, January 14, 2009, 9:30 a.m. – 3:30 p.m. (EST)
PLACE: Florida Atlantic University, Boca Raton Campus, Live Oak Pavilion, 777 Glades Road, Boca Raton, FL 33431, (561)297-3000
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to conduct an educational forum with local, county, state and federal partners to address issues for the development of new OHV recreational areas, facilities and riding opportunities in south Florida.
A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852. To register for the workshop log onto <http://www.ces.fau.edu/ohv/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

DEPARTMENT OF EDUCATION

The **Division of Blind Services** announces a telephone conference call to which all persons are invited.
DATE AND TIME: January 8, 2009, 9:00 a.m. – 10:30 a.m.
PLACE: Teleconference Call Number: 1(888)808-6959, Conference Code: 2450356. Division of Blind Services, 325 West Gaines Street, Turlington Building Room 1114, Tallahassee, Florida 32399, Telephone (850)245-0300
GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting with Stakeholders.
A copy of the agenda may be obtained by contacting: Joyce Hildreth, Division of Blind Services, 325 West Gaines Street, Turlington Bldg., Room 1114, Tallahassee, Florida 32399, (850)245-0300.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by

contacting: Joyce Hildreth at (850)245-0300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Schools of Excellence Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2009, 11:00 a.m.

PLACE: Charter West Campus, Building I, Room 117, 18500 Pembroke Road, Pembroke Pines, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business meeting of the Florida Schools of Excellence Commission.

A copy of the agenda may be obtained by contacting: ileana.gomez@fldoe.org.

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

For more information, you may contact: ileana.gomez@fldoe.org.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission**, Subcommittee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 5, 2009, 10:00 a.m. (EST)

PLACE: Sadowski Building, Room 325B, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Discuss the progress of the Working Group of the Subcommittee on Training on the collaboration initiative with Liquefied Petroleum and Natural Gas Industries. The meeting will be conducted using communications media technology (CMT).

A copy of the agenda or those interested in participating in the conference call may contact: Tim Date, Florida Division of Emergency Management at (850)410-1272. The conference call number is 1(888)808-6959, Code#: 3468962.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Division of Emergency Management, State Emergency Response Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Subcommittee on Training of the **State Emergency Response Commission** (SERC) for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 9:30 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the SERC Subcommittee on Training and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Local Emergency Planning Committees, Chairpersons and Staff Contacts for the **State Emergency Response Commission** (SERC) for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 1:30 p.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2009, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, January 27, 2009, 2:00 p.m., Training Center Directors' Test Bank Committee Meetings; Tuesday, January 27, 2009, 2:30 p.m., Physical Fitness Training Committee Meeting; Tuesday, January 27, 2009, 3:00 p.m., Training Center Directors' Advanced and Specialized Training Committee Meeting; Tuesday, January 27, 2009, 3:30 p.m., Training Center Directors' Basic Recruit Training Committee Meeting; Tuesday, January 27, 2009, 4:00 p.m., Training Center Directors' Rules Committee Meeting; Wednesday, January 28, 2009, 8:30 a.m., Training Center Directors' Business Meeting; Wednesday, January 28, 2009, 10:00 a.m., Probable Cause Determination Hearings; Wednesday, January 28, 2009, 3:00 p.m., Regional Criminal Justice Selection Center Directors' Association Business Meeting; Thursday, January 29, 2009, 8:00 a.m., Criminal Justice Standards and Training Commission Business Meeting; Thursday, January 29, 2009, 9:30 a.m., Criminal Justice Standards and Training Commission Informal Hearings

PLACE: Orlando Marriott-Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746. Reservation Information: Telephone: (407)995-1100, Fax: (407)995-1150. When placing reservations over the telephone the Group Name is "FDLE Criminal."

The online reservations web site is: <http://www.marriott.com/hotels/travel/mcoml?groupCode=fdlfdla&app=resvlink&fromDate=1/25/09&toDate=1/30/09>. The guest room rate is \$99.00 Single or Double from 1/25/09 – 1/31/09. The deadline for making reservations is December 26, 2008. You may cancel your reservation by 6:00 p.m., on the date of arrival. Check-in is 3:00 p.m. and Check-out is 12:00 Noon. For information about hotel accommodations, please contact: Cheryl Taylor at (850)410-8657 or e-mail at cheryltaylor@fdle.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meeting will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us. The Commission agenda and agenda items will be posted to

the FDLE website on January 12, 2009. You may access the Commission agenda and agenda items at: <http://www.fdle.state.fl.us/CJST/Commission/meetingschedule.html>.

A copy of the Officer Discipline agenda may be obtained by contacting: Brenda Presnell at (850)410-8648 or e-mail at brendapresnell@fdle.state.fl.us.

A copy of the Training Center Director's Agenda may be obtained by contacting: Chairman Don Ruminer, Withlacoochee Technical Institute Criminal Justice Academy at (352)726-2430, ext. 273 or e-mail at ruminerd@citrus.k12.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF REVENUE

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2009, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rulemaking for the following rule sections.

Administrative – Rule 12-14.003, F.A.C. (Remittance of Costs to the Department of Revenue), and Revenue Rule 12-14.005, F.A.C. (Form for Remittance of Costs to the Department of Revenue).

Administrative – Rule 12-18.001, F.A.C. (Authorization for Compensation), Rule 12-18.002, F.A.C. (Eligibility To File Claim For Compensation), Rule 12-18.004, F.A.C. (Submission of Information and Claims For Compensation), and Rule 12-18.008, F.A.C. (Compensation For Vending Machine Violations).

Administrative – Rule 12-24.001, F.A.C. (Scope of Rules), Rule 12-24.002, F.A.C. (Definitions), Rule 12-24.003, F.A.C. (Requirements to File or to Pay Taxes by Electronic Means), Rule 12-24.004, F.A.C. (Enrollment), Rule 12-24.005, F.A.C. (Methods of Payment by Electronic Means), Rule 12-24.007, F.A.C. (Electronic Payment Transmission Errors), Rule 12-24.008, F.A.C. (Procedures for Payment), Rule 12-24.009, F.A.C. (Due Date; General Provisions), Rule 12-24.010, F.A.C. (General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements), and Rule 12-24.011, F.A.C. (Public Use Forms).

Administrative – Rules 12-28.001, F.A.C. (Scope), Rule 12-28.002, F.A.C. (Definitions), Rule 12-28.003, F.A.C. (Enrollment Procedures), Rule 12-28.004, F.A.C. (Transmitting Funds and Return/Remittance Detail to the Department), Rule 12-28.005, F.A.C. (Means of Communication to Report Payment Information), Rule 12-28.006, F.A.C. (Remittance or Transmission Problems), Rule 12-28.007, F.A.C. (Procedures for Payment), Rule 12-28.008, F.A.C. (Due Date; General Provisions), and Rule 12-28.009, F.A.C. (Distribution of Funds Received by the Department).

Sales and Use Tax – Rule 12A-1.029, F.A.C. (Labels and Other Printed Matter Sold to Manufacturers), Rule 12A-1.036, F.A.C. (Furniture and Storage Warehousemen), Rule 12A-1.040, F.A.C. (Containers and Other Packaging Materials; Gift Wrapping), and Rule 12A-1.075, F.A.C. (Deposits).

Discretionary Sales Surtax – Rule 12A-15.002, F.A.C. (Surtax Brackets), Rule 12A-15.010, F.A.C. (The Sale of Food, Drink, and Tangible Personal Property at Concession Stands), Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), and Rule 12A-15.012, F.A.C. (Alcoholic and Malt Beverages).

Secondhand Dealers/Secondary Metals Recyclers – Rule 12A-17.003, F.A.C. (Registration).

Fuel and Pollutants Tax – Rule 12B-5.020, F.A.C. (Definitions; Specific Exemptions), Rule 12B-5.121, F.A.C. (Temporary Licenses Issued Under a Declared Emergency), Rule 12B-5.130, F.A.C. (Refunds), Rule 12B-5.150, F.A.C. (Public Use Forms), and Rule 12B-5.401, F.A.C. (Temporary Pollutant Importer License Issued Under a Declared Emergency).

Fuel and Pollutants Tax – Rule 12B-5.030, F.A.C. (Importers), Rule 12B-5.040, F.A.C. (Carriers), Rule 12B-5.050, F.A.C. (Terminal Suppliers), Rule 12B-5.060, F.A.C. (Wholesalers), Rule 12B-5.070, F.A.C. (Terminal Operators), Rule 12B-5.080, F.A.C. (Exporters), Rule 12B-5.090, F.A.C. (Local Government Users), Rule 12B-5.100, F.A.C. (Mass Transit Systems), Rule 12B-5.110, F.A.C. (Blenders), Rule 12B-5.150, F.A.C. (Public Use Forms), and Rule 12B-5.400, F.A.C. (Producers and Importers of Pollutants).

A copy of the agenda may be obtained by contacting: Larry Green at (850)922-4830.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 6, 2009, 8:30 a.m. – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Suite, Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Nominating Committee.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, MS9, 605 Suwannee Street, Tallahassee, FL 32399-0450, (850)414-4105.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Christine Jones at (850)245-7914. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, Turnpike Enterprise announces public meetings to which all persons are invited.

DATES AND TIME: January 8, 2009; February 5, 2009; March 5, 2009; April 2, 2009; May 7, 2009; June 4, 2009, 10:00 a.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationturnpike.)

PLACE: Florida's Turnpike Headquarters, Turkey Lake Service Plaza, Mile Post 263, Building 5315, Ocoee, FL 34761. (*Please contact the Turnpike Enterprise Contracts Office at (407)264-3885 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review/Awards Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the Turnpike Enterprise Contracts Office, Florida's Turnpike Enterprise.

A copy of the agenda may be obtained by contacting: e-mail to www.dot.state.fl.us/contractsadministrationturnpike or writing to: Richard M. Nethercote, Jr., District Contracts Administrator, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, FL 34761.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: www.dot.state.fl.us/contractsadministrationturnpike or writing to: Richard M. Nethercote, Jr., District Contracts Administrator, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, FL 34761. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Transportation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: January 13, 2009, 3:00 p.m. – until completion of business

PLACE: Ritz-Carlton Grand Lakes, 4040 Central Florida Parkway, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Workshop.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, MS9, 605 Suwannee Street, Tallahassee, FL 32399-0450, (850)414-4105.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2009, 9:00 a.m. – until completion of business

PLACE: Ritz-Carlton Grand Lakes, 4040 Central Florida Parkway, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint FTC/TEAMFL Meeting.

A copy of the agenda may be obtained by contacting: Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, MS9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Department of Transportation**, District 5 announces public meetings to which all persons are invited.

DATES AND TIME: January 15, 2009; February 12, 2009; March 12, 2009; April 16, 2009; May 14, 2009; June 11, 2009, 3:00 p.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict5.)

PLACE: Florida Department of Transportation, District Office, 719 S. Woodland Blvd., DeLand, Florida 32720 (*Please contact the District 5 Contracts Office at (386)943-5525 or (386)943-5517 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review and Awards Committee Meetings to review technical issues relating to projects where bids were received by the District 5 Contracts Office and to determine the Department's intent to award or reject those projects.

A copy of the agenda may be obtained by contacting: Vickie Wyche, Contracts Administrator, District Contracts Office, Department of Transportation, District 5, 719 S. Woodland Blvd., MS 525P, DeLand, FL 32720.

The **Department of Transportation**, District 7 announces public meetings to which all persons are invited.

DATES AND TIME: January 21, 2009; February 18, 2009; March 18, 2009; April 15, 2009; May 20, 2009; June 17, 2009, 10:00 a.m. (Changes to meeting Date and Time will be posted at www.dot.state.fl.us/contractsadministrationdistrict7/)

PLACE: District Seven Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612 (*Please contact the District Seven Contracts Office at (813)975-6036 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Seven Contracts Office.

A copy of the agenda may be obtained by contacting: Sharlena Korman, District Contracts Process and Records Technician, District Contracts Office, Department of Transportation, District Seven, 11201 North McKinley Drive, Tampa, Florida 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sharlena Korman, District Contracts Process and Records Technician, District Contracts Office, Department of Transportation, District Seven, 11201 North McKinley Drive, Tampa, Florida 33612 or call (813)975-6036. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 3 announces public meetings to which all persons are invited.

DATES AND TIME: January 22, 2009; February 26, 2009; March 26, 2009; April 23, 2009; May 28, 2009; June 25, 2009, 1:30 p.m. (CST) (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict3/>)

PLACE: Administration Building, 1074 Hwy. 90, Chipley, Florida 32428 (*Please contact the District Three Contracts Office at (850)415-9366 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Three Contracts Office.

A copy of the agenda may be obtained by contacting: Richard Norris, District Contracts Administrator, District Contracts, Department of Transportation, District Three, 1074 Hwy. 90, Chipley, Florida 32428 or calling (850)415-9366.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Richard Norris, District Contracts Administrator, District Contracts, Department of Transportation, District

Three, 1074 Hwy. 90, Chipley, Florida 32428 or calling (850)415-9366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 3 announces public meetings to which all persons are invited.

DATES AND TIME: January 26, 2009; March 2, 2009; March 30, 2009; April 27, 2009; June 1, 2009; June 29, 2009, 2:00 p.m. (CST) (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict3/>)

PLACE: Administration Building, 1074 Hwy. 90, Chipley, Florida 32428 (*Please contact the District Three Contracts Office at (850)415-9366 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the District Three Contracts Office.

A copy of the agenda may be obtained by contacting: Richard Norris, District Contracts Administrator, District Contracts, Department of Transportation, District Three, 1074 Hwy. 90, Chipley, Florida 32428 or calling (850)415-9366.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Richard Norris, District Contracts Administrator, District Contracts, Department of Transportation, District Three, 1074 Hwy. 90, Chipley, Florida 32428 or calling (850)415-9366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 7 announces public meetings to which all persons are invited.

DATES AND TIME: January 29, 2009; February 27, 2009; March 27, 2009; April 24, 2009; May 29, 2009; June 26, 2009, 8:00 a.m. (Changes to meeting Date and Time will be posted at www.dot.state.fl.us/contractsadministrationdistrict7/)

PLACE: District Seven Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612 (*Please contact the District Seven Contracts Office at (813)975-6036 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the District Seven Contracts Office.

A copy of the agenda may be obtained by contacting: Sharlena Korman, District Contracts Process and Records Technician, District Contracts, Department of Transportation, District Seven, 11201 North McKinley Drive, Tampa, Florida 33612 or by calling (813)975-6036.

The **Department of Transportation**, District 7 announces public meetings to which all persons are invited.

DATES AND TIME: January 29, 2009; February 27, 2009; March 27, 2009; April 24, 2009; May 29, 2009; June 26, 2009, 8:00 a.m. (Changes to meeting Date and Time will be posted at www.dot.state.fl.us/contractsadministrationdistrict7/)

PLACE: District Seven Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612 (*Please contact the District Seven Contracts Office at (813)975-6036 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the District Seven Contracts Office.

A copy of the agenda may be obtained by contacting: Sharlena Korman, District Contracts Process and Records Technician, District Contracts, Department of Transportation, District Seven, 11201 North McKinley Drive, Tampa, Florida 33612 or calling (813)975-6036.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sharlena Korman, District Contracts Process and Records Technician, District Contracts, Department of Transportation, District Seven, 11201 North McKinley Drive, Tampa, Florida 33612 or calling (813)975-6036. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 2 announces public meetings to which all persons are invited.

DATES AND TIME: January 29, 2009; February 26, 2009; March 26, 2009; April 30, 2009; June 4, 2009; July 2, 2009, 8:30 a.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict2/>)

PLACE: District Two District Office, 1109 S. Marion Avenue, Lake City, Florida 32025-5874 (*Please contact the District Two Contracts Office at (386)758-3703 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Two Contracts Office.

A copy of the agenda may be obtained by contacting: Patsy Elkins, District Contracts Coordinator, District Contracts, Department of Transportation, District Two, 1109 S. Marion Avenue, MS 2015, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Patsy Elkins, District Contracts Coordinator, District Contracts, Department of Transportation, District Two, 1109 S. Marion Avenue, MS 2015, Lake City, Florida 32025-5874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 2 announces public meetings to which all persons are invited.

DATES AND TIME: February 3, 2009; March 3, 2009; March 31, 2009; May 5, 2009; June 9, 2009; July 7, 2009, 8:30 a.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict2/>)

PLACE: District Two District Office, 1109 S. Marion Avenue, Lake City, Florida 32025-5874 (*Please contact the District Two Contracts Office at (386)758-3703 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings for review of technical issues relating to projects where bids were received by the District Two Contracts Office.

A copy of the agenda may be obtained by contacting: Patsy Elkins, District Contracts Coordinator, District Contracts, Department of Transportation, District Two, 1109 S. Marion Avenue, MS 2015, Lake City, Florida 32025-5874 or calling (386)951-7510.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Patsy Elkins, District Contracts Coordinator, District Contracts, Department of Transportation, District Two, 1109 S. Marion Avenue, MS 2015, Lake City, Florida 32025-5874 or calling (386)951-7510. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces public meetings to which all persons are invited.

DATES AND TIMES: February 6, 2009, 9:00 a.m.; February 11, 2009, 2:00 p.m.; March 6, 2009, 9:00 a.m.; March 11, 2009, 2:00 p.m.; April 3, 2009, 9:00 a.m.; April 8, 2009, 2:00 p.m.; May 8, 2009, 9:00 a.m.; May 13, 2009, 2:00 p.m.; May 29, 2009, 9:00 a.m.; June 3, 2009, 2:00 p.m.; June 26, 2009,

9:00 a.m.; July 1, 2009, 2:00 p.m. (Changes to meeting Date and Time will be posted at <http://www.dot.state.fl.us/cc-admin/meetingnotice.htm>)

PLACE: Burns Building, 605 Suwannee Street, Tallahassee, Florida (*Please contact the Contracts Administration Office at (850)414-4000 for room location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the Contracts Administration Office.

A copy of the agenda may be obtained by contacting: Juanita Moore, Manager, Contracts Administration, Department of Transportation, 605 Suwannee St., MS 55, Tallahassee, Florida 32399-0450 or calling (850)414-4000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Juanita Moore, Manager, Contracts Administration, Department of Transportation, 605 Suwannee St., MS 55, Tallahassee, Florida 32399-0450 or calling (850)414-4000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces public meetings to which all persons are invited.

DATES AND TIMES: February 6, 2009, 3:00 p.m.; February 17, 2009, 1:00 p.m.; March 6, 2009, 3:00 p.m.; March 17, 2009, 1:00 p.m.; April 3, 2009, 3:00 p.m.; April 14, 2009, 1:00 p.m.; May 8, 2009, 3:00 p.m.; May 19, 2009, 1:00 p.m.; May 29, 2009, 3:00 p.m.; June 9, 2009, 1:00 p.m.; June 26, 2009, 3:00 p.m.; July 7, 2009, 1:00 p.m. (Changes to meeting Date and Time will be posted at <http://www.dot.state.fl.us/cc-admin/meetingnotice.htm>)

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida (*Please contact the Contracts Administration Office at (850)414-4000 for room location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the Contracts Administration Office.

A copy of the agenda may be obtained by contacting: e-mail to contracts.admin@dot.state.fl.us or writing to: Juanita Moore, Manager, Contracts Administration, Department of Transportation, 605 Suwannee St., MS 55, Tallahassee, Florida 32399-0450.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Juanita Moore, Manager, Contracts Administration, Department of Transportation, 605 Suwannee

St., MS 55, Tallahassee, Florida 32399-0450 or calling (850)414-4000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 15, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Rookery Bay Reserve Environmental Learning Center, 300 Tower Road, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Reserve Management Board to discuss the management of the Rookery Bay National Estuarine Research Reserve.

A copy of the agenda may be obtained by contacting: Brenda Varnes at (239)417-6310 or brenda.varnes@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brenda Varnes at (239)417-6310 or brenda.varnes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 15, 2009, 11:30 a.m. – 1:30 p.m.

PLACE: Rookery Bay Reserve Environmental Learning Center, 300 Tower Road, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Advisory Committee to discuss the revision of the Rookery Bay National Estuarine Research Reserve Management Plan.

A copy of the agenda may be obtained by contacting: Brenda Varnes at (239)417-6310 or brenda.varnes@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Brenda Varnes at (239)417-6310 or brenda.varnes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public prehearing conference to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 1:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 080317-EI – Petition for rate increase by Tampa Electric Company. The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

EMERGENCY CANCELLATION OF PREHEARING: If a named storm or other disaster requires cancellation of the prehearing conference, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the prehearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a prehearing conference and a hearing in the following dockets to which all persons are invited:

DOCKET NO. AND TITLES: Docket Number 080614-EM – Petition to determine need for Greenland Energy Center Combined Cycle Conversion in Duval County by JEA.

PREHEARING CONFERENCE

DATE AND TIME: Thursday, January 8, 2009, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING

DATE AND TIME: Thursday, February 12, 2009, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is for the Commission to take final action on the need determination petition, filed on September 30, 2008, by JEA and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow JEA to present evidence and testimony in support of their petition; (2) permit any intervenors to present testimony and exhibits concerning this matter; and (3) allow for such other purposes as the Commission may deem appropriate.

This hearing will be governed by the provisions of Chapter 120, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code. Only issues relating to this need determination petition will be heard at the February 12, 2009, hearing.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this hearing because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces three public meetings to which all persons are invited.

DATE AND TIME: Tuesday, January 13, 2009, 10:00 a.m.

PLACE: Orlando City Commission Chambers, 2nd Floor, 400 S. Orange Avenue, Orlando, Florida

DATE AND TIME: Wednesday, January 14, 2009, 10:00 a.m.

PLACE: Robert J. Arenal Conference Center, 26th Floor, Hillsborough County Center, 601 E. Kennedy Blvd., Tampa, Florida

DATE AND TIME: Wednesday, January 14, 2009, 6:00 p.m.

PLACE: Charlotte County School, Board Meeting Room, Murdock Center, 1445 Education Way, Port Charlotte, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number 080318-GU – Petition for rate increase by Peoples Gas System. The purpose of these customer service hearings is to take testimony from the public on the quality and adequacy of Peoples Gas System's service and other matters related to Peoples Gas System's petition for a rate increase. The procedure at these hearings shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross examination at the conclusion of their testimony.

A copy of the agenda may be obtained by contacting: Office of the Commission Clerk at (850)413-6770.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of the Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Caroline Klancke, Office of the General Counsel at (850)413-6220.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 6, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Bryant Bldg., 620 S. Meridian St., Room G52C, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: CIO Steering Committee Meeting – Consisting of the CIO Council Chair, Vice-Chair, DMS Deputy Secretary for Technology, and six members of the CIO Council appointed by the Council Chair. Responsible for setting the Council meeting agenda,

establishing the annual goals of the Council, listing the expected deliverables, and reporting on their outcome the following year.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology, Lauren.Pope@MyFWC.com, (850)414-2870.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Gail Kent, Department of Financial Services, email: Gail.Kent@myfloridacfo.com, (850)413-1557. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology, Lauren.Pope@MyFWC.com, (850)414-2870.

The Florida **Film and Entertainment Advisory Council**, announces a conference call to which all persons are invited.

DATE AND TIME: January 8, 2009, 2:00 p.m.

PLACE: Please Call: 1(888)8086959, Conference Code: 4104765

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss new assignments for upcoming session, hear public input and advisement.

A copy of the agenda may be obtained by contacting: Office of Film and Entertainment at (850)410-4765.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Film and Entertainment at (850)410-4765. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Office of Film and Entertainment at (850)410-4765.

The Florida **Film and Entertainment Advisory Council**, Legislative Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 29, 2009, 2:00 p.m.

PLACE: Please Call: 1(888)808-6959, Conference Code: 4104765

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss new assignments for upcoming session, hear public input and advisement.

A copy of the agenda may be obtained by contacting: Office of Film and Entertainment at (850)410-4765.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Film and Entertainment at (850)410-4765. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Office of Film and Entertainment at (850)410-4765.

The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2009, 12:30 p.m. – 4:30 p.m.

PLACE: The Florida State University Foundation, 2010 Levy Avenue, Tallahassee, FL 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Children and Youth Cabinet members will hear from committees on Data Sharing, Budget and Reports and Recommendations, the Children's Summit Workgroup and discuss other issues regarding child welfare in Florida.

A copy of the agenda may be obtained by contacting: Sharon L. Read, Office of the Lieutenant Governor Jeff Kottkamp at (239)489-9063, Email: sharon.read@myflorida.com.

For more information, you may contact: Sharon L. Read at sharon.read@myflorida.com.

The **Office of Drug Control** announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Conference Room 2103, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Underage Drinking Task Force.

A copy of the agenda may be obtained by contacting: Lauren Hylemon at (850)922-0867.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Lauren Hylemon at (850)922-0867. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lauren Hylemon at (850)922-0867.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, January 12, 2009, 4:00 p.m.; Executive Committee, 3:00 p.m., same location

PLACE: Niceville City Hall, 208 N. Partin Drive, Niceville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Council.

A copy of the agenda may be obtained by contacting: WFRPC 1(800)266-8914 or (850)332-7976 or www.wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Mrs. Terry Joseph, Executive Director, WFRPC, terry.joseph@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mrs. Terry Joseph, Executive Director, WFRPC at terry.joseph@wfrpc.org.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2009, 12:00 Noon

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Northeast Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, January 8, 2009, 8:30 a.m., Planning and Growth Management Committee; 9:00 a.m., Personnel, Budget and Finance Committee; 10:00 a.m., Full Board of Directors Meeting; Legislative Committee meets immediately following the Board Meeting

PLACE: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting.

A copy of the agenda may be obtained by contacting: NEFRC, Angela Giles at (904)279-0880 or agiles@nefrc.org.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2009, 9:30 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or it's sub-committees.

A copy of the agenda may be obtained by contacting: Patricia M. Steed.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

The **Tampa Bay Regional Planning Council**, Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

A copy of the agenda may be obtained by contacting: not available.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wren Krahl at (727)570-5151, ext 22.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 9, 2009, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 9, 2009, 11:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 12, 2009, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Suzanne Cooper at (727)570-5151, ext. 32. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2009, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

WATER MANAGEMENT DISTRICTS

The **R.O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 6:30 p.m.

PLACE: R.O. Ranch office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2009, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or Florida Only 1(800)226-1066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060, or by access of the District's website @ my.suwanneeriver.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lisa Cheshire, HR/Governing Board Coordinator. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 9, 2009, 10:00 a.m., Projects and Land Committee Public Meeting and Tour

PLACE: Orange City Council Chambers, 201 N. Holly Avenue, Orange City, FL 32763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the implementation of the Blue Spring Action Plan. A tour of Blue Spring will follow the public meeting.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Dina Hutchens, 4049 Reid Street, Palatka, FL 32177, (386)329-4239, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dina Hutchens at (386)329-4239. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: January 12, 2009, 12:00 Noon

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed text revisions to Rules 40E-20.091 and 40E-20.331, F.A.C., based on public comments and proposals for lower cost regulatory alternatives received by the District.

A copy of the agenda may be obtained by contacting: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov, Jennifer Bokankowitz, Esquire, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov.

For procedural questions contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: January 12, 2009, 12:00 Noon

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed text revisions based on public comments and proposals for lower cost regulatory alternatives received by the District to Rules 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.331, F.A.C.

A copy of the agenda may be obtained by contacting: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov, Jennifer Bokankowitz, Esquire, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov.

For procedural questions contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: January 12, 2009, 12:00 Noon

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed text revisions to Rules 40E-24.011, 40E-24.101, .201, .301, .401, .501, F.A.C., based on public comments and proposals for lower cost regulatory alternatives received by the District.

A copy of the agenda may be obtained by contacting: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov, Jennifer Bokankowitz, Esquire, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov.

For procedural questions contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 8, 2009, 10:00 a.m. – until completion

PLACE: Commission Business Office, Rhyne Building, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32301, (850)410-5700. Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the Executive-Personnel Committee.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2009, 9:30 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, FL 34202.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 12, 2009, 10:00 a.m. – 4:00 p.m. (Eastern Standard Time)

PLACE: Disney Entrepreneur Center, 315 East Robinson St., Suite 100, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting – One Topic.

A copy of the agenda may be obtained by contacting: Deb Spicer at dspicer@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by

contacting: Deb Spicer at dspicer@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Deb Spicer, Vice President of Communications, Government and External Affairs at dspicer@spaceflorida.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, January 22, 2009, 2:00 p.m. – 5:00 p.m. (EST); Friday, January 23, 2009, 8:30 a.m. – 4:30 p.m. (EST)

PLACE: The Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various issues regarding the Alzheimer's Disease Initiative.

A copy of the agenda may be obtained by contacting: Karen Griffin, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email address: griffenk@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Karen Griffin, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email address: griffenk@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Griffin, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email address: griffenk@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration, Division of Medicaid Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 12, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A sub-committee of the Organ Transplant Advisory Council to review and recommend criteria as part of the site visit requirement for Florida Medicaid designated transplant centers.

A copy of the agenda may be obtained by contacting: There is no agenda for this phone conference meeting.

Additional information may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7322, kumart@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATES AND TIME: February 5, 2009; February 19, 2009; March 5, 2009; March 19, 2009; April 2, 2009; April 16, 2009; April 30, 2009; May 14, 2009; May 28, 2009; June 11, 2009; June 25, 2009; July 9, 2009; July 23, 2009; 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room, Tallahassee, FL

2727 Mahan Drive, Tallahassee, FL 32308. Dial In Number: 1(888)808-6959, Conference Code: 8509227332. Those not able to attend in person may call the conference phone number (listed above).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical and Operational Issues meetings. These issues are related to Health Plans.

A copy of the agenda may be obtained by contacting: Beth Kumar, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #50, Tallahassee, FL 32308 or calling (850)487-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Beth Kumar at (850)487-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 9:00 a.m. – 10:00 a.m.

PLACE: By Phone: Conference Call In Number: 1(888)808-6959, Passcode 4139503#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nomination of and voting on a new Committee Chairperson. Discussion of scheduling of dates for upcoming Steering Committee meetings.

Update on the revision of Chapter 60L-39, F.A.C.

A copy of the agenda may be obtained by contacting: Erin Thoresen, erin.thoresen@dms.myflorida.com, (850)922-1274.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Erin Thoresen, erin.thoresen@dms.myflorida.com, (850)922-1274. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Erin Thoresen, erin.thoresen@dms.myflorida.com, (850)922-1274.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation**, Board of Cosmetology announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 9:00 a.m. or soon thereafter

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Cosmetology, Robyn Barineau, Executive Director at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 21, 2009, 4:00 p.m.; January 22, 2009, 8:30 a.m.; January 23, 2009, 8:30 a.m.

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: January 21, 2009, 4:00 p.m. – Probable Cause Panel. January 22, 2009, 8:30 a.m. – Discipline and General Business. January 23, 2009, 8:30 a.m. – General Business.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012.

The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 13, 2009, 1:00 p.m. or as soon thereafter as practicable

PLACE: Wingate Inn, 2516 Lakeshore Drive, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Wendy Gregory. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Professional Engineers**, Educational Advisory and Application Review Committees announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 14, 2009, 8:30 a.m. or as soon thereafter as practicable

PLACE: Wingate Inn, 2516 Lakeshore Drive, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement, review applications of foreign educated applicants, and other Application Review Committee business as needed.

A copy of the agenda may be obtained by contacting: Wendy Gregory at (850)521-0500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Wendy Gregory at (850)521-0500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wendy Gregory at (850)521-0500.

The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation, Board Operations Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 14, 2009, 3:00 p.m. or as soon thereafter as is practicable

PLACE: Wingate Inn, 2516 Lakeshore Drive, Tallahassee, Florida 32303. Call In Number: 1(866)895-8146, Passcode 30295716.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To monitor the operations of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation. A copy of the agenda may be obtained by contacting: Wendy Gregory at (850)521-0500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Wendy Gregory at (850)521-0500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wendy Gregory at (850)521-0500.

The Florida **Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 23, 2009, 10:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303. Call In Number 1(866)895-8146, Passcode 30295716.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by contacting: Wendy Gregory at (850)521-0500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Wendy Gregory at (850)521-0500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wendy Gregory at (850)521-0500.

The **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 21, 2009, 10:00 a.m.

PLACE: 1(888)808-6959, Conference Code 4148135*

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting which portions may be closed to the public.

A copy of the agenda may be obtained by contacting: Board office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, January 27, 2009, Probable Cause, 9:00 a.m. – until all business is concluded; Long Range Planning and Rules meeting, 1:00 p.m. – until all business is concluded; Wednesday, January 28, 2009, Board meeting, 9:00 a.m. – until all business is concluded

PLACE: Hilton Garden Inn, 4075 S. W. 33 Place, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Long Range Planning Committee will meet to discuss long range issues. The Rules Committee will meet to discuss possible rule changes. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: June Carroll. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: June Carroll.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 5, 2009, 9:00 a.m., or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: The Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 15, 2009, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32317-4125, 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Florida **Department of Environmental Protection, Division of Recreation and Parks**, for the Myakka River Management Coordinating Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Lemon Bay Park, 570 Bay Park Boulevard, Englewood, Florida 34223

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council business for administering the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Natalie Balcer, Florida Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229, or by calling (941)486-2052.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Natalie Balcer, Florida Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229, or by calling (941)486-2052. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 12, 2009, 10:00 a.m. – 12:00 Noon or until conclusion of business

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4513843

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado at rebecca.prado@dep.state.fl.us.

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

For more information, you may contact: Becky Prado at rebecca.prado@dep.state.fl.us.

The **Department of Environmental Protection**, Bureau of Mining and Minerals Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2009, 9:00 a.m.

PLACE: Sarasota County Fruitville Library, 100 Coburn Road, Sarasota, FL 34240

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Peace River Basin Management Advisory Committee will meet to discuss implementation of the Peace River Basin Resource Management Plan adopted by the Department of Environmental Protection in 2007.

A copy of the agenda may be obtained by contacting: Lisa Robertson, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310, (850)488-8217.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lisa Robertson at (850)488-8217. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lisa Robertson at (850)488-8217.

The **Siting Coordination Office** announces a hearing to which all persons are invited.

DATE AND TIME: January 27, 2009, 9:00 a.m.

PLACE: Florida State Capitol Building, 400 South Monroe Street, Lower Level, Cabinet Hearing Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Environmental Protection announces a public hearing of the Governor and Cabinet, sitting as the Transmission Line Siting Board, to consider the Administrative Law Judge's Recommended Order concerning the certification of the proposed Progress Energy Florida and Tampa Electric Company, Lake Agnes Gifford 230 Kilovolt Transmission Line Project, Transmission Line Siting Application No. TA07-16, DOAH Case No. 07-569ITL, DEP-OGC Case No. 07-2216 pursuant to the Florida Transmission Line Siting Act, Sections 403.52-403.5365, Florida Statutes. The Cabinet Aides will meet and discuss the item on January 21, 2009, 9:00 a.m., in the same location to review and gather information regarding this item for consideration by the Siting Board.

A copy of the agenda may be obtained by contacting: Cindy Muir, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 3000, (850)245-2024.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jill Stoyshich, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, M.S. 48, Tallahassee, Florida 32399 3000, (850)245-2001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2007.

The Siting Coordination Office announces a hearing to which all persons are invited.

DATES AND TIME: February 23, 2009 – April 17, 2009, 9:00 a.m.

PLACE: February 23-27, March 2-6, March 9-13, March 16-20, 2009, the hearing will be held at: Inglis Community Center, 137 Highway 40 West, Inglis, Florida. March 23-27, March 30-April 3, 2009, the hearing will be held: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida. April 6-10, the hearing will be held: Crystal River National Guard Armory, 8551 West Venable Street, Crystal River, Florida. April 13-17, 2009, the hearing will be held: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida.

The portion of the hearing from February 23-March 13, 2009, will relate to the proposed nuclear plant; the portion from March 16-March 20, 2009, will relate to the Citrus 1 and 2, Crystal River, Crystal River East 1 and 2, and Levy North and South transmission lines; the portion from March 23-27, 2009, will relate to the PHP Transmission Line; the portion from March 30-April 3, 2009, will relate to the Brooksville West and Brookridge transmission lines; and the portion from April 6-10, 2009, will relate to the Sumter Transmission Line. April 13-17, 2009, are reserved for wrap-up and rebuttal, if needed. Public testimony will be taken from 3:00 p.m. – 8:00 p.m. on the following days: February 26, 2009 at Inglis Community Center; March 3, 2009 at Inglis Community Center; March 16, 2009, at Crystal River National Guard Armory, 8551 West Venable Street, Crystal River, Florida; March 24, 2009 at Bethany Center, 18150 Bethany Center Drive, Lutz, Florida; March 31, 2009 at Brooksville Elks Lodge, 14494 Cortez Boulevard, Brooksville, Florida; and April 7, 2009 at the Savannah Center, 510 Colony Boulevard, The Villages, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative Law Judge J. Lawrence Johnston will conduct a hearing to consider the environmental effects and any other appropriate matters regarding whether to approve the site certification of the proposed Progress Energy Florida, Levy

Nuclear Plant Units 1 and 2, application for site certification number PA08-51, DOAH Case Number 08-2727EPP, DEP Office of General Counsel Case Number 08-1621, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-.518, Florida Statutes. Judge J. Lawrence Johnston will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the water management district, the Department of Environmental Protection, the regional planning council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with Administrative Law Judge J. Lawrence Johnston, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, at least 30 days prior to commencement of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. The certification hearing may be cancelled in accordance with Section 403.508(6)(a), F.S.; “No earlier than 29 days prior to the conduct of the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the

proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, and if sufficient time remains for the applicant and the department to publish public notices of the cancellation of the hearing at least 3 days prior to the scheduled date of the hearing.”

A copy of the agenda may be obtained by contacting: Mr. Michael P. Halpin, P.E., Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2007.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jill Stoyshich, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, M.S. 48, Tallahassee, Florida 32399 3000, (850)245-2001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jill Stoyshich, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2007.

The **Bureau of Beaches and Coastal Systems** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 8, 2009, 10:00 a.m.; January 9, 2009, 9:00 a.m.

PLACE: Bureau of Beaches and Coastal Systems, Training Room #309, 5050 West Tennessee St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a workgroup established in accordance with House Bill 5001 of the General Appropriations Act, 2008Legislative Session, designed to review the effectiveness of Florida’s statewide beach management program. Specifically, the workgroup will review the Joint Coastal Permitting and Beach Management Funding programs and make recommendations regarding program improvements and possible changes to Florida law and related rules. The group’s recommendations will be given to the President of the Florida Senate, the Speaker of the Florida House of Representatives and the Executive Office of the Governor by January 15, 2009. Members of the public may attend the meeting and will have an opportunity to speak at the end of the meeting.

A copy of the agenda may be obtained by contacting: Jackie Larson, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, MS 300, Tallahassee, Florida 32399-2400, (850)414-7889, jackie.larson@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Jackie Larson at the mailing address, e-mail address, or telephone number listed above in this notice. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jackie Larson at the mailing address, e-mail address, or telephone number listed above in this notice.

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 12, 2009, 3:00 p.m. – 4:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor’s Task Force on Autism Spectrum Disorders. The Task Force will discuss the scope and prioritization of issues to be addressed as listed in Executive Order 08-36.

A copy of the agenda may be obtained by contacting: There is no formal agenda for this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242, Lona_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: www.healthyfloridians.com/autism.html.

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 28, 2009, 10:00 a.m. – 5:00 p.m. or conclusion; Thursday, January 29, 2009, 9:00 a.m. – 3:30 p.m. or conclusion

PLACE: Florida State University, College of Medicine, 1115 West Call Street, Tallahassee, FL 32306-4300, (850)644-1855

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fourth meeting Governor’s Task Force on Autism Spectrum Disorders. The Task Force will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

A copy of the agenda may be obtained by contacting: www.healthyfloridians.com/autism.html or by calling Lona Taylor at (850)245-4242.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242, Lona_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: www.healthyfloridians.com/autism.html.

The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATES AND TIME: January 27, 2009; February 24, 2009; March 31, 2009; April 28, 2009; May 26, 2009; June 30, 2009; July 28, 2009; August 25, 2009; September 29; October 27, 2009; November 24, 2009; December 29, 2009, 9:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration cases will be heard. Individuals on the agenda will receive written notice.

For more information, you may contact: Board of Pharmacy at (850)245-4292.

The **Board of Pharmacy** announces the 2009 Probable Cause Panel meeting dates. announces a public meeting to which all persons are invited.

DATES AND TIME: January 27, 2009; February 24, 2009; March 31, 2009; April 28, 2009; May 26, 2009; June 30, 2009; July 28, 2009; August 25, 2009; September 29; October 27, 2009; November 24, 2009; December 29, 2009, immediately following the Reconsideration conference call

PLACE: 4042 Bald Cypress Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable cause cases will be heard.

For more information, you may contact: Board of Pharmacy at (850)245-4292.

The Florida **Department of Health**, Drug Wholesale Distributor Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 29, 2008, 9:30 a.m.

PLACE: Conference Number: 1(888)808-6959, Conference Code: 9766152

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss rule development for Rules 64F-12.001, 64F-12.012, 64F-12.013, 64F-12.015, 64F-12.018, and 64F-12.024.

A copy of the agenda may be obtained by contacting: The agenda will be sent out electronically to the interested party distribution list and placed on the website and web board one week prior to the meeting.

For more information, you may contact: The Drugs, Devices and Cosmetics Program at (850)245-4292.

The Florida **Tobacco Education and Use Prevention Advisory Council** announces a series of conference call meetings of its subcommittees to which all interested parties are invited to participate. The subcommittees are the Youth Programs, Health Communications, and Surveillance and Evaluation.

Subcommittee: Youth Programs

DATE AND TIME: Monday, January 9, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Wednesday, February 4, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, March 2, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: No call. Subcommittees meet during council meetings.

DATE AND TIME: Wednesday, April 8, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Wednesday, May 6, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, June 1, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: No call. Subcommittees meet during council meetings.

DATE AND TIME: Wednesday, July 8, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Wednesday, August 5, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, September 14, 2009, 9:00 a.m. to 4:00 p.m.

PLACE: Subcommittees meet during council meetings.

DATE AND TIME: Wednesday, October 7, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Wednesday, November 4, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, December 7, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: No call. Subcommittees meet during council meetings.

Subcommittee: Health Communications

DATE AND TIME: Monday, January 5, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, February 2, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, March 2, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Subcommittees meet during council meetings

DATE AND TIME: Monday, April 6, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, May 4, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, June 1, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Subcommittees meet during council meetings.

DATE AND TIME: Monday, July 6, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, August 3, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, September 14, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Subcommittees meet during council meetings.

DATE AND TIME: Monday, October 5, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, November 2, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, December 7, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: No call. Subcommittees meet during council meetings.

Subcommittee: Surveillance and Evaluation.

DATE AND TIME: Friday, January 9, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Friday, February 6, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, March 2, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Subcommittees meet during council meetings.

DATE AND TIME: Friday, April 10, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Friday, May 8, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, June 1, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Subcommittees meet during council meetings.

DATE AND TIME: Friday, July 10, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Friday, August 7, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, September 14, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Subcommittees meet during council meetings.

DATE AND TIME: Friday, October 9, 2009, 9:00 a.m. – 11:00 a.m.

Place Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Friday, November 6, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9344074

DATE AND TIME: Monday, December 7, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: No call. Subcommittees meet during council meetings.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
These conference calls will address the committees' continued development of policy recommendations and work tasks to address the mandates of the Tobacco Education and Use Prevention Program as instituted in Section 381.84, FS.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these conference calls is asked to advise the agency at least 2 days before the conference call by contacting: Mr. Carlos Martinez at (850)245-4144, ext. 2473 or email carlos_martinez@doh.state.fl.us.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by a subcommittee with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by contacting: Carlos Martinez at (850)245-4444, ext. 2473 (carlos_martinez@doh.state.fl.us) or by going to the Department of Health Tobacco website at <http://www.doh.state.fl.us/tobacco/TAC.html> prior to the meeting.

Additional information may be obtained by contacting: Carlos Martinez at (850)245-4144, ext. 2473, email carlos_martinez@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of committee calls for the Council on Homelessness. These committees are the Executive, Continuum of Care, Supportive Housing, Education and Training, Data Collection, and Legal and Law Enforcement.

Committee: Executive

DATES AND TIME: Monday, January 5, 2009; February 2, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Continuum of Care

DATES AND TIME Wednesday, January 14, 2009; February 11, 2009, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Supportive Housing

DATES AND TIME: Wednesday, January 21, 2009; February 18, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Education and Training

DATES AND TIME: Friday January 2, 2009; February 6, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Data Collection

DATES AND TIME: Monday, January 12, 2009; February 9, 2009, 1:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Legal and Law Enforcement

DATES AND TIME: Tuesday, January 13, 2009; February 10, 2009, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These committees will continue to discuss proposals and recommendations for consideration by the full Council for inclusion in the Council's 2009 report.

Copies of the agenda for any conference call may be obtained by calling: Office on Homelessness at (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: January 16, 2009; January 23, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Communications Media Technology will be used via video conferencing at the Florida Fish and Wildlife Research Institute, 100 Eighth Avenue, S. E., St. Petersburg, Florida 33701-5095. Public should attend at the Tallahassee location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Wildlife Grants Committee will evaluate the State Wildlife Grant applications and make recommendations to the executive director for final approval.

A copy of the agenda may be obtained by contacting: Brian Branciforte, Grants Coordinator, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission**, Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: January 13, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 690-163.0075, .009, .011, Florida Administrative Code, published on November 14, 2008 in Vol. 34, No. 46, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith at E-mail gerry.smith@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerry Smith at E-mail gerry.smith@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-163.0075 Term and Evidence of Insurance.

~~The term of insurance and evidence of insurance shall not exceed ten years subject to the following limitations:~~

~~(1) Credit life insurance shall not exceed ten years from the date of issue and provide coverage for at least 5 years or the term of the loan if the loan is for less than 5 years;~~

~~(2) Credit disability insurance shall provide for monthly payments which are the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.681, 627.6785(3), 627.681(3) FS. History—New 2-11-03, Formerly 4-163.0075.

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

(1) Section 627.682, Florida Statutes, requires that benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:

- (a) 55% for credit life insurance, and
- (b) 50% for credit disability insurance.

(2) Use of rates not greater than those contained in Rules 690-163.010 and 690-163.011, F.A.C., (“prima facie rates”) shall be deemed premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a satisfactory filing with the Office ~~showing to the Director~~ that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio.

(3) If an actual rate is greater than the prima facie rates, the actual rate may not exceed the prima facie rates plus the difference between:

- (a) Claims which may be reasonably expected, and
- (b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.

(4) When some rates are based on subsection (1) above and others on the prima facie rate, the expected loss ratios of statewide business must meet the minimum loss ratio standard in subsection (1) above.

(5) Nonstandard Coverage. If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 690-163.010 and 690-163.011, F.A.C., the insurer shall make a filing to demonstrate to the satisfaction of the Office Director that the premium rates to be charged for such restricted coverage comply with subsection (1) above or, are less than or equal to rates which are actuarially equivalent to the prima facie rates.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History—New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, 2-11-03, Formerly 4-163.009.

690-163.011 Credit Disability Insurance Rates.

(1) Credit disability insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than in paragraphs (a) and (b). Paragraphs (c), (d) and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) If premiums are payable on a single-premium basis for the duration of the coverage:

TABLE I

No. of months in which indebtedness is repayable	14-Day Non-Retroactive	30-Day Non-Retroactive	7-Day Retroactive	14-Day Retroactive	30-Day Retroactive
6 or less	\$0.81	\$0.36	\$1.47	\$1.30	\$1.05
7-12	1.13	0.72	1.76	1.58	1.36
13-18	1.46	1.08	2.05	1.87	1.67
19-24	1.78	1.44	2.34	2.16	1.97
25-30	2.11	1.80	2.64	2.45	2.28
31-36	2.43	2.16	2.93	2.74	2.58
37-48	2.84	2.70	3.34	3.10	2.97
49-60	3.16	2.97	3.69	3.38	3.28
61-72*	3.43	3.27	3.97	3.62	3.53
73-84*	3.61	3.47	4.18	3.79	3.70
85-96*	3.76	3.64	4.34	3.92	3.84
97-108*	3.86	3.75	4.46	4.01	3.94
109-120*	3.95	3.85	4.55	4.09	4.02
<u>Per month for terms exceeding 120 months</u>	<u>.0303</u>	<u>.0296</u>	<u>.0348</u>	<u>.0313</u>	<u>.0308</u>

*Maximum benefit is 60 monthly payments.

(b) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured indebtedness, these premiums shall be computed according to the formula: $OP_n = (20XSP_n) / (n + 1)$ using a rate no less than the 24 month rate in Table I above. A company may submit a different formula for approval which produces rates actuarially equivalent to the single premium rates in Table I:

Where

SP_n = Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I). The Single Premium Rate shall not be less than the 19-24 month rate for the appropriate coverage.

OP_n = Monthly Outstanding Balance Premium Rate per \$1,000.

n = Original repayment period, in months.

(c) Coverage which provides a constant maximum indemnity for a given period of time shall use rates no greater than those rates which are actuarially equivalent to the rates in paragraph (a) or (b).

(d) If the coverages provided are other than those described in this subsection (1), rates for such coverages shall be actuarially equivalent to the rates provided in paragraph (a), (b) or (c).

(e) Joint coverage rates shall be no greater than 175% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit disability insurance may be either a term specified rate or may be a single composite term rate applicable to all insured loans.

(2) The premium rates in subsection (1) shall apply to policies providing credit disability insurance to be issued with or without evidence of insurability, to be offered to all eligible debtors, and containing:

(a)1. No provision excluding or denying a claim for disability resulting from pre-existing conditions, except for those conditions for which the insured debtor received medical advice, diagnosis, or treatment within six months preceding the effective date of the debtor's coverage, and which caused loss within the 6 months following the effective date of coverage;

2. Disability commencing after 6 months following the effective date of coverage resulting from the condition shall be covered.

3. Coverage with no pre-existing provision limitation shall result in an additional premium of 10% of the amounts shown in subsection (1), above.

(b) No other provision which excludes or restricts liability in the event of disability caused in a specific manner, except that it may contain provisions excluding or restricting coverage for intentionally self-inflicted injuries and normal pregnancy.

(c) No provision which requires that the debtor be employed more than thirty (30) hours per week in order to be eligible for insurance coverage.

(d) No age restrictions, or only age restrictions making ineligible for coverage debtors 66 or over at the time the indebtedness is incurred.

(e) However, coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age 66.

(f) A daily benefit equal in amount to one-thirtieth of the monthly benefit payable under the policy for the indebtedness.

(g)1. A definition of "disability" which provides that during the first 12 months of disability the insured shall be unable to perform the duties of his occupation at the time the disability occurred, and thereafter the duties of any occupation for which the insured is reasonably fitted by education, training or experience.

2. This paragraph shall not apply to lump sum disability coverage.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History–New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended 2-11-03, Formerly 4-163.011.

A copy of the agenda may be obtained by contacting: Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: January 13, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-204.010, .020, .030, .040, .050, Florida Administrative Code, published on September 26, 2008 in Vol. 34, No. 39, of the Florida Administrative Weekly. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bernie Stoffel, Office of Insurance Regulation, E-mail bernie.stoffel@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Bernie Stoffel, Office of Insurance Regulation, E-mail bernie.stoffel@flor.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

- 69O-204.010 Purpose and Scope
- 69O-204.020 Definitions
- 69O-204.030 Forms Incorporated By Reference
- 69O-204.040 Prohibited Practices and Conflicts of Interest
- 69O-204.050 Anti-Fraud

VIATICAL SETTLEMENT PROVIDERS

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History–New _____.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or viaticated certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New _____.

69O-204.030 Forms Incorporated By Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 11/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office’s website, <http://www.flor.com>, by clicking on “search” and entering the form number.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New _____.

69O-204.040 Prohibited Practices and Conflicts of Interest.

With respect to any viatical settlement contract or insurance policy, no viatical settlement provider knowingly may enter into a viatical settlement contract with a viator, if, in connection with such viatical settlement contract, anything of value will be paid to a viatical settlement broker that is controlling, controlled by, or under common control with such viatical settlement provider, financing entity or related provider trust that is involved in such viatical settlement contract.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New _____.

69O-204.050 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History—New _____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

MOFFITT CANCER CENTER AND RESERACH INSTITUTE

NOTICE OF CANCELLATION – The **Moffitt Cancer Center and Research Institute** announces a public meeting to which all persons are invited.

DATE AND TIME: Cancellation notice for December 18, 2008.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice serves as cancellation for the schedule meeting of the Joint Finance and Planning Committee of the Board of Directors which was scheduled for December 18, 2008.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities**, Transportation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 5, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399. The call-in number is: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Employment Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 6, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: 4030 Esplanade Way, Suite 315, Tallahassee, Florida 32399. The call-in number is: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to: commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Health Care Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399. The call-in number is: 1(888)808-6959, Conference Code is: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Civil Rights Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. The call-in number is: 1(888)808-6959, Conference Code is 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Education Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, January 8, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. The call-in number is: 1(888)808-6959, Conference Code is 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

The **Governor's Commission on Disabilities**, Independent Living Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, January 8, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399. The call-in number is: 1(888)808-6959, Conference Code is 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is meeting to fulfill the mandate of Executive Order 08/193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the

Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Mission Review Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 6, 2009, 8:00 a.m. (EST)

PLACE: Tampa Airport Marriott, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to the requirements of the task force as outlined in Florida Statute.

The call in number for this meeting is 1(866)855-4989.

The Citizens Property Insurance Corporation Mission Review Task Force was created to analyze and compile available data and to develop a report setting forth the statutory and operational changes needed to return Citizens Property Insurance Corporation to its former role as a state-created, noncompetitive residual market mechanism that provides property insurance coverage to risks that are otherwise entitled but unable to obtain such coverage in the private insurance market.

A copy of the agenda may be obtained by contacting: Sara Golding at 1(800)807-7647, extension 3874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sara Golding at 1(800)807-7647, extension 3874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

HIGHLANDS SOIL AND WATER CONSERVATION DISTRICT

The **Highlands Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIMES: Highlands Soil and Water Conservation District holds their monthly meetings on the first Tuesday of each month starting at 3:00 p.m., unless stated otherwise. The dates of meetings for 2009 are: January 6, 2009; February 3, 2009; March 3, 2009; April 7, 2009, 2:00 p.m.; May 5, 2009; June 2, 2009; July 7, 2009; August 4, 2009; September 1, 2009; October 6, 2009; November 3, 2009, December 1, 2009
PLACE: Bert J. Harris, Jr. Agricultural Center, 4505 George Blvd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Jackie Bailey at (863)402-6545 or jbailey@hcbcc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: John Minor, Human Resources Director at (863)402-6500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jackie Bailey at (863)402-6545 or jbailey@hcbcc.org.

NOTICE OF AMENDMENT – The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: AMENDED: January 7, 2009, 6:30 p.m.

PLACE: AMENDED: Town of Davie, Town Hall, Town Council Chambers and Community Room, 6591 Orange Drive, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: to conduct the Business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@BrowardSWCD.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@BrowardSWCD.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

POLK COMMUNITY COLLEGE

The **Polk Community College**, Kenneth C. Thompson Institute of Public Safety announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 15, 2009, 2:00 p.m.

PLACE: Polk Community College, Kenneth C. Thompson Institute of Public Safety, Room WCJ146, 999 Avenue H, N. E., Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Approve minutes from July 31, 2008 meeting
2. Old Business
3. New Business
 - a. Region VIII Course Offerings
 - b. Region VIII Budget (2009/2010 budget)
4. Training Issues

- 5. Other Issues
- 6. Adjournment

A copy of the agenda may be obtained by contacting: Captain Craig C. Smith, Director, Polk Community College, Station #9, 999 Avenue H, N. E., Winter Haven, FL 33881.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from James Reed, on behalf of Southwest Progressive Enterprises, Inc., on November 25, 2008. The petition seeks the agency's opinion as to the applicability of Rule 9B-72.005, F.A.C., as it applies to the petitioner.

The Petitioner asks whether its products, a line of interior and exterior wall finishes with a stucco-like appearance are subject to Chapter 9B-72, F.A.C. It has been assigned the number DCA08-DEC-345.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from Alvin Scolnik, Vice President, Technical Services, National Electrical Manufacturers Association, on November 24, 2008. The petition seeks the agency's opinion as to the applicability of Rule 9B-3.0472, Florida Administrative Code, as it applies to the petitioner.

The Petitioner asks for clarification of the ANSI/UL standards that apply under the rule to the installation of carbon monoxide detectors installed in new construction.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32300-2100.

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Mary Christofferson, Petitioner/Unit Owner, In RE: Bayshore Embassy Condominium, Inc., Docket No. 2008066968. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether the replacement of the sliding glass doors is a common expense under articles III and XV of the Declaration of Condominium of Bayshore Embassy Condominium, Inc.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has issued an order disposing of the petition for declaratory statement filed by The Decoplage Condominium Association, Inc., Docket No. 2008050050 on September 3, 2008. The following is a summary of the agency's disposition of the petition:

It is ordered that The Decoplage Condominium Association, Inc., is not required to conduct a vote to elect directors in 2008 under the amendment to Section 718.112(2)(d)1., Florida Statutes, adopted by Chapter 2008-28, Section 7, Laws of Florida, and subsection 61B-23.0021(2), Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has

declined to rule on the petition for declaratory statement filed by Morris M. Hochberg, Petitioner, In Re: The Club at Crystal Lake Condominium Association, Inc. Docket Number: 2008053754 on September 24, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order under Section 120.565, Florida Statutes, because a factual dispute exists between the parties; the actions have already occurred; the order would affect third parties; and because the remedies sought are not available in this proceeding.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Charles Pukit, Petitioner/Unit Owner, In RE: Bay Colony Club Condominium, Inc., Docket No. 2008066961. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)1., Florida Statutes (2008). as it applies to the petitioner.

Whether the terms of directors presently serving staggered two-year terms end at the annual meeting to be held in December 2008 if a majority of the members of Bay Colony Club Condominium, Inc. vote to affirm a bylaw allowing staggered terms.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Sea Isle Condominium Association, Inc., Docket No. 2008066956. The

petition seeks the agency's opinion as to the applicability of the Condominium Act, Chapter 718, F.S., as it applies to the petitioner.

Whether co-owners of two units at Sea Isle Condominium Association, Inc. who were both elected to the board of directors at the November 2008 meeting may serve concurrently under Section 718.112(2)(d)1., Florida Statutes (2008).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Steven Simon, Petitioner/LCAM, In RE: The Palms Condominium, Docket No. 2008066965. The petition seeks the agency's opinion as to the applicability of Chapter 718, F.S., as it applies to the petitioner.

Whether The Palms association must insure the air conditioning units under Section 718.111(11), Florida Statutes (2008).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order disposing of the petition for declaratory statement filed by Jacksonville Kennel Club, Inc. (Petitioner), on November 21, 2008. The following is a summary of the agency's disposition of the petition:

The petition for declaratory statement was noticed in Vol. 34, No. 27, of the Florida Administrative Weekly. The petition lists Sections 550.0555, 550.475, 550.615(8), and 849.086(5)(b), Florida Statutes, as the statutory provisions upon which a declaratory statement is sought. The declaratory statement issued by the Division (DBPR Case No. 2008036447/DS

2008-038) finds that Petitioner and Intervenor, Associated Outdoor Clubs, Inc. (d/b/a Tampa Greyhound Track), are authorized to relocate their pari-mutuel permits to new locations in, respectively, Duval and Hillsborough Counties pursuant to Section 550.0555, Florida Statutes, and conduct intertrack wagering at both their original and relocated permit locations. The declaratory statement further finds that Petitioner and Intervenor would not have to build a new racing oval at their relocated permit locations and could operate a cardroom under Section 849.086, Florida Statutes, at both their original and relocated permit locations while leasing another facility for the conduct of their race meets, so long as they continue to qualify for and conduct intertrack wagering at both their original and relocated permit locations.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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 Department of Health has received the petition for declaratory statement from Warren R. Ross, Esq., on behalf of Carl and Diane Baker. The petition seeks the agency's opinion as to the applicability of Sections 381.0065(3)(i), (3)(j), (4), (4)(u), and (5), F.S., and paragraph 64E-6.012(2)(l), F.A.C., as it applies to the petitioner.

Petitioners contend they are entitled to an exemption from the requirements that they have a third party maintenance entity inspect and otherwise maintain their septic system.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

Please refer all comments to: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Peter Schwab on or

about December 10, 2008. The petition seeks the agency's opinion as to the applicability of 2007 Florida Fire Prevention Code Section 1.4.6.1 as it applies to the petitioner.

Petitioner asks the following question: Is it the intent of Section 1.4.6.1 of NFPA 1/FFPC to allow the fire protection contractor, architect or engineer to make the decision to design a fire sprinkler or fire alarm system to a subsequent edition of the standards referenced in NFPA 1?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@myflorida.cfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Schwab Materials, Inc. on November 7, 2008. The following is a summary of the agency's disposition of the petition:

In the Matter of: Lee County, Florida, Case No. 90308-07-FM, Petition for Declaratory Statement before the Florida Department of Financial Services, filed August 9, 2007, is Withdrawn.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238; Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

REQUEST FOR STATEMENT

OF QUALIFICATIONS (SOQ) – PENNEY FARMS

As a Civil Engineer, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, hereinafter referred to as Owner.

The Department is seeking the services of a civil engineering firm to prepare the civil drawings and specifications and make application to all required permitting agencies for the site work required for the new facilities at Penney Farms Forestry Station. The civil engineer will design all of the site requirements including upgraded drive and parking area and the highway entrance improvements with DOT. The total project budget is estimated at \$400,000.00.

PROJECT NAME AND LOCATION: The Penney Farms Forestry Station is located on SR 16, 10 miles East of Starke, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers,

Vendor Bid System, Search Advertisements, Bid Number SOQ/DF-08/09-52, or by calling the Purchasing Office at (850)487-3727.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

Statements of Qualifications will be received and publicly opened:

DATE AND TIME: January 27, 2009, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Room SB8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal

NOTICE TO DESIGN/BUILDER:

The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:

Project: UAA-23, Tennis Practice Facility, Gainesville, Florida

The project consists of demolition and redesign of the existing Tennis practice facility to be fully enclosed. The new design of three indoor practice courts must meet the NCAA regulations and UF Construction standards. The total project budget is to be determined. Construction shall be “fast-tracked”.

Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory for all University project. But, since this building will be ventilated only, pending the energy model result will determine our pursuing LEED certification for this building.

The contract for design/build services will consist of two parts. Part one services include design, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal based on 60% Construction Documents, for which the design/builders will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builders becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builders’ contract.

Blanket design professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be one hard copy limited to 40 single-sided OR 20 double-sided, consecutively-numbered pages and one CD containing color pages of the same information as the hard copy and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific “Design/Builder Qualifications Supplement” (DBQS) proposal. Applications on any other form will not be considered.

4. Resumes, copies of the applicant’s contracting license, current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, proof of bonding capacity, and other pertinent credentials.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida; must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/builders must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific DQBS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Thursday, January 22, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
 232 Stadium / P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-1256; Fax: (352)392-6378
 Internet: www.facilities.ufl.edu

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 CHILDREN AND FAMILY SERVICES

INVITATION TO RE-BID

Proposals are requested from qualified Roofing Contractors by the Department of Children and Families, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 03211120

PROJECT: REROOFING BUILDINGS ONE (1)
AND TWO (2)
12195 QUAIL ROOST DRIVE
MIAMI, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid and compliance with the pre-qualification requirements as stated hereinbefore and in the project specifications.

The Base Bid work includes the re-roofing of 2 buildings. Remove the existing shingles roof systems down to the existing decks, provide new flashings and other miscellaneous items. Replace with new asphaltic shingles, repair and replace fascia and soffit material as called for on plans and paint exterior of building.

BID GUARANTEE: On projects where the base bid and sum of all additives exceeds \$100,000.00, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

PUBLIC CONSTRUCTION BOND: If the construction award is \$100,000.00 or more, a Public Construction Bond, Exhibit 4, is required.

BID DATE AND TIME: Sealed bids will be received at the Department of Children and Families, Southeast Region, Rohde Building, 401 N. W. 2nd Avenue, S-714, Miami, Florida 33128 on January 15, 2009 until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

PRE-BID INSPECTION: Pre-bid inspection of the on-site conditions shall be: 12195 Quail Roost Drive, Miami, Florida, Tuesday, January 6, 2009, 2:00 p.m. (Local Time).

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained for \$50.00 non-refundable from the architect:

THE RUSSELL PARTNERSHIP, INC.
7428 S. W. 48th STREET
MIAMI, FLORIDA 33155
TELEPHONE: (305)663-7301
ATTN.: TERRY L. HOLT

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m. (Local Time), January 16, 2009, at the Rohde Building, 401 N. W. 2nd Avenue, S-714, Miami, Florida. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures: the Owner will award the contract to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C.

**NOTICE TO MECHANICAL CONTRACTORS
INVITATION TO BID**

Proposals are requested from qualified mechanical contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 07265100

PROJECT: REPLACE BOILER
WEST FLORIDA COMMUNITY
CARE CENTER
MILTON, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A performance bond and labor and material payment bond are not required.

DATE AND TIME: Sealed bids will be received at the architect's office on January 13, 2009, until 2:00 p.m. (Local Time)(CST), at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Thursday, January 6, 2009, 1:00 p.m. (CST), for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

STOA ARCHITECTS
 121 E. GOVERNMENT STREET
 PENSACOLA, FL 32502
 TELEPHONE: (850)432-1912

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted by 5:00 p.m. (Local Time), January 14, 2009, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder by the Owner.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Gadsden County, Midway, Havana, Quincy and the Gadsden County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.31777(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NUMBER 20-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Gadsden County, Midway, Havana, Quincy and the Gadsden County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Gadsden County, Department of Growth Management, 1-B East Jefferson Street, Quincy, Florida 32353-1799.

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTION 163.31777(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NO. 48-10**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Orange County School Board and the City if

Ocoee, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: City of Ocoee, 150 N. Lakeshore Drive, Ocoee, Florida 34761.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Orange County School Board and the City of Ocoee. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

In re: MONROE COUNTY LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY MONROE COUNTY
 ORDINANCE NO. 020-2008

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2007), rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On October 17, 2008, the Department received for review Monroe County (County) Ordinance No. 020-2008 ("Ord. 020-2008"), adopted by the County on September 17, 2008.
3. The purpose of the Ordinance is to amend Section 9.5-258 of the Monroe County Code to allow the provision of wastewater service and support utilities to developed properties located within the Coastal Barrier Resources System (CBRS) Overlay.
4. The Coastal Barrier Resources Act (CBRA) of 1982 established the CBRS to restrict the federally subsidized development of coastal barrier areas. See 16 U.S.C. 3504(a)(1).
5. On December 18, 2001, the Monroe County Board of County Commissioners adopted Ordinance No. 043-2001, creating Section 9.5-258 of the Monroe County Code which established the CBRS Overlay District, the purpose of which is to implement the policies of the comprehensive plan by prohibiting the extension and expansion of specific types of public utilities to or through lands designated as a unit of the CBRS.
6. On June 18, 2008, the Monroe County Board of County Commissioners directed the Growth Management Staff to amend the comprehensive plan and land development regulations to reword the prohibition on utilities such that the focus and priority be placed on wastewater first and any discussion of electric or any other utility, other than those required to efficiently support a central wastewater collection system, be deferred until the wastewater goal is accomplished.
7. Section 163.3202, Florida Statutes, however, requires that land development regulations contain specific and detailed provisions necessary to implement the adopted comprehensive plan which discourages the extension of facilities and utility services to CBRS units and prohibits

public expenditures for new or expanded facilities in areas designated as units of the CBRS except for expenditures necessary for public health and safety. While the Comprehensive Plan does not prohibit the extension of facilities and services into CBRS units, Ordinance 020-2008 conflicts with the County's policies discouraging both private and public investments in CBRS units.

8. A Comprehensive Plan amendment is necessary to resolve this conflict and clarify that the extension of facilities and services to specific areas in CBRS units, including No Name Key, designated as Hot Spots for central sewer may be necessary for water quality improvement as well as for financial feasibility and economies of scale in construction of regional wastewater plants.
9. The provision of central wastewater treatment and collection facilities through or to CBRS areas to developed properties may be one option to satisfy the treatment standard requirements of Section 6 of Chapter 99-395 Laws of Florida. However, sufficient data and analysis has not been provided to address the capital cost allocation issues associated with the provision of central wastewater treatment and collection systems, and where needed, the cost for the provision of electrical service to the CBRS units
10. Monroe County Staff has indicated that the County will be moving forward with a Comprehensive Plan amendment to address any conflicts with the Comprehensive Plan in the County's first amendment cycle in 2009. Although the Department is encouraged by the County's efforts to provide central sewer to No Name Key, since the current wastewater construction schedule does not anticipate completion of the new facility for several years, the County has an opportunity to provide an analysis of the magnitude of the additional public facility costs.
11. If the intent of the County is to provide wastewater only to No Name Key within the CBRS unit, the Department would recommend the County first adopt any necessary comprehensive plan amendments and subsequently revise Ordinance 020-2008 to target its application to No Name Key.

CONCLUSIONS OF LAW

12. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2007).

13. Monroe County is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2007) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
14. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 020-2008 are land development regulations.
15. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), Florida Statutes See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
16. Ord. 020-2008 fails to promote and further the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection and disposal facilities;
 3. Solid waste collection and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
17. Ord. 020-2008 is inconsistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 020-2008 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of December, 2008.

 Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable Mario DiGennaro
 Mayor of Monroe County
 Florida Keys Marathon Airport
 9400 Overseas Highway, Suite 210
 Key West, Florida 33050

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Andrew Trivette
Growth Management Director
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Joseph Ambros d/b/a Ambros Mowers, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 1402 Clearlake Road, Cocoa (Brevard County), Florida 32922, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Joseph Ambros d/b/a Ambros Mowers are dealer operator(s): Joseph Ambros, 4325 Knoxville Avenue, Cocoa, Florida 32926; principal investor(s): Joseph Ambros, 4325 Knoxville Avenue, Cocoa, Florida 32926.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Joseph Ambros d/b/a Ambros Mowers, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 1402 Clearlake Road, Cocoa (Brevard County), Florida 32922, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Joseph Ambros d/b/a Ambros Mowers are dealer operator(s): Joseph Ambros, 4325 Knoxville Avenue, Cocoa, Florida 32926; principal investor(s): Joseph Ambros, 4325 Knoxville Avenue, Cocoa, Florida 32926.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Joseph Ambros d/b/a Ambros Mowers, as a dealership for the sale of

motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 1402 Clearlake Road, Cocoa (Brevard County), Florida 32922, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Joseph Ambros d/b/a Ambros Mowers are dealer operator(s): Joseph Ambros, 4325 Knoxville Avenue, Cocoa, Florida 32926; principal investor(s): Joseph Ambros, 4325 Knoxville Avenue, Cocoa, Florida 32926.

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: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Johnny Pag Motorcycles, intends to allow the establishment of Charlie Dyches Power Sports, LLC, as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 2314 East Edgewood Drive, Lakeland (Polk County), Florida 33803, on or after December 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Charlie Dyches Power Sports, LLC are dealer operator(s): Charlie Dyches, 3455 Blueberry Drive, Lakeland, Florida 33811; principal investor(s): Charlie Dyches, 3455 Blueberry Drive, Lakeland, Florida 33811.

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: JR Pag, CEO, Johnny Pag Motorcycles, 1851 McGaw, Irvine, California 92614.

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 Genuine Scooters, LLC, intends to allow the establishment of Fort Walton Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by LML Limited (LMLL) at 219 Racetrack Road Northwest, Fort Walton (Okaloosa County), Florida 32547, on or after December 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fort Walton Motorsports, LLC are dealer operator(s): James G. Evans, 1424 Nantahala Beach Road, Gulf Breeze, Florida 32563; principal investor(s): James G. Evans, 1424 Nantahala Beach Road, Gulf Breeze, Florida 32563.

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: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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 Genuine Scooters, LLC, intends to allow the establishment of Fort Walton Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 219 Racetrack Road Northwest, Fort Walton (Okaloosa County), Florida 32547, on or after December 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fort Walton Motorsports, LLC are dealer operator(s): James G. Evans, 1424 Nantahala Beach Road, Gulf Breeze, Florida 32563; principal investor(s): James G. Evans, 1424 Nantahala Beach Road, Gulf Breeze, Florida 32563.

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.

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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 Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of Morland Marine International, Inc. d/b/a Island Scooter Store, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 5347 Gulf Drive, Suite #6, Holmes Beach (Manatee County), Florida 34217, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Morland Marine International, Inc. d/b/a Island Scooter Store are dealer operator(s): Brian Quartermain, 609 North Point Road, Holmes Beach, Florida 34217; principal investor(s): Brian Quartermain, 609 North Point Road, Holmes Beach, Florida 34217.

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: Jimmy Pelaez, Chuanl Motorcycle USA Co. Ltd., 1036 Jacobson Road, Suite 200, Garland, Texas 75042.

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 Power Sports Factory, Inc., intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Corp. (QINJ) at 228 North 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after December 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin L. Murray, 228 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Rustin L. Murray, 228 North 3rd Street, Jacksonville Beach, Florida 32250.

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: Brett Moorer, Power Sports Factory, Inc., 6950 Central Highway, Pennsauken, New Jersey 08109.

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 BMS Motorsports, Inc., intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1802 North Woodland Boulevard, Deland (Volusia County), Florida 32720, on or after December 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc. are dealer operator(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720; principal investor(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

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 BMS Motorsports, Inc., intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1802 North Woodland Boulevard, Deland (Volusia County), Florida 32720, on or after December 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc. are dealer operator(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720; principal investor(s): Brian Martin, 1802 North Woodland Boulevard, Deland, Florida 32720.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

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 Power Group International, LLC, intends to allow the establishment of Southern Golf Cars, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 12162 Southwest 114 Place, Miami (Dade County), Florida 33176, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southern Golf Cars, Inc. are dealer operator(s): Ron Smith, 12162 Southwest 114 Place, Miami, Florida 33176; principal investor(s): Ron Smith, 12162 Southwest 114 Place, Miami, Florida 33176.

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: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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 Power Group International, LLC, intends to allow the establishment of Southern Golf Cars, Inc., as a dealership for the sale of Tomberlin golcars (TOMB) at 12162 Southwest 114 Place, Miami (Dade County), Florida 33176, on or after October 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southern Golf Cars, Inc. are dealer operator(s): Ron Smith, 12162 Southwest 114 Place, Miami, Florida 33176; principal investor(s): Ron Smith, 12162 Southwest 114 Place, Miami, Florida 33176.

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: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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 WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pp 6404, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pp 6405, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pp 6405, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Zhejiang Kangdi Vehicle Co. Ltd. (KANG) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pps 6405-6406, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Shanghai Meitain Motorcycle Co. Ltd. (MEIT) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pp 6406, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Zhejiang Mengdeli Electric Co. Ltd. (MENG) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pps 6406-6407, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for China Qingqi Group Co. Ltd. (QING) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pp 6407, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Stay Safe, LLC, as a new point for Shanghai Shenke Motorcycle Co. Ltd. (SHEN) motorcycle franchise dealership in Sarasota County by SunL Group, Inc., published in Vol. 34, No. 49, pp 6407, Florida Administrative Weekly, on December 5, 2008, has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for an emergency service exemption from Florida Hospital Zephyrhills Inc., 7050 Gall Boulevard, Zephyrhills, FL 33541 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at munnj@ahca.myflorida.com.

The Agency for Health Care Administration has received an application for an emergency service exemption from Florida Hospital Zephyrhills Inc., 7050 Gall Boulevard, Zephyrhills, FL 33541 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Orthopedics. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at munnj@ahca.myflorida.com.

The Agency for Health Care Administration has received an application for an emergency service exemption from Florida Hospital Zephyrhills Inc., 7050 Gall Boulevard, Zephyrhills, FL 33541 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Pulmonary Medicine. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at munnj@ahca.myflorida.com.

The Agency for Health Care Administration has received an application for an emergency service exemption from Florida Hospital Zephyrhills Inc., 7050 Gall Boulevard, Zephyrhills, FL 33541, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Urology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at munnj@ahca.myflorida.com.

The Agency for Health Care Administration has received an application for an emergency service exemption from Lake Butler Hospital Hand Surgery Center, 850 East Main Street, Lake Butler, FL 32054 pursuant to Section 395.1041(3),

Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Plastic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at youngj@ahca.myflorida.com.

The Agency for Health Care Administration has received an application for an emergency service exemption from Metropolitan Hospital Of Miami located at 5959 N. W. 7th Street, Miami, FL 33126, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Jack Plagge, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at plaggej@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Notice of Intent to Grant Variance to the City of Auburndale
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 62-610.469(7)(g), subsection 62-610.650(3) and paragraph 62-610.660(3)(a), F.A.C., to the City of Auburndale, P. O. Box 186, Auburndale, Florida 33823, (OGC File No.05-2220) to allow for the distribution of reclaimed water to additional public access reuse users after it has been delivered to an existing user, in Polk County, Florida. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District, Domestic Wastewater Program, 13051 North Telecom Parkway, Temple Terrace, Florida 33637, (813)632-7600.

The Department will grant the variance with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of notice. The procedures for petitioning a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed variance decision 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 the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department for notice of agency action may file a petition within fourteen 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 or request for an extension of time within 14 days of receipt of notice shall constitute a waiver of that person's right to request an administrative

determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (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 Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department'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 Department to take with respect to the Department's proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

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, 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.

FLORIDA STATE CLEARINGHOUSE

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

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN December 8, 2008
 and December 12, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

15B-2.013	12/12/08	1/1/09	34/41	
15B-2.016	12/12/08	1/1/09	34/41	

FLORIDA PAROLE COMMISSION

23-21.007	12/10/08	12/30/08	34/44	
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DEPARTMENT OF CORRECTIONS

33-302.1031	12/10/08	12/30/08	34/38	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.607	12/10/08	12/30/08	34/37	
40D-1.659	12/10/08	12/30/08	34/33	
40D-1.659	12/10/08	12/30/08	34/37	
40D-2.021	12/10/08	12/30/08	34/37	
40D-2.041	12/10/08	12/30/08	34/37	
40D-2.091	12/10/08	12/30/08	34/37	
40D-2.321	12/10/08	12/30/08	34/37	
40D-2.501	12/10/08	12/30/08	34/37	
40D-2.621	12/10/08	12/30/08	34/37	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid Program Office**

59G-4.130	12/9/08	12/29/08	34/37	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

61D-2.002	12/10/08	12/30/08	34/42	
61D-2.022	12/10/08	12/30/08	34/42	
61D-6.008	12/10/08	12/30/08	34/42	
61D-13.006	12/10/08	12/30/08	34/42	

Barbers' Board

61G3-16.010	12/9/08	12/29/08	34/43	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

69J-7.004	12/10/08	12/30/08	34/8	
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Division of Workers' Compensation

69L-6.009	12/11/08	12/31/08	34/37	34/44
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