

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.033 RULE TITLE:
Standards for Nonpartisan Voter
Education

PURPOSE AND EFFECT: The proposed rule revision is to update the standards for nonpartisan voter education. The revisions reflect the Department of State's review in every general election year of the Supervisor of Elections' voter education programs. The revisions include new emphasis on the use of the Internet to increase access to voter information.

SUBJECT AREA TO BE ADDRESSED: Standards for Nonpartisan Voter Education.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 97.012(4), 98.255 FS.

LAW IMPLEMENTED: 98.255 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: March 5, 2009, 10:00 a.m.

PLACE: Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough 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: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State, nlshotwell@dos.state.fl.us or (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Florida Department of State, mimatthews@dos.state.fl.us or (850)245-6536

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.039 RULE TITLE:
FVRS Voter Registration Processes

PURPOSE AND EFFECT: The proposed language codifies a number of uniform practices and procedures based on statutory requirements relating to voter registration processes under the Florida Voter Registration System implemented in January 2006

SUBJECT AREA TO BE ADDRESSED: FVRS Voter Registration Procedures.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1)-(2) 97.052(1), 98.015(10)-(12), 98.035(5), 98.045(5) FS.

LAW IMPLEMENTED: 97.052, 97.053, 98.015, 98.035, 98.045 FS.

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.040 RULE TITLE:
Statewide Uniform Voter
Registration Application

PURPOSE AND EFFECT: The primary purpose of the proposed rule revision is to conform the statewide voter registration application form to recent statutory changes, specifically as part of Chapter 2008-95, Laws of Florida which revised the category of persons who may pre-register to include any person who is 16 years old. Other format and non-substantive changes are made to streamline the form, DS-DE #39, which is incorporated by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Statewide Voter Registration Application.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 97.052(1) FS.
 LAW IMPLEMENTED: 97.041, 97.051, 97.052, 97.053,
 97.1031, 98.077, 101.045(2) FS.

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
 1S-2.041 FVRS Address and Records
 Maintenance

PURPOSE AND EFFECT: The proposed language codifies a
 number of practices and procedures evolving from statutory
 requirements relating to address list maintenance activities and
 voter registration records maintenance activities. These
 procedures are designed to further ensure the official list of
 registered voters in the Florida Voter Registration System is
 accurate and current as to addresses and eligibility.

SUBJECT AREA TO BE ADDRESSED: FVRS Address and
 Eligibility Records Maintenance Activities.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 98.015(10),
 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

LAW IMPLEMENTED: 98.035, 98.065, 98.0655, 98.075 FS.

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
 1S-2.043 Report Requirements for Elections
 Results and Voting Activity

PURPOSE AND EFFECT: This rule development workshop is
 the third workshop held since September 2005 to codify
 uniform practices and specifications for statutory requirements
 for reporting voting history activity, absentee ballot request
 information, and precinct-level election results. The underlying
 statutory requirements were substantially revised in ss. 8 and
 21 of chapter 2008-95, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Reporting
 Requirements for Submitting Date on Voting History Activity,
 Absentee Ballot Requests, and Election Results.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 98.0981,
 101.62(3), 101.657(2) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657 FS.

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agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, (850)245-6536. 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 AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-8.0011	Standards Adopted
5F-8.0012	Bureau of Fair Rides Inspection Forms
5F-8.009	Inspections by Owner or Manager
5F-8.0125	Fencing and Gate Standards
5F-8.0126	Minor Rule Violations; Notice of Non-Compliance
5F-8.0127	Enforcement Actions and Administrative Penalties
5F-8.0128	Resolution of Violations, Settlement, and Additional Enforcement Remedies
5F-8.014	Training of Managers, Attendants, and Maintenance Persons
5F-8.015	Regulation of Go-Karts and Similar Vehicles
5F-8.016	Regulation of Water Parks
5F-8.025	Regulation of Bungy Operations
5F-8.050	Games

PURPOSE AND EFFECT: The purpose of these rules is (1) to incorporate materials by reference; (2) the rule revision for Bureau of Fair Rides Inspection Forms is proposed for the purpose of correcting revision dates & adopting changes to those forms adopted by the Bureau; (3) to revise the provisions relating to the Owner’s Daily Inspection Reports to allow fair ride owners to submit their own form documenting the daily inspections as long as the owner’s form contains the same information required by and included on the Department’s forms; (4) to adopt fencing and gate standards for all amusement rides operating within the state; (5) to adopt guidelines for imposing administrative remedies when the Department determines there is a violation of the statute or rules; (6) to revise the provisions relating to the Employee Training Records to allow the fair ride owners to submit their

own form documenting the training of managers, attendants, and maintenance persons as long as the owner’s form contains the same information required by and included on the Department’s form; (7) to set forth guidelines for attendants in regards to track monitorship; (8) to revise attendant responsibilities on all water related rides; and (9) to add a Bureau authorized game to those already approved to operate within the State.

SUBJECT AREA TO BE ADDRESSED: This rulemaking amends Chapter 5F-8, F.A.C., which relates to safety standards for amusement rides operating in the state of Florida. Specifically, this rule addresses incorporating forms and materials by reference, providing alternate forms that fair ride owners may use in lieu of Department forms, adopts fencing and gate standards for all amusement rides and adopts guidelines for imposing administrative sanctions.

SPECIFIC AUTHORITY: 616.165, 616.242 FS.

LAW IMPLEMENTED: 616.242 FS.

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

DATE AND TIME: March 4, 2009, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, 3125 Conner Blvd., 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 24 hours before the workshop/meeting by contacting: Robert H. Jacobs, Bureau Chief of Fair Rides Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399, (850)488-9790. 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 H. Jacobs, Bureau Chief of Fair Rides Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399, (850)488-9790

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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.:	RULE TITLE:
5L-1.003	Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: This amendment proposes to update the legal descriptions of all shellfish harvesting area by making minor changes in order to make the legal descriptions easier to read. The simple changes do not require changing the maps, management plans or legal boundaries.

SUBJECT AREA TO BE ADDRESSED: The proposed update of the legal descriptions for all shellfish harvesting areas is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.
LAW IMPLEMENTED: 597.020 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.

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: Chris Brooks. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

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 CORRECTIONS

RULE NO.: 33-501.301
RULE TITLE: Law Libraries

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC5-152, Law Library Interlibrary Loan Request, incorporated by reference in Rule 33-501.301, F.A.C., to eliminate language requiring an inmate to specify which outcome(s) of a Shepard’s report he or she would like to know (distinguished, overturned, etc.).

SUBJECT AREA TO BE ADDRESSED: Law Libraries.
SPECIFIC AUTHORITY: 944.09, 944.11 FS.
LAW IMPLEMENTED: 20.315, 944.09, 944.11 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 IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) through (10) No change.

(11) Forms. The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC-152, Law Library Interlibrary Loan Request, effective _____, ~~1-7-07~~.

(b) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History–New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, 1-7-07, 1-6-09, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.243
RULE TITLE: Basic Training Program – Employee Standards of Appearance Conduct, and Fitness

PURPOSE AND EFFECT: The purpose and effect is to amend Rule 33-601.243, F.A.C., to require that correctional officers selected for the basic training program must complete the 40-hour youthful offender training before being assigned to work with youthful offenders.

SUBJECT AREA TO BE ADDRESSED: Basic Training Program.

SPECIFIC AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 944.09 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 S: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.243 Basic Training Program – Employee Standards of Appearance, Conduct, and Fitness.

(1) through (3) No change.

(4) Correctional officers in the basic training program will be expected to pass a physical fitness test prior to assignment to a post in the basic training program and every quarter year thereafter in order to remain physically capable of performing the assigned duties. Correctional officers selected for the basic training program shall complete the 40 hour job specific youthful offender training before being assigned to work with youthful offenders.

(5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.014, 33-506.213, Amended 1-17-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The rulemaking is intended to set forth the permit fee for 20 year water use permits that are being proposed in related rulemaking in Chapter 40D-2, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District’s permit fee schedule to add fees for 20 year permits being proposed in related rulemaking in Chapter 40D-2, F.A.C. The fees will be tiered based on the quantity of water authorized to be used by the water use permittee.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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

DATE AND TIME: February 27, 2009, 10:00 a.m.

PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Hwy 301 North, Tampa, FL 33637-6759

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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: Dianne

Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.041 Permits Required

PURPOSE AND EFFECT: The District proposes to make further refinements in the definitions of General and Small General Water Use Permits (WUPs) set forth in Rule 40D-2.041, F.A.C., which was recently amended. General WUPs are issued for combined annual average daily water demands of less than 500,000 gallons per day (gpd) but greater than or equal to 100,000 gpd. Recent amendments elevated certain water demands of less than 100,000 gpd formerly categorized as Small General WUPs to the General WUP category, which amendments included defining all permits with surface water withdrawals less than 100,000 gpd as a General WUP. The proposed amendments will clarify that for permits authorizing surface water withdrawals, only those for which the primary source is a surface water and the combined annual average daily water demand is at least 50,000 gpd will be categorized as General Permits. The General WUP category is also amended to include permits with annual average water demands of less than 100,000 gpd when the maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City area of Hillsborough County. In that specific area, WUPs authorizing less than 100,000 gpd will be elevated to the General WUP category if the maximum daily withdrawal quantity for crop protection or other use equals or exceeds 1,000,000 gpd. This is due to the concentration of agricultural water use in that specific area, primarily for strawberries, which require significant crop protection withdrawals during the winter growing season. The effect of these amendments is to limit the Small General WUP category to those combined annual average water demands of less than 100,000 gpd that require only minimal staff evaluation, due to little-to-no impact upon the water resources.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.224, 373.226 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.041 Permits Required.

(1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. No change.

(b) General. Water Use Permits for the following are issued by District staff as General Water Use Permits, except as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the Basis of Review:

1. A combined annual average daily water demand less than 500,000 gpd but greater than or equal to 100,000 gpd; or

2. A combined annual average daily water demand less than 100,000 gpd when:

a. The drought annual average is 100,000 gpd or more in the Southern Water Use Caution Area;

b. Withdrawal is for mining or dewatering;

c. The primary withdrawal source is a surface water and the combined annual average daily water demand is at least 50,000 gpd; ~~or~~

d. The withdrawals are required by the permit to be metered and withdrawal quantities reported to the District, ~~or~~

e. The maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City area, in which case the maximum daily withdrawal quantity equals or exceeds 1,000,000 gpd for crop protection or other use

(c) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:

RULE TITLES:

40D-2.091

Publications Incorporated by Reference

40D-2.301

Conditions for Issuance of Permits

40D-2.321

Duration of Permits

PURPOSE AND EFFECT: The rulemaking is intended to set forth the criteria to be met to obtain a water use permit with a 20 year duration. In addition, the rulemaking is intended to set forth environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review For Water Use Permit Applications, of the Water Use Permit Information Manual regarding the standards that must be met to obtain a water use permit with a duration of 20 years. Small General permits will be issued with a 20 year duration. General or Individual permits applicants may request a permit with up to a 20 year permit duration where the applicant demonstrates (1) exceptional implementation of alternative water supplies and water conservation, or (2) the provision of a significant quantity of alternative water supply that offsets the withdrawal of ground water, and (3) agreement to comply with conservation and water resource protection standards and associated water use compliance phase-in periods when adopted by rule. The proposed rules also describe required five year compliance reports and the information to be reported for 20 year permits. Other standards for 20 year permits may be developed during rulemaking.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Hwy 301 North, Tampa, FL 33637-6759

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800) 231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.607
 RULE TITLE: Permit Application Processing Fees

PURPOSE AND EFFECT: This rulemaking was initiated after the recent statutory amendments to Section 373.109, Fla. Stat., enacted pursuant to Section 18 of Senate Bill 1294 (2008), (Chapter 2008-150, Laws of Florida). Subsequent to the enactment of these statutory amendments, the Florida Department of Environmental Protection (Department) proposed in Rule 62-113.200, F.A.C., the delegation of its authority to implement the statutory amendments to the water management districts. There are three categories of revisions proposed in Rule 40E-1.607, F.A.C. The first is to reflect upward adjustments to fees based on CPI. The second is to reflect new categories of fees authorized pursuant to Subsections 373.109(b)-(d), Fla. Stat. The third is an adjustment in fees to more accurately reflect the costs of "processing, monitoring, and inspecting for compliance."

As required by Section 373.109, Fla. Stat., and Rule 62-113.200, F.A.C., the proposed rule provides for the District to adjust all of the fees to reflect at a minimum, any upward adjustment in the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase, and identifies the inflation index used for making the fee adjustments. The proposed actual upward adjustments appear on Tables 40E-1.607(3)(a), (3)(b), and (5), F.A.C. The inflation index, designated by the Department, used for making all fee adjustments is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) (www.bls.gov/cpi/),

computed as provided in the BLS publication "Handbook of Methods", Chapter 17 (www.bls.gov/opub/hom/pdf/homch17.pdf).

These statutory amendments and proposed delegation also require increases in permit application fees and new fees under the Environment Resource Permit program of Part IV, Chapter 373, Fla. Stat.: (1) pursuant to the requirements of Subsection 373.109(1)(b), Fla. Stat., fees for noticed general permits pursuant to Chapter 40E-400, F.A.C., are increased from \$100 to \$250; (2) pursuant to Subsection 373.109(1)(c), Fla. Stat., a new \$100 fee to verify qualification for an exemption from regulation under Part IV of Chapter 373, Fla. Stat.; and (3) pursuant to Subsection 373.109(1)(d), Fla. Stat., a new \$500 fee to conduct an informal wetland boundary determination.

In order to recover a larger portion of the cost to the District to process, monitor and inspect for compliance, the District is also proposing additional adjustments to fees for Individual Permits and modifications for non-agricultural projects (including mitigation banks), Standard General Permits and General Permits for non-agricultural projects both new and modified, Dredge and Fill Permits both Short Form and Standard, Formal Wetland Determinations (including modified categories), Property Transfers, Individual Operations, Early Work, Environmental Resource and Surface Water Management letter modifications, Environmental Restoration Enhancements and Variances under Chapters 120 and 403, Fla. Stat. The District is also proposing a new \$100 fee to process No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C., and a new \$500 fee to process permit extensions.

SUBJECT AREA TO BE ADDRESSED: New fees for activities conducted under Part IV of Chapter 373, F.S., and adjustments to all fees to reflect inflation and costs to process, monitor and inspect for compliance.

SPECIFIC AUTHORITY: 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 403.201 FS.

LAW IMPLEMENTED: 218.075, 373.016(5), 373.103, 373.109, 373.4135, 373.421(2), 373.421(6)(b), 403.201 FS.

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

DATE AND TIME: March 4, 2009, 1:30 p.m.

PLACE: South Florida Water Management District, B-1 Building, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

DATE AND TIME: March 10, 2009, 10:30 a.m.

PLACE: South Florida Water Management District Lower West Coast Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901

DATE AND TIME: April 1, 2009, 1:00 p.m.

PLACE: Osceola County Extension Office, Osceola Heritage Park, 1921 Kissimmee Valley Lane, Kissimmee, FL 34744-6107

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Maria Clemente, P.E., Division Director, Regulatory Program Support, Environmental Resource Regulation, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 2308 or (561)682-2308, email: mclemente@sfwmd.gov. For procedural issues contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) through (2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Individual Permit, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$ 4,029 3050
All others, <u>including Mitigation Banks</u>	\$ 7,500 5000
Project area 100 acres to less than 640 acres	
Agriculture	\$ 5,284 4000
All others, <u>including Mitigation Banks</u>	\$ 13,125 7500
Project area 640 acres or more	
Agriculture	\$ 6,605 5000
All others, <u>including Mitigation Banks</u>	\$ 25,000 10,000
New Individual Permit, Mitigation Bank	
Project area less than 100 acres	\$5000
Project area 100 acres to less than 640 acres	\$7500
Project area 640 acres or more	\$10,000
Individual Permit Modification, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$ 2,708 2050
All others, <u>including Mitigation Banks</u>	\$ 5,000 3500
Project area 100 acres to less than 640 acres	
Agriculture	
All others, <u>including Mitigation Banks</u>	\$ 3,303 2500
Project area 640 acres or more	\$ 10,000 5000
Agriculture	\$ 4,624 3500
All others, <u>including Mitigation Bank</u>	\$ 15,000 7500
Individual Permit Modification, Mitigation Bank	
Project area less than 100 acres	\$3500
Project area 100 acres to less than 640 acres	\$5000
Project area 640 acres or more	\$7500
New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.)	
Agriculture	\$ 859 650
All others	\$ 3,500 2000
Standard General Permit Modification including Application for phase construction under a Conceptual Approval Application for Individual Permit Modification for a system which does not exceed the criteria in Rule 40E-40.041, F.A.C., and which is not required to obtain an individual environmental resource permit for the reasons in subsection 40E-40.011(2), F.A.C.	
Agriculture	\$ 661 500
All others	\$ 1,500 1000
Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture	\$ 250 100
Single family residential homesite consisting of 10 acres or less in total land area	\$ 100

Standard General Permit for incidental site activities pursuant to Rule 40E-40.042, F.A.C. <u>(Early Work)</u>	\$ 1,000 500
Transfer of permit (including Mitigation Bank) to another entity pursuant to Rules 40E-1.6107 and 40E-4.351, F.A.C.	\$ 675 450
Variance associated with an environmental resource permit application From paragraph 40E-4.301(1)(e), F.A.C	\$ 750 400
From other permitting standards, permit conditions, or water quality standards	\$ 1,500 500
New Individual Operation Permit	\$ 5,250 3500
Letter Modification	\$ 250 400
New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site	\$ 250 400
<u>No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C.</u>	\$ 100
<u>Verification that an activity is exempt from regulation under Part IV, Chapter 373 or 403.813, F.S.</u>	\$ 100
<u>Informal wetland boundary determinations under Part IV of Chapter 373, F.S. for property less than or equal to 1 acre</u>	\$ 500
<u>Permit Extensions</u>	\$ 500

1. through 4. No change.

5. The District shall use the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S. The inflation index used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) (www.bls.gov/cpi/), computed as provided in the BLS publication "Handbook of Methods", Chapter 17 (www.bls.gov/opub/hom/pdf/homch17.pdf).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S., wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)
 PERMIT APPLICATION PROCESSING FEES FOR
 PROJECTS GRANDFATHERED PURSUANT TO SECTION
 373.414, F.S.
 WETLAND RESOURCE (DREDGE AND FILL) PERMIT
 APPLICATIONS REVIEWED PURSUANT TO CHAPTERS
 40E-4, 40E-40, AND 40E-400, F.A.C.

Category	Amount
Construction projects up to and including 5 years Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).	\$ 7,500 4000
Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).	\$ 750 500
Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to subsection 62-312.070(2), F.A.C. (1993), that provide:	
0-2 new boat slips	\$ 300
3-9 new boat slips	\$ 500
Dredge and fill construction permits in excess of 5 years Short form permits from 6 years up to and including 10 years	\$3000
Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000	
Variance associated with a wetland resource permit application From the prohibition of subsection 62-312.080(7), F.A.C.	\$ 132 400
From other permitting standards, permit conditions, or water quality standards	\$ 661 500
General Permits	\$ 132 400
Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with subsections 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:	
Transfer of permits or time extensions	\$ 66 50
Minor technical changes	
Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S.	\$ 66 50
Existing permit fee is equal to or more than \$300	\$ 330 250

1. through 3. No change.

(4) No change.

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)

DETERMINATION PETITION PROCESSING FEES FOR FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed in Table subsection 40E-1.607(5), F.A.C.

Category	Amount
Property less than or equal to 640 acres	\$3,500 875
Property greater than 640	\$5,000 875
Property less than or equal to 1 acre	\$250
Property greater than 1 acre but less than or equal to 10 acres	\$550
Property greater than 10 acres but less than or equal to 40 acres	\$750
Property greater than 40 acres but less than or equal to 120 acres	\$1500
Property greater than 120 acres	\$1500
Each additional 100 acres or portion thereof	\$200
Renewal	\$250

(6) through (7) No change.

Specific Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), FS. Law Implemented 218.075, 373.109, 373.421(2), 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07,_____.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.002 **RULE TITLE:** Definitions
PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.
SUBJECT AREA TO BE ADDRESSED: Definitions.
SPECIFIC AUTHORITY: 427.013(9) FS.
LAW IMPLEMENTED: 427.011-427.017 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.005 **RULE TITLE:** Member Department Responsibilities
PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.
SUBJECT AREA TO BE ADDRESSED: Member Department Responsibilities.
SPECIFIC AUTHORITY: 427.013(9) FS.
LAW IMPLEMENTED: 427.0135 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.007 **RULE TITLE:** Reporting Requirements
PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.
SUBJECT AREA TO BE ADDRESSED: Reporting Requirements.
SPECIFIC AUTHORITY: 427.013(9) FS.
LAW IMPLEMENTED: 427.012(8), 427.013(3), (7), (8), (9), (12), (13), (16), 427.0135(1), 427.015(1) 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE NO.: 41-2.011
 RULE TITLE: Community Transportation
 Coordinator Powers and Duties

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Community Transportation Coordinator Powers and Duties.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0155 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE NO.: 41-2.015
 RULE TITLE: Expenditure of Local Government,
 State, and Federal Funds for the
 Transportation Disadvantaged

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Expenditure of Local Government, State, and Federal Funds for the Transportation Disadvantaged.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013(16), 427.016 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE NO.: 41-2.0162
 RULE TITLE: Chronological Listing of Report
 Dates

PURPOSE AND EFFECT: The proposed rule change is to reflect the deletion of the definition of "annual budget estimate" from Section 427.011(12), F.S.

SUBJECT AREA TO BE ADDRESSED: Chronological Listing of Report Dates.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE NO.: 59G-4.251
 RULE TITLE: Florida Medicaid Prescribed Drugs
 Reimbursement Methodology

PURPOSE AND EFFECT: The purpose of this rule is to update the reimbursement methodology for prescribed drug claims in the Medicaid program.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Prescribed Drugs Reimbursement Methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908,
 409.912(39)(a) FS.

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

DATE AND TIME: Friday, March 13, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration Headquarters, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Donnelly, Bureau of Medicaid Prescribed Drug Services, 2727 Mahan Drive, Mail Stop 38, Tallahassee, Florida 32308-5407; (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.251 Florida Medicaid Prescribed Drugs Reimbursement Methodology.

(1) Reimbursement for prescribed drug claims is made in accordance with the provisions of Title 42, Code of Federal Regulations Sections 447.512-516. Reimbursement for covered drugs dispensed by a licensed pharmacy, approved as a Medicaid provider, or an enrolled dispensing physician filling his own prescriptions, shall not exceed the lower of:

(a) The estimated acquisition cost, defined as the lower of:

1. Average Wholesale Price (AWP) minus 16.4%, or Wholesaler Acquisition Cost (WAC) plus 4.75%, plus a dispensing fee of ~~\$3.73~~ ~~\$4.23~~;

2. The Federal Upper Limit (FUL) established by the Centers for Medicare and Medicaid Services, plus a dispensing fee of ~~\$3.73~~ ~~\$4.23~~; or

(b) The State Maximum Allowable Cost (SMAC), plus a dispensing fee of ~~\$3.73~~ ~~\$4.23~~; or

(c) The provider's Usual and Customary (U&C) charge, inclusive of dispensing fee.

(2) For drugs purchased by qualified entities under Section 340B of the Public Health Service Act: Covered entities and Federally Qualified Health Centers or their contracted agents that fill Medicaid patient prescriptions with drugs purchased at prices authorized under Section 340B of the Public Health Service Act must bill Medicaid for reimbursement at the actual acquisition cost plus a dispensing fee of \$7.50 for these drugs.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912(39)(a) FS. History—New 1-28-09, Amended

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Purchasing

RULE NO.: 60A-1.044
 RULE TITLE: State Term Contracts; Usage and Exclusivity; Exceptions

PURPOSE AND EFFECT: To amend Rule 60A-1.044, Florida Administrative Code, to remove exceptions to mandatory use of state term contracts by state agencies.

SUBJECT AREA TO BE ADDRESSED: Repeal subsections (2) and (3) and amend subsection (5) of the current rule.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.056(1) 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 IS: Kelley Scott, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-3049, Kelley.Scott@dms.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.001
 RULE TITLE: Written Examination Designated; General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of material allowed in testing facility.

SUBJECT AREA TO BE ADDRESSED: Written Examination Designated; General Requirements.

SPECIFIC AUTHORITY: 455.217(1), 472.008 FS.

LAW IMPLEMENTED: 455.217(1), 472.013, 472.015 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-210.200
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The proposed rule development involves amendments to rule language in Chapter 62-210, F.A.C., to update the department's air construction permitting rules in response to the Environmental Protection Agency's (EPA) conditional approval of Florida's new source review State Implementation Plan under the Clean Air Act.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the department's Stationary Source General requirements.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., 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: Ms. Lynn Scearce at (850)921-9551 or lynn.scarce@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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-212.300	General Preconstruction Review Requirements
62-212.400	Prevention of Significant Deterioration (PSD)

PURPOSE AND EFFECT: The proposed rule development involves amendments to rule language in Chapter 62-212, F.A.C., to update the department’s air construction permitting rules in response to the Environmental Protection Agency’s (EPA) conditional approval of Florida’s new source review State Implementation Plan under the Clean Air Act.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the department’s Stationary Source Preconstruction Review requirements.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., 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: Ms. Lynn Scearce at (850)921-9551 or lynn.scarce@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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Terri Long at (850)921-9536 or terri.long@dep.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-731.020	Definitions
62-731.030	Small Quantity Generator Assessment, Notification and Verification Program
62-731.040	County Information Sent to the Department
62-731.050	Grants; General Specifications
62-731.060	Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards
62-731.062	Expanded Local Hazardous Waste Management Program Grant Eligibility and Standards
62-731.064	Award of Grant Funds

PURPOSE AND EFFECT: The purpose of this rulemaking is to update the guidance document, clarify procedures, and eliminate outdated references.

SUBJECT AREA TO BE ADDRESSED: The “Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program” will be revised.

SPECIFIC AUTHORITY: 403.061, 403.721 FS.

LAW IMPLEMENTED: 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.7238, 403.7265, 403.74 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: Julie Rainey, Environmental Manager, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8713, julie.c.rainey@dep.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.:	RULE TITLE:
62B-26.001	Description of the Walton County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.001, F.A.C., reestablishing the Walton County Coastal Construction Control Line to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and the preservation of public beach access.

SUBJECT AREA TO BE ADDRESSED: The legal description of the location of the Coastal Construction Control Line (CCCL), in Walton County. Aerial maps depicting the proposed and current Coastal Construction Control Line, will be on display during regular office hours until the time of the workshop at the South Walton County Annex, Division of Planning and Development, 31 Coastal Centre Blvd., Santa Rosa Beach.

SPECIFIC AUTHORITY: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

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

DATE AND TIME: March 3, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: South Walton Annex Board Room, 31 Coastal Centre Blvd., Santa Rosa Beach, 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: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@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). 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: Rosaline Beckham as referenced above

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.:

64B4-3.001

64B4-3.0015

64B4-3.007

64B4-3.0085

64B4-3.009

64B4-3.010

RULE TITLES:

Application for Licensure as a Clinical Social Worker, Marriage and Family Therapist or Mental Health Counselor

Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants

Provisional Licensure

Intern Registration

Limited Licenses

Marriage and Family Therapy Dual Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendments and rule promulgations in order to incorporate application forms into the rules and to provide the rule references for the application and licensure fees.

SUBJECT AREA TO BE ADDRESSED: Application forms and fees.

SPECIFIC AUTHORITY: 456.015, 490.004(5) FS.

LAW IMPLEMENTED: 456.015, 491.005(1)(c), (3)(c), (4)(c), 491.006, 491.0046, 491.0057 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 IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.001 Application for Licensure as a Clinical Social Worker, Marriage and Family Therapist or Mental Health Counselor Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

(4) Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on

Form DH-MQA 1174, Application for Licensure (revised 1/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491 verify the required supervised experience with a form entitled Application for Licensure supplied by the Department and completed and signed by the applicant's supervisor. The application shall be accompanied with the application fee and the initial licensure fee.

(1) An application for licensure by examination shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

(2) An application for licensure by endorsement shall be accompanied with the application fee specified in Rule 64B4-4.003, F.A.C., and the initial active status license fee specified in Rule 64B4-4.002, F.A.C. Applicants for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling who cannot provide verification by the methods above will be reviewed on an individual basis as to the sufficiency of alternative verification.

Specific Authority 491.004(5) FS. Law Implemented 491.005(4)(e), (3)(e), (4)(e), 491.006 FS. History–New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001, Amended 11-13-96, Formerly 59P-3.001, Amended _____.

64B4-3.0015 Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

(1) Every applicant for licensure by examination as a clinical social worker, marriage and family therapist or mental health counselor shall verify the required supervised experience on Form DH-MQA 1181, Supervised Experience Attestation Form (Revised 1/09), which is hereby adopted and incorporated by reference and is available from the Board's website at www.doh.state.fl.us/mqa/491. This form is to be completed and signed by the applicant's supervisor.

(2) Applicants for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling who cannot provide verification by the methods above will be reviewed on an individual basis as to the sufficiency of alternative verification.

Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History–New _____.

64B4-3.007 Provisional Licensure.

(1) An applicant for licensure by examination or endorsement who intends to practice in Florida while satisfying coursework or examination requirements for licensure must be provisionally licensed in the profession for which he or she is seeking licensure prior to beginning practice.

(2) An applicant seeking a provisional license must submit a completed application to the Board on Form DH-MQA 1176, Provisional License Application (Revised 1/09), hereby adopted and incorporated by reference, which can be obtained

from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the application fee specified in Rule 64B4-4.014, F.A.C., which is non-refundable.

(3) A provisional license shall be valid for a twenty-four (24) month period after the license is issued and may not be renewed or reissued.

Specific Authority 491.004(5) FS. Law Implemented 491.0046 FS. History–New _____.

64B4-3.0085 Intern Registration.

An individual who intends to practice in Florida to satisfy the post-master's experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Intern Registration Application (Revised 1/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the application fee specified in Rule 64B4-4.015, F.A.C., which is non-refundable.

Specific Authority 491.004(5) FS. Law Implemented 491.0045 FS. History–New _____.

64B4-3.009 Limited Licenses.

(1) No change.

(2) Any person desiring to obtain a limited license shall submit a completed application to the Board on Form DH-MQA 1178, Application for Limited Licensure (Revised 1/09, hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the documents required by Section 456.015(2), F.S., and a fee of \$25 unless the applicant provides a notarized statement from the employer stating that the applicant will not receive monetary compensation for service involving the practice of his profession.

Specific Authority 456.015 FS. Law Implemented 456.015 FS. History–New 11-13-96, Formerly 59P-3.009, Amended _____.

64B4-3.010 Marriage and Family Therapy Dual Licensure.

Any psychologist licensed under Chapter 490, F.S., or clinical social worker or mental health counselor licensed under this chapter desiring to obtain licensure as a marriage and family therapist shall submit a completed application to the Board on Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 1/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Specific Authority 491.004(5) FS. Law Implemented 491.0057 FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.010 RULE TITLE: Limited License

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the application form for a limited license.

SUBJECT AREA TO BE ADDRESSED: Limited License.

SPECIFIC AUTHORITY: 456.015(1), (4), 490.004(4) FS.

LAW IMPLEMENTED: 456.015, 490.009(1)(p) 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 IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.010 Limited License.

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) through (b) No change.

(c) Complete and submit to the Board form DH-MQA 1188, 1/09, DOH/MQA/PY LL APP/rev. 08/01, "Application for Psychologist Limited Licensure, effective 1-23-09, 3-24-02, which is hereby incorporated by reference, copies of which may be obtained from the Board office or on the Board's website at <http://www.doh.state.fl.us/mqa/psychology>.

Specific Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.015, 490.009(1)(p) FS. History--New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02,_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.011 RULE TITLE: Provisional License; Supervision of Provisional Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the application form for a provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Supervision of Provisional Licensees.

SPECIFIC AUTHORITY: 456.013, 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 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 IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.011 Provisional License; Supervision of Provisional Licensees.

All applicants applying for provisional licensure shall:

(1) Complete and submit to the Board form DH-MQA 1189, 1/09, DOH/MQA/PY/PROVISIONAL App/rev 10/01, "Application for Provisional Psychology Licensure," which is hereby incorporated by reference, effective 1-23-09 3-24-02, copies of which may be obtained from the Board office or on the Board's website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (6) No change.

Specific Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History--New 1-27-98, Amended 3-24-02, 9-8-03,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.001 RULE TITLE: Installation of Monuments

PURPOSE AND EFFECT: To add language which requires cemeteries to provide access to monument builders during normal business hours; to not unreasonably restrict monument builders; to change the requirements for notifying the monument establishment that the application is noncompliant; to change the notice requirement for improperly installed monuments from 3 to 5 days; and to require monument builders to pay for damages to cemeteries.

SUBJECT AREA TO BE ADDRESSED: Procedure for Licensing a Monument Establishment.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.267, 497.273, 497.278, 497.558 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

FINANCIAL SERVICES COMMISSION

OIR – Administration

RULE NO.: 69N-121.066 RULE TITLE: Informal Conferences

PURPOSE AND EFFECT: Section 624.319, F.S., provides that the Office is to make a full and true written report of each examination it performs on an insurer. The section further states that the Office is to provide a draft of the report to the insurer for its review prior to the report being finalized. If the insurer disagrees with findings in the draft report it has the right to a hearing, at which hearing the insurer can express its concerns. After the hearing the Office is to publish the final report after making any modifications to the draft that the Office deems proper.

SUBJECT AREA TO BE ADDRESSED: This rule sets out the particulars of the hearing that will take place if one is requested by an examined insurer. The amendment clarifies that if the Office takes action against the insurer based upon the findings in the final report, the insurer has the right to petition for a formal hearing in front of the Division of Administrative Hearings.

SPECIFIC AUTHORITY: 120.05(5), 120.53, 624.308 FS.
LAW IMPLEMENTED: 120.53, 120.54, 120.56, 120.57, 120.58, 624.307(1), 624.319, 624.324 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: February 26, 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: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail Bob.Prentiss@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail Bob.Prentiss@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69N-121.066 Informal Conferences.

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

(e) If based upon the findings set out in the report the Office takes action against the insurer which affects its substantial interest, the insurer shall have the right to request a hearing pursuant to Section 120.569, F.S. to address the action taken by the Office based upon those findings. ~~If disputed points are not settled in the conference, and the Office notifies the company that it intends to file the report and make it a public document as presented in the draft form, the insurer may request a formal hearing to resolve the disputed issues, as provided for under Chapter 120, F.S., and in accordance with the Notice of Rights which are a part of the Office's notification.~~

Specific Authority ~~120.05(5), 120.53,~~ 624.308 FS. Law Implemented 120.53, 120.54, 120.56, 120.57, ~~120.58,~~ 624.307(1), 624.319, 624.324 FS. History–New 1-1-75, Formerly 4-38.37, Amended 2-5-87, Formerly 4-38.037, Amended 12-19-94, Formerly 4-121.066, Amended _____.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.046 RULE TITLE: Initiative Process for Method of Selection for Circuit or County Court Judges

PURPOSE AND EFFECT: The purpose of this rule is to implement the style and requirements for initiative petition forms used to change the method of selection for circuit and county court judges. The rule further provides the procedures for obtaining approval of the initiative petition forms and the requirements for signature verification of the forms. The effect of the rule is to implement the constitutional and statutory provisions that provide a mechanism for Florida voters to change the method of selection for circuit or county court judges.

SUMMARY: The proposed rule establishes the requirements, procedures, and forms for using an initiative petition to change the method of selection for circuit and county court judges. The rule also sets forth the signature verification requirements for such petitions.

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: 20.10(3), 97.012(1), 105.036 FS.

LAW IMPLEMENTED: Art V, Fla. Const., 101.161, 105.036 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, March 9, 2009, 1:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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: Amber Barrett, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224. 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 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 IS: Amber Barrett, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.046 Initiative Process for Method of Selection for Circuit or County Court Judges.

(1) Submission of Petition Initiative.

(a) Any proposed initiative to change the method of selection of circuit court judges for placement on the ballot shall be submitted by the sponsoring political committee to the Division of Elections for approval as to format.

(b) Any proposed initiative to change the method of selection of county court judges for placement on the ballot shall be submitted by the sponsoring political committee to the Supervisor of Elections in the affected county for approval as to format.

(c) The submission of the proposed initiative shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated.

(d) No initiative petition form may be circulated for signatures unless first approved by the Division of Elections or the Supervisor of Elections, as applicable.

(2) Requirements and Approval of Petition Form. The Division of Elections or Supervisor of Elections, as applicable, shall review the petition form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The Division of Elections or Supervisor of Elections, as applicable, shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form corresponds to the following:

(a)1. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 112 (eff.12/08), entitled "Circuit Court Judge Selection Initiative Form."

2. The format of an initiative petition submitted for review and approval by a Supervisor of Elections shall be substantially in accordance with Form DS-DE 113 (eff.12/08), entitled "County Court Judge Selection Initiative Form."

(b) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches. The petition shall be contained on only one-side of the card or paper.

(c) Is clearly and conspicuously entitled at the top of the form "Circuit Court Judge Selection Initiative Form" or "County Court Judge Selection Initiative Form," as applicable.

(d) Includes adequate space for the voter's name, residential street address, city, county, voter registration number, date of birth, signature, and date of signature.

(e) Contains the ballot language in Section 101.161(3), F.S., for circuit or county court judges, as applicable. One form may not be used as a petition to change the method of selection for both circuit and county court judges.

(f) Contains space for only one voter's signature to be located below the applicable ballot language. Petition forms providing for multiple signatures per page will not be approved.

(g) Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name and address of the sponsoring political

committee, and the name of the entity paying for the production or distribution of the petition form if different from the name of the sponsoring political committee.

(3) Forms DS-DE 112 and 113 are hereby incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials shall be printed directly on the form.

(5) Assignment of a Serial Number.

(a) The Division of Elections or Supervisor of Elections, as applicable, shall assign a serial number as noted herein to each approved petition form. The serial number assigned must be printed in the lower right hand corner of the petition form.

(b) The serial number assigned by the Division of Elections shall begin with the capital letter "C," followed by the last two digits of the calendar year in which the petition form is approved and by a number in numeral sequence. For example, the first petition form approved by the Division of Elections in 2009 would be assigned the serial number C09-1.

(c) The serial number assigned by a Supervisor of Elections shall begin, except as noted herein, with the first three letters of county's name, followed by the last two digits of the calendar year in which the petition form is approved and by a number in numeral sequence. Instead of the first three letters in the county's name, the following counties will use these letters: Collier – CLR and Martin – MRT. For example, the first petition form approved in 2009 by Palm Beach County would be assigned the serial number PAL09-1 and the first petition form approved in 2010 by Collier County would be assigned the serial number CLR10-1.

(6) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections or Supervisor of Elections, as applicable, for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change to a previously approved petition form. The Division of Elections or Supervisor of Elections must approve any material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed ballot language, a change in punctuation or layout, or a change in the name of the sponsoring political committee. A translation into another language does not constitute a material change to an initiative petition form. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition

form and shall be assigned a different serial number upon approval by the Division of Elections or Supervisor of Elections, as applicable.

(7) Reproduction. A petition form may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing, provided the form is reproduced in the same format as approved by the Division of Elections or Supervisor of Elections, as applicable. The petition form may be included within a larger advertisement, provided the form is clearly defined by a solid or broken line border.

(8) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms for verification of signatures to the Supervisor of Elections and the submission shall be in the county in which the signer is a registered voter. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(9) Signature Verification.

(a) The Supervisor of Elections shall promptly verify the signatures on each petition form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petition, a registered voter in the county in which the petition is submitted.

2. Had not signed the petition form more than two years prior to the date the Supervisor of Elections verified the petition, and

3. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor of Elections shall not verify a signature on the petition form unless all of the following information is contained on the petition form:

1. The voter's name,

2. The voter's address (including city and county),

3. The voter's date of birth or voter registration number,

4. The voter's original signature, and

5. The date the voter signed the petition, as recorded by the voter.

(10) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed initiative petition on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 105.036 FS. Law Implemented Art V, Fla. Const., 101.161, 105.036 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland, Assistant General Counsel, Department of State

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.047
 RULE TITLE: State Campaign Matching Funds Program

PURPOSE AND EFFECT: The proposed rule implements the requirements of the Florida Election Campaign Financing Act found within Sections 106.30-.36, F.S. The rule was formerly contained in Rule 1S-2.017, F.A.C., but is being removed from that rule as not being completely relevant to the electronic filing of campaign finance treasurers' reports. The proposed rule incorporates up-to-date procedures and forms to be used by the Division of Elections and by candidates eligible for state campaign matching funds.

SUMMARY: The proposed rule describes how eligible candidates request state campaign matching funds, when the distribution of those funds occur, the reports required to be filed and their deadlines, the required supporting documentation, and how appeals of adverse decisions are to be made. It further contains procedures for candidates who desire to voluntarily abide by campaign expenditure limits but who do not participate in the matching funds program.

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: 20.10(3), 106.33, 106.35(1), (5) FS.

LAW IMPLEMENTED: 106.30-.36 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, March 9, 2009, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, 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 5 days before the workshop/meeting by contacting: Kristi R. Bronson, Director, Bureau of Election

Records, Division of Elections, Department of State, 500 S. Bronough Street, Room 316, Tallahassee, Florida 32399-0250; telephone: (850)245-6240. 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 IS: Kristi R. Bronson, Director, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Room 316, Tallahassee, Florida 32399-0250; telephone: (850)245-6240

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.047 State Campaign Matching Funds Program.

(1) Form of Request. A candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall complete Form DS-DE 98, "Candidate for Governor or Cabinet Officer Request for Contributions" (eff. _____), and submit it to the Division of Elections (Division) no later than the date the candidate qualifies for office.

(2) Distribution of Funds. State matching funds shall be distributed to eligible candidates beginning on the 32nd day prior to the primary and every 7 days thereafter. The first distribution will be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election. Thereafter, distribution of funds will be based on reports as provided by Section 106.07(1)(b), F.S. Each distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with documentation provided by the candidate as set forth in subsection (4) of this rule.

(3) Filing of Reports.

(a) A report of contributions received by a candidate who is eligible to receive state matching funds is timely if it is filed using the Division's electronic filing system no later than 12:00 noon, Eastern Time, on the date it is due. If a report is filed after 12:00 noon, Eastern Time, on the due date, the report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle.

(b) Reports of contributions filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete, or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be distributed in the next reporting cycle.

(c) If a candidate requesting matching funds submits a contribution report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(4) Documentation.

(a) Documentation for each contribution report must be received by the Division no later than 12:00 noon, Eastern Time, on the date the report is due. If documentation for such report is received by the Division after 12:00 noon, Eastern Time, on the due date, the documentation will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle.

(b) Documentation may be submitted in paper or electronic format.

1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed contribution report beginning with the smallest sequence number.

2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

3. Electronic submission of documentation must be done via a separate file for each corresponding filed contribution report. The filename for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

(c) In order to verify contributions, the Division must receive the following documentation:

1. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

3. For an in-kind contributions, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and

4. For a cash contribution, a copy of the bank deposit slip.

(d) Documentation that does not conform to the specifications in this paragraph will not be processed and the candidate will be notified by the Division. Upon supplying documentation that is in compliance with these specifications and verification by the Division, matching funds will be distributed in the next reporting cycle.

(5) Appeal. An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(6) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds" (eff. _____), upon qualifying for office.

(7) Forms Incorporated by Reference. All forms contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850)245-6240.

Specific Authority 20.10(3), 106.33, 106.35(1), (5) FS. Law Implemented 106.30-36 FS. History--New _____.

Editorial Note: This rule originated from former 1S-2.017(2) and (3), dated 6-2-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristi R. Bronson, Director, Bureau of Election Records,
Division of Elections, Department of State

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 9, 2009

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 this rule amendment is to adopt the updated application form, Form SES 100, Supplemental Educational Services Provider Application, for 2009 applicants. The effect is the adoption of the updated form for applicants seeking to provide Supplemental Educational Services during the 2009-2010 school year.

SUMMARY: The rule is amended to adopt the updated application form for applicants to apply as Supplemental Educational Services providers.

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: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Bacen, Bureau Chief, Bureau of Student Assistance, K-12 Public Schools, 325 West Gaines Street, Suite 314, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.039 Supplemental Educational Services in Title I Schools.

(1) through (2) No change.

(3) Roles and Responsibilities.

(a) The Department shall:

1. Provide annual notice of the process for obtaining approval to provide supplemental educational services.

2. Approve supplemental educational services providers based upon the application requirements set forth in Form SES 100, Supplemental Educational Services Provider Application 2009, which is hereby incorporated by reference to become effective upon the effective date of this rule. Form SES 100 may be obtained from the Florida Department of Education, Bureau of Student Assistance Public School Options, 325 West Gaines Street, ~~Suite 46~~, Tallahassee, Florida 32399-0400 or on the Department's website at www.fldoe.org/flbpso.

3. Maintain a list of state-approved providers.

(b) through (10) No change.

Specific Authority 1008.331 FS. Law Implemented 1008.331 FS. History—New 4-14-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.099 Cooperative Projects and Activities

PURPOSE AND EFFECT: The purpose of the amendment is to delete obsolete references and remove language for determining the ratio of administrators to teachers as it is no longer required by Florida Statutes. The effect is a rule aligned with current statutes.

SUMMARY: The proposed amendment will update the rule to be consistent with governing statutes and will not affect the procedures and processes associated with the rule.

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: 1001.02(1), 1001.42(14) FS.

LAW IMPLEMENTED: 1001.42(14) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Suite 1703/07, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099 Cooperative Projects and Activities.

(1) District school boards are authorized to enter into cooperative or joint projects and activities as provided in Section ~~1001.42(14)~~ ~~230.23(4)(j)~~, Florida Statutes; provided however, that any disagreements which cannot be satisfactorily resolved by the parties to such agreements may be referred to the Commissioner whose decision shall be binding on all cooperating boards.

(2) through (f) No change.

(g) Employment of personnel. The consortium board of directors shall recommend establishment of positions and individuals for appointment to the district of record. Formal recommendation and approval of personnel shall be

accomplished in accordance with statutory authority. Personnel shall be employed under the salary schedule and personnel policies of the district of record and shall be deemed to be public employees of the district of record. Where personnel are employed in an instructional capacity, contract status shall be consistent with provisions of Section ~~1012.33~~ ~~231.36(9)~~, Florida Statutes. ~~For the purpose of determining the ratio of administrators to teachers as required in Section 229.565(2)(f), Florida Statutes, personnel of the consortium shall be counted on a prorated basis among member districts based on previous final unweighted FTE.~~

(h) through (i) No change.

Specific Authority ~~1001.02(1), 1001.42(14)~~ ~~229.053(1)~~ ~~230.23(4)(j)~~, ~~(12)~~ FS. Law Implemented ~~1001.42(14)~~ ~~229.053(2)(h)~~, ~~(i)~~, ~~(j)~~, ~~230.23(4)(j)~~, ~~(12)~~ FS. History—New 2-20-64, Amended 9-17-72, Repromulgated 12-5-74, Amended 6-9-81, 9-27-84, Formerly 6A-1.99, Amended 5-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Champion, Deputy Commissioner for Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0571
 RULE TITLE: Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the updated standards, benchmarks and frameworks for career and technical education and adult general education for 2009/2010. The effect is to ensure that school leaders have the updated information and expectations as they plan for the next school year.

SUMMARY: The rule is amended to adopt the updated standards, benchmarks and frameworks for career and technical education and adult general education for 2009/2010.

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: 1004.92(2)(b)3. FS.

LAW IMPLEMENTED: 1004.92(2)(b)4. FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsie Rogers, Workforce Education, elsie.rogers@fldoe.org or (850)245-9029

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks.

Section 1004.92, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for career and technical education, adult and community education programs. The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs prescribed in Section 1011.80, F.S., or Workforce Development Education programs as prescribed in Section 1011.62, F.S., are annually adopted by the State Board and shall be published by the Commissioner in a document titled, “Standards, Benchmarks, and Frameworks for Career and Technical Education Curriculum Frameworks, Academic Year ~~2009/2010~~ ~~2008/2009~~,” or in the document “Curriculum Frameworks for Adult General Education, ~~2009/2010~~ ~~2007/2008~~.” These criteria are hereby incorporated by this rule and made a part of the rules of the State Board of Education to become effective with the effective date of this rule. Copies of these publications may be obtained from the Division of Workforce Education, Department of Education, The Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399 or from the Department’s website at <http://www.fldoe.org/workforce/dwdframe> and http://www.fldoe.org/workforce/dwdframe/ad_frame.asp.

(1) District school boards and community colleges boards of trustees variance authority. District school boards of education and community college boards of trustees are authorized, to vary up to ten (10) percent of the intended outcomes of each framework included in the document “Standards, Benchmarks, and Frameworks for Career and Technical Education Curriculum Frameworks, Academic Year ~~2009/2010~~ ~~2008/2009~~,” and “Curriculum Frameworks for Adult General Education, ~~2009/2010~~ ~~2007/2008~~.” The variance does not apply to frameworks identifying occupations requiring state or federal licensure, certification or registration.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school’s waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the documents “Standards, Benchmarks, and Frameworks for Career and Technical Education Curriculum Frameworks, Academic Year

~~2009/2010~~ ~~2008/2009~~” and “Curriculum Frameworks for Adult General Education, 2009/2010 ~~2007/2008~~,” provided that:

- (a) The framework does not identify occupations requiring state or federal licensure, certification or registration;
- (b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework;
- (c) The waiver request fulfills the provisions of Section 1001.10, F.S.

Specific Authority 1004.92(2)(b)3. FS. Law Implemented 1004.92(2)(b)4. FS. History--New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00, 7-21-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lucy Hadi, Chancellor, Workforce Education
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

DEPARTMENT OF EDUCATION
State Board of Education

RULE NOS.:	RULE TITLES:
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.004	Notice Requirements
6A-22.006	Screening Process
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers' Compensation Administrative Trust Fund

PURPOSE AND EFFECT: The purpose and effect of these rule amendments are to (a) mandate the electronic submission of the information required in Forms DWC-21 (Reemployment Services Billing Form) and DWC-22 (Reemployment Status Review Form) from the carriers to the Bureau of Rehabilitation and Reemployment Services, resulting in increased workers' compensation system efficiencies; (b) require qualified rehabilitation providers to have a business e-mail address

thereby increasing efficiencies in the workers' compensation system; (c) allow for on-the-job training that is temporary, thereby expanding the opportunities for injured employees to receive training; (d) clarify various Bureau of Rehabilitation and Reemployment Services procedures for screening cases under Section 440.491(6), Florida Statutes; (e) provide for cost containment, capping all services provided by qualified rehabilitation providers to the Bureau of Rehabilitation and Reemployment Services at \$55.00 per hour; and (f) permit certain vocational assessments to be conducted by certified rehabilitation counselors or certified disability management specialists.

SUMMARY: The rules are proposed for amendments to better align services and ensure consistency with current state and federal laws.

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: 440.491(5), (6), (7), (8) FS.

LAW IMPLEMENTED: 440.491 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Reginald L. Watkins, Bureau Chief, Vocational Rehabilitation, (850)245-3473

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-22.001 Definitions.

~~(1) “Cooperative working agreement” means a written contractual agreement between the Department and a qualified rehabilitation provider or a public or private agency to provide comprehensive reemployment services such as on-the-job training development, job placement and follow up.~~

~~(1)(2)~~ “Customary residence” is the injured employee’s place of permanent residence. Whenever the injured employee changes his or her permanent residence, the customary residence changes also.

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

~~(5) “Ergonomic job analysis” is the objective study of the relationship among job demands, environmental conditions and human functional characteristics.~~

(6) through (7) renumbered (4) through (5) No change.

~~(6)(8)~~ “Labor market” means an area not to exceed a fifty (50) mile radius of the injured employee’s customary vicinity.

~~(7)~~⁽⁹⁾ “On-the-job training (OJT) contractor” is a qualified rehabilitation provider or employee of a public or private agency which has entered into a contract cooperative working agreement with the Department for the provision of on-the-job development and follow-up services.

~~(8)~~⁽¹⁰⁾ “On-the-job training (OJT) contract” is a contract between an employer, injured employee and the Department in which an employer agrees to hire an injured employee subject to the same working conditions and benefits as all other similarly situated employees. Pursuant to the contract, the employer shall provide training and adequate supervision to enable the injured employee to achieve predetermined competencies to assist the injured employee to ensure a return to suitable gainful employment with the contract employer at the end of the contract period.

(11) through (13) renumbered (9) through (11) No change.

(12) “Unemployed” means that the injured employee is not receiving wages for services or labor performed for an employer.

(13)⁽¹⁴⁾ A vocational evaluator is:

(a) A rehabilitation counselor as defined in paragraph 6A-22.002(1)(b), F.A.C., who is qualified thereby to make vocational assessments as herein defined and is employed by the Department; or

(b) a vocational evaluator as defined in paragraph 6A-22.002(1)(c), F.A.C., who is qualified thereby to perform vocational evaluations as herein defined and in Section 440.491(1)(i), Florida Statutes, and is employed by the Department; or

(c) a vocational evaluator as defined in paragraph 6A-22.002(1)(c), F.A.C., who is approved by the Department to perform vocational evaluations as herein defined and in Section 440.491(1)(i), Florida Statutes, and is employed privately. “Vocational evaluator” is a qualified individual employed by the Department or who holds the designation of a certified vocational evaluator and is approved by the Department to perform vocational evaluations.

~~(14)~~⁽¹⁵⁾ No change.

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.001, Amended 5-5-04,_____.

6A-22.002 Rehabilitation Provider Qualifications.

(1) through (3) No change.

(4) Each applicant shall have a business e-mail address and must maintain that address during the period that the applicant is listed in the directory.

~~(5)~~⁽⁴⁾ No change.

~~(6)~~⁽⁵⁾ Employees of the Department are exempt from the requirements of subsections 6A-22.002(2) and (3), F.A.C.

Specific Authority 440.491(7) FS. Law Implemented 440.491(7) FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.002, Amended 5-5-04, 2-22-05,_____.

6A-22.003 Reemployment Status Review.

(1) The carrier shall conduct a reemployment status review by completing a reemployment status review form, ~~on the~~ DWC-22, which is incorporated by reference in Rule 6A-22.011, F.A.C.

(2) The carrier shall complete an electronic form DWC-22 within fifteen (15) days of the reporting requirement deadlines set forth in Section 440.491(3)(a), F.S., and

(a) Shall retain a copy in the carrier’s file, and

(b) Shall submit the electronic form DWC-22 to the Department’s website https://wc-returntowork-vr.doe.state.fl.us/rehabforms/ within fifteen (15) business days of completion.

(c) Electronic form DWC-22 shall comply with the File Layout for Electronic Submission, Revision A Record Length: 1000 Header Record Layout for DWC-22 as incorporated by reference in Rule 6A-22.011, F.A.C.

(d) An electronic form DWC-22 filed with the Department which is not completed according to these rules will be returned by the Department to the employer or carrier. Upon receipt of the returned form, the employer or carrier shall properly complete and refile the form with the Department within fifteen (15) days.

Specific Authority 440.491(3), ~~(4)~~, (5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.005, Amended_____.

6A-22.004 Notice Requirements.

(1) No change.

(2) A carrier shall use the following written notice: “Your continuing disability indicates you may be unable to perform the duties of the job held at the time of your work-related injury. If this is correct and you are unable to return to work in any capacity with your current employer or find other employment which would allow you to earn your pre-injury wages, you may be eligible for a screening for reemployment services from the State of Florida, Department of Education. Upon receipt of your request, the Department will assess your case to determine what services are necessary to return you to suitable gainful employment. Reemployment services that you may be eligible for include job seeking skills training, counseling, referrals to other agencies, job market information, transferable skills analysis, job development, job placement, job analysis, job modification, vocational testing, vocational evaluation, on-the-job training, securing a general education diploma (GED), or formal training and education. Additionally, if you have reached maximum medical improvement and are unable to earn at least eighty (80) percent of your compensation rate, and subject to the overall limitation of one hundred four (104) weeks of temporary total disability benefits payable in a workers’ compensation case with a date of accident which falls on or after October 1, 2003, the carrier shall pay training and education temporary total disability

benefits for a period up to twenty-six (26) weeks upon beginning a Department approved retraining program or the carrier may elect to pay temporary partial disability/wage loss benefits if you earn wages as the result of on-the-job training or work while enrolled in a program. An additional twenty-six (26) weeks may be approved if deemed necessary by the Judge of Compensation Claims. If your date of accident occurred on or after October 1, 2003, the above benefits shall not be in addition to the 104 weeks' maximum number of weeks payable for temporary total disability benefits prior to reaching maximum medical improvement. To request a screening, contact your local state Division of Vocational Rehabilitation District Office or the Central Office in Tallahassee at (850)245-3470 and ask to speak with a staff person in the Reemployment Services Section of the Bureau of Rehabilitation and Reemployment Services." The carrier shall send a copy of this notification to the Bureau of Rehabilitation and Reemployment Services, Department of Education, 101A Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0400 within ten days of mailing the notification to the injured employee.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History--New 7-1-96, Amended 6-26-01, Formerly 38F-55.006, Amended 3-1-05,_____.

6A-22.006 Screening Process.

(1) No change.

(2) The screening process shall consist of:

(a) A review of all available medical and vocational documentation relevant to the compensable injury to determine whether the injured employee is able to perform the duties of the pre-injury occupation; and

(b) A review of the documentation which supports the payment of temporary partial disability and wage loss benefits to determine the injured employee's inability to obtain suitable gainful employment because of his injury; and

(c) An interview with the injured employee.

(d) A vocational assessment. The vocational assessment shall determine the relevance and weight of the following factors in the case: the permanent physical restrictions, if any, present in the case; the availability of employment with the employer at the time of the injury; the injured employee's transferable skills and the labor market; whether the injured employee conducted an unsuccessful job search, and the reasons the job search was unsuccessful; the injured employee's education and academic skills and vocational education; the injured employee's motivation; the injured employee's financial ability to complete training; and the availability of transportation to allow the injured employee to complete training. The vocational assessment shall determine whether the injured employee is ineligible to receive reemployment services, or is eligible to receive reemployment services. If the injured employee is eligible to receive services,

the vocational assessment shall determine which of the following shall be offered to the injured employee: placement, and/or on-the-job training, and/or an evaluation, and/or a re-training program costing less than \$2,500 and lasting six (6) months or less.

(e) A rehabilitation counselor or vocational evaluator providing vocational assessments shall:

1. conduct an initial interview with the injured employee;

2. submit to the Department within thirty (30) calendar days of the initial interview a written report which shall address each of the vocational assessment factors enumerated above and discuss how the provision of the recommended service(s) will facilitate reemployment;

3. conduct an exit interview with the injured employee; and

4. submit to the Department within ten (10) days of submission of the written report a statement of acknowledgement of the vocational assessment signed by the injured employee and the rehabilitation counselor or vocational evaluator.

(3) through (4) No change.

(5) The Department may provide the following vocational assessment services as part of the screening process to determine eligibility: orientation, employability skills training, counseling, vocational testing, transferable skills analysis, labor market surveys, vocational assessment services, job analysis and evaluation.

(5) through (6) renumbered (6) through (7) No change.

(8)(7) Following a Department screening the Department shall not provide any additional reemployment services or refer the injured employee for a vocational evaluation:

(a) If the injured employee has filed a claim for permanent total disability benefits under Section 440.15(1), F.S., which the carrier has denied, wherein either the injured employee's medical condition or vocational capabilities are in dispute, until such time as an Office of the Judge of Compensation Claims adjudicates the injured employee's claim; or

(a)(b) If the injured employee's medical condition is unresolved or unstable, until such time as the medical condition becomes stable; or

(b)(c) If the injured employee has reached maximum medical improvement and returned to and maintained suitable gainful employment for at least ninety (90) calendar days; or

(c)(d) If the injured employee refuses to accept reemployment services from the Department.

(9)(8) The Department shall not refer the injured employee for a vocational evaluation if the injured employee:

(a) Has returned to suitable gainful employment as a result of placement services provided by the Department; or

(b) Has no documented permanent physical restrictions related to the injury; or

(c) Has transferable skills which would allow return to work in suitable gainful employment; or

(d) Was terminated by the employer for good cause unrelated to the injury or any restrictions or limitations resulting therefrom; or

(e) Terminated suitable gainful employment for reasons unrelated to the injury.

Specific Authority 440.491(5); (6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.009, Amended 5-5-04,_____.

6A-22.008 Reemployment Services and Programs.

(1) The Department shall approve sponsorship of reemployment services provided through an on-the-job training program, ~~vocational assessment~~, job placement or a training and education program when recommended in and approved as part of a Department reemployment plan.

(2) When the Department provides a vocational assessment or a vocational evaluation to the injured employee, the vocational assessment or vocational evaluation shall determine the reemployment services, such as are enumerated without limitation in Section 440.491(1)(f), Florida Statutes, necessary to return the injured employee to suitable gainful employment. The Department will approve and sponsor reemployment services if: The Department will approve and sponsor retraining services if:

(a) The vocational assessment is completed by a qualified rehabilitation counselor or the vocational evaluation is completed by a vocational evaluator approved by the Department, as the case may be; and The vocational evaluation is completed by a Department approved vocational evaluator, and

(b) The vocational assessment is compliant with paragraph 6A-22.006(2)(d), F.A.C., or The vocational evaluation contains the information identified in paragraph 6A-22.010(2)(e), F.A.C.; and

(c) The vocational evaluation contains the information identified in paragraph 6A-22.010(2)(e), F.A.C., and The vocational evaluation demonstrates that the injured employee:

(d) The vocational evaluation demonstrates that the injured employee:

1. Has no transferable skills which would allow for return to suitable gainful employment with the same employer in the same, different or modified job or a new employer in the same, modified or different job; or Has no transferable skills which would allow for return to suitable gainful employment with the same employer, same job; same employer, different or modified job; new employer, same job; new employer, modified or different job; or

2. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment.

(3) through (5) No change.

~~(6) The Department shall not sponsor reemployment services if the vocational evaluation does not recommend reemployment services.~~

Specific Authority 440.491(5), (6) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.011, Amended 3-1-05,_____.

6A-22.009 Employee Responsibilities.

(1) No change.

(2) An employee who refuses retraining and education after the recommendation of a vocational evaluator and approval by the Department, will forfeit his or her entitlement to further training and education benefits, as well as additional payment for lost wages under Chapter 440, Florida Statutes. The following shall not be deemed a refusal of training and education:

(a) Failure to participate in a recommended retraining program due to medical instability; or

(b) Failure to participate in a recommended retraining program due to an adverse change in the employee's medical status; or

(c) Failure to participate in a recommended retraining program due to the school's failure to offer the approved program; or and

(d) Failure to participate in a recommended retraining program due to a family medical emergency.

Specific Authority 440.491(5), (6) FS. Law Implemented 44.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.012, Amended 3-1-05,_____.

6A-22.010 Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities.

(1) A qualified rehabilitation provider providing employer or carrier sponsored reemployment services shall:

1. Reemployment services as a result of a reemployment assessment, or

2. Three or more counseling sessions, or(a) Submit a properly completed individualized written rehabilitation program to the employer or carrier for approval within thirty (30) days of referral which specifies the recommended services and associated costs necessary to return the injured employee to suitable gainful employment, using terminology consistent with Department service code descriptions ~~to the employer or carrier for approval~~ when recommending:

- 3. A vocational evaluation, or
 - 4. A work evaluation, or
 - 5. Training and education, including on-the-job training,
- or
- 6. Placement services, or
 - 7. Changes to the initial individualized written rehabilitation program.

(b) Maintain a copy of the properly completed individualized written rehabilitation program in the injured employee's file.

(2) A certified vocational evaluator providing Department sponsored vocational evaluations shall:

(a) Ensure any test site used for Department sponsored vocational evaluations meets the definition of "test site" set forth in subsection 6A-22.001(13), F.A.C.; and

(b) Be responsible for the administration, scoring and interpretation of all testing instruments and work samples used as part of the vocational evaluation process; and

(c) Remove or cure conditions that invalidate test results; and

(d) Provide adaptive evaluation tools or techniques to accommodate any physical or functional disability or language barrier; and

(e) Conduct an initial interview with the injured employee.

(f)(e) Submit to the Department, within thirty (30) calendar days of Department approval of services, a written report which shall:

1. Include an interpretation of testing instruments and work samples used, specifying the form and level of tests, percentile scores, norm groups, grade levels, standard scores and stanine scores as applicable to the test instrument; and

2. Identify the injured employee's physical and intellectual capabilities, aptitudes, achievements, work related behaviors, and interests. The interests of the injured employee alone cannot be the only basis for the vocational evaluator's recommendation; and

3. Identify residual or transferable skills; and

4. Identify the most appropriate vocational objectives; and

5. Identify which reemployment service(s) are necessary for the injured employee to return to suitable gainful employment; and

6. Discuss how the provision of the recommended service(s) will facilitate reemployment; and

7. When a retraining program is recommended, include the rationale for the recommended program, the entrance, enrollment and exit requirements of the program, the anticipated program costs and the proximity of the program to the injured employee's customary residence; and

8. Include an individualized labor market survey which supports the injured employee's ability to compete for employment in the identified vocational goal(s) and shall include information documenting:

a. The potential wage earning capacity,

b. The physical demands of the identified vocational goal as identified by potential employers,

c. The minimum educational requirements and work experience required by potential employers, and

d. Each potential employer's job openings for the six (6) months prior to the survey and projected openings for the upcoming six (6) months.

(g) Conduct an exit interview with the injured employee.

(h)(f) Submit to the Department, within ten (10) days of submission of the written report, the original receipt statement signed by the injured employee and the vocational evaluator.

(3) Any qualified rehabilitation provider providing any employer or carrier ~~or Department~~ sponsored reemployment services, reemployment assessments or medical care coordination shall submit with each DWC-21, which is incorporated by reference in Rule 6A-22.011, F.A.C., into this rule; a written report which reports services provided and expected outcomes, covering the following points:

(a) Summary by date of contacts with the injured employee and other pertinent parties; and

(b) Problems or issues adversely affecting the reemployment process and the corrective actions taken in that process; and

(c) Continuing feasibility of the reemployment plan; and

(d) Vocational activities planned for the subsequent month; and

(e) Justification for change or modification of current plan.

(4) through (5) No change.

(6) A qualified rehabilitation provider providing either employer or carrier ~~or Department~~ sponsored reemployment services, reemployment assessments, medical care coordination ~~and vocational evaluations~~, shall:

(a) Report on electronic form DWC-21 only those services provided by or through the authorized qualified rehabilitation provider. Services not rendered by or through the qualified rehabilitation provider may not be billed or reimbursed.

(b) Submit a properly completed electronic form DWC-21 listing the specific service(s) provided, utilizing only valid service codes and descriptors for those direct services rendered to the injured employee. Direct services are those services provided or required by an individualized written rehabilitation program. Other services are to be billed in the manner agreed upon by the employer or carrier and the qualified rehabilitation provider.

1. The initial electronic form DWC-21 shall be submitted to the Department within thirty (30) days of the contract approval date for Department sponsored services or to the employer or carrier within thirty (30) days of the date of the referral for employer or carrier sponsored services.

2. An interim electronic form DWC-21 shall be submitted at thirty (30) day intervals thereafter during which the authorized services are provided. The DWC-21 should not be filed if services are not provided within any thirty (30) day period.

3. A final electronic form DWC-21 shall be submitted within thirty (30) days of the date of the last service provided or according to the terms of a contract with the Department for vocational evaluation services.

(c) Close a file and submit a final electronic form DWC-21 when attorney involvement interferes with the provision of direct services.

(7) through (8) No change.

(9) The employer or carrier shall:

(a) Ensure that the information required in this rule is provided on the form DWC-21 prior to payment and filing of the electronic form DWC-21 with the Department, and

(b) Approve or deny the provision of services recommended as part of an individualized written rehabilitation program within fifteen (15) calendar days of receipt of the same; and pay or deny form DWC-21 bills within forty-five (45) calendar days after receipt of a bill for services provided to an injured employee, and

(c) Complete items 20, 21 and 23 on every electronic form DWC-21 filed with the Department. In item 20 it is necessary to legibly enter the date the form DWC-21 was received. In item 21 it is necessary to legibly enter the date the form DWC-21 was reimbursed. In item 23 it is necessary to enter the amount reimbursed only if it is different from the amount billed by the qualified rehabilitation provider or facility, and

(d) File electronic form DWC-21 with the Department of Education on the Department's website at <https://wc-returntowork-vr.doe.state.fl.us/rehabforms/> at its office in Tallahassee, Florida, within thirty (30) days after the full or partial payment of form DWC-21 (~~A DWC-21 filed with the Department shall have a date stamp in the upper right hand corner indicating the date the DWC-21 is sent to the Department~~), and

(e) Be responsible for the legibility, accuracy and completeness of the social security number, date of accident, the employer or carrier's and servicing company/TPA's Department of Insurance, Division of Workers' Compensation's assigned four digit carrier code number and Federal Employer Identification Number (FEIN), and those areas that the employer or carrier completes on form DWC-21.

(10) No change.

(11) An electronic form DWC-21 filed with the Department which is not completed according to these rules will be returned by the Department to the employer or carrier. Upon receipt of the returned form, the employer or carrier shall properly complete and re-file the form with the Department within fifteen (15) days.

(12) Form DWC-21 shall comply with the File Layout for Electronic Submission, Revision C Record Length: 1200 Header Record Layout for DWC-21 as incorporated by reference in Rule 6A-22.011, F.A.C. is incorporated by reference in Rule 6A-22.011, F.A.C.

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History--New 7-1-96, Amended 6-26-01, Formerly 38F-55.013, Amended 5-5-04,_____.

6A-22.011 List of Forms.

(1) Forms DWC-21, DWC-22, DWC-23, DWC-24, and DWC-96, File Layout for Electronic Submission, Revision A Record Length: 1000 Header Record Layout for DWC-22, and File Layout for Electronic Submission, Revision C Record Length: 1200 Header Record Layout for DWC-21 and accompanying instructions are incorporated by reference as part of this rule to become effective with the effective date of this rule April 2004. Each form shall be typed or legibly completed in order for the form to be considered properly filed or submitted with the Department.

(a) ~~The carrier shall submit the form DWC-21 to the Department reemployment services billing form shall be submitted to the Department on form DWC-21.~~

(b) Reemployment status review form shall be submitted to the Department on form DWC-22.

(c) Request for screening form shall be submitted to the Department on form DWC-23.

(d) Department and student agreement for sponsorship of training and education form shall be completed on form DWC-24.

(e) Qualified rehabilitation provider application shall be submitted to the Department on form DWC-96.

(2) A copy of the forms and accompanying instructions incorporated by subsection 6A-22.011(1), F.A.C., may be obtained from the Department of Education, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, Suite 101A, Forrest Building, Tallahassee, Florida 32399-0400. Copies are also available at the following Department web site: <http://www.rehabworks.org/index.cfm?fuseaction=Submain.WorkersComp> ~~<http://www.firm.edu/doe/rules/rules.htm>~~.

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History--New 7-1-96, Amended 6-26-01, Formerly 38F-55.014, Amended 5-5-04,_____.

6A-22.012 Expenditures from the Workers' Compensation Administrative Trust Fund.

(1) ~~Upon receipt of the completed evaluation report, the~~ Department shall authorize reimbursement for reemployment services received from qualified rehabilitation providers ~~the evaluation~~ from the Workers' Compensation Administration

Trust Fund at a maximum rate of \$55.00 per hour; The total reimbursement for an evaluation may not exceed \$1,100.00 per evaluation.

(2) through (8) No change.

Specific Authority 440.491(5), (6), (7), (8) FS. Law Implemented 440.491 FS. History--New 7-1-96, Amended 12-2-98, 6-26-01, Formerly 38F-55.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Palmer, Director, Division of Vocational Rehabilitation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

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

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.002	Delegation of Authority
40D-1.1020	Timeframe for Providing Requested Information
40D-1.600	Permit Applications – Individual General and Noticed General Permits
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to take agency action to approve certain Individual Environmental Resource and Water Use Permits and to revise the process for agency action to deny incomplete permit applications. Related rulemaking is also proposed for Chapters 40D-2, 40D-4 and 40D-40, F.A.C. The effect of this rulemaking will be to enable designated staff to take agency action on certain applications for Individual Water Use and Environmental Resource Permits unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments will also delegate to designated District staff authorization to issue notices of intent to deny permit applications that will become

final agency action unless the applicant, District Executive Director or a Governing Board member requests that agency action be taken by the Governing Board.

SUMMARY: Individual Water Use Permits and Individual Environmental Resource Permits are issued for projects having greater potential for impacts to the water resources. The current process requires that all Individual permits be scheduled for agency action at a Governing Board meeting. This approval step adds time and expense for applicants as well as costs for the District. Based upon a recent study of permitting practices, the District's Office of Inspector General has recommended that the Governing Board delegate to designated staff authority to take agency action on routine, noncontroversial Individual permit applications under certain circumstances and that staff be delegated authority to initiate agency action on permit denials. Accordingly, amendments are proposed to Chapters 40D-1, 40D-2, 40D-4, and 40D-40, F.A.C., to implement a delegation process for agency action on certain Individual permits and for permit denials. Rule 40D-1.002, F.A.C., is amended to delegate to the Executive Director, Deputy Executive Director for Resource Regulation and the Regulation Department Directors the authority to issue selected Individual Water Use and Environmental Resource Permits. Rule 40D-1.600, F.A.C. is amended to state that Individual Permits may be issued by the Governing Board or staff. For those permits issuable by staff, upon request of the applicant, Executive Director or a Governing Board, the application may be referred to the Governing Board for agency action. Former Rule 40D-1.1020, F.A.C., is moved and renumbered as Rule 40D-1.6051, F.A.C., and is further amended to add a provision that if an application remains incomplete for more than 365 days and no further time extension will be granted, the application can be denied. Proposed denials will become final 21 days after notice unless the application is amended or withdrawn, a petition for hearing is filed, or a request is made to refer the application to the Governing Board.

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: 120.54(5), 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.4135, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 253.002, 373.083, 373.084, 373.085, 373.103, 373.116, 373.118, 373.119, 373.149, 373.171, 373.219, 373.223, 373.224, 373.226, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.416, 373.418, 373.426, 373.427 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 RULES IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.002 Delegation of Authority.

(1) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, ~~the Assistant Executive Director~~, the Deputy Executive Director for Resource Regulation, ~~the Director of Technical Services~~ and the Regulation Department Directors, when an application to use sovereign submerged lands involves an activity which is concurrently reviewed with an Environmental Resource Permit that is issued by District staff pursuant to the general permit procedures of Chapters 40D-40 or 40D-400, F.A.C.

(2) through (3) No change.

(4) The Governing Board delegates to the Executive Director, the Deputy Executive Director for Resource Regulation, and the Regulation Department Directors the authority to issue Individual permits as provided in subsections 40D-2.041(2) and 40D-4.041(2), F.A.C., and the authority to deny an application for a permit issued pursuant to Part II or Part IV of Chapter 373, F.S., except in the following circumstances:

(a) The applicant, the Executive Director or a Governing Board member submits a timely written request to refer the application to the Governing Board for agency action and agency action will occur within the time limits set forth in Section 120.60, F.S., if applicable, unless waived in writing by the applicant; or

(b) Agency action on the permit application is required to be taken by the Governing Board pursuant to statute or District rule.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, ~~373.083~~, 373.103, ~~373.118~~, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History–New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, _____.

40D-1.1020 Timeframe for Providing Requested Information.

Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History–New 7-2-98, Transferred to 40D-1.6051(1).

40D-1.600 Permit Applications – Individual, General and Noticed General Permits.

(1) Individual Permits are those permits not meeting the thresholds specified for General or Noticed General Permits or are defined in District rules as Individual Permits. Individual Permits are issued by the Governing Board or District staff as provided in subsections 40D-2.041(2) and 40D-4.041(2), F.A.C. For those Individual Permits that can be issued by staff, upon written request of the applicant, Executive Director or a Governing Board member, the application will be referred to the Governing Board for agency action at the next available Governing Board meeting, provided agency action will occur within the applicable time limits set forth in Section 120.60, F.S., unless waived in writing by the applicant.

(2)(4) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D-2, 40D-4, and 40D-40, F.A.C., are issued by staff except when the application is concurrently reviewed with an application for a proprietary authorization that is deemed to be of heightened public concern pursuant to 18-21.0051(4), F.A.C., or denied in which case final action is taken by the Governing Board.

(3)(2) Noticed General Permits are issued or denied by staff.

(4) When an Environmental Resource Permit application is concurrently reviewed with an application for a proprietary authorization to use sovereign submerged lands that is deemed to be of heightened public concern pursuant to subsection 18-21.0051(4), F.A.C., agency action on the permit application shall be taken by the Governing Board.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, F.S. Law Implemented 373.118, F.S. History–New 10-1-84, Amended 12-22-94, 7-2-98, 9-26-02, 9-25-07, _____.

40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.

(1) Within 30 days after receipt of an application, the District shall notify the applicant if the application is incomplete and request the additional information required to make the application complete. If additional information is not supplied within 30 days after notice by the District, the application will be denied for lack of completeness. If the application is still incomplete after additional information is provided, the District shall so notify the applicant, who shall have an additional 30 days to render the application complete

or be denied for lack of completeness. Upon request by the applicant, an extension of time may be granted by the District staff upon a showing by the applicant that a good faith effort is being made to provide the additional information and the additional time is required. The District may, within 30 days after receiving information from the applicant, request only clarifications of the information or request answers to new questions raised or directly related to the information previously furnished. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, or if an application remains incomplete for more than 365 days and no further extension of time will be granted, District staff shall issue to the applicant a notice of proposed agency action to deny the permit application for lack of completeness. The proposed application denial shall become final 21 days after receipt of notice, as defined in subsection 40D-1.1010(1), F.A.C., or 14 days after receipt of notice for a consolidated application concurrently reviewed pursuant to Section 373.427, F.S., unless prior to that date: the application is amended as provided in subsection 40D-1.603(7), F.A.C.; the application is withdrawn; a petition for administrative hearing is filed; or a written request to refer the application to the Governing Board for agency action is submitted by the applicant, Executive Director or a Governing Board member.

Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.083, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426, 373.427 FS. History--New 7-2-98, Formerly 40D-1.1020, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to take agency action on certain applications for Individual Water Use Permits. Related amendments are also proposed to Chapter 40D-1, F.A.C., concerning permitting processes and Chapter 40D-4, F.A.C., concerning permitting of Individual Environmental Resource Permits. The effect of this rulemaking will be to enable designated staff to take agency action to approve certain Individual Water Use Permit applications unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments also incorporate a revised Water Use Permit Information Manual Part B, "Basis of Review" which is being updated to reflect the changes being proposed in this rulemaking.

SUMMARY: As part of the District's ongoing efforts to improve permitting processes for applicants, amendments are proposed to delegate to staff authority to take agency action on certain Individual Water Use Permits. Rule 40D-2.041, F.A.C., is amended to provide that Individual Water Use Permits may be issued by the Governing Board or designated District staff. Governing Board approval will be required if the permit is for a combined annual average daily demand of 10 million gallons per day or greater, the permit is a new permit, the permit is a renewal or modification of a permit that increases the authorized withdrawal quantity or allows a change in water use of 100,000 gallons per day or more or 10% or more of the permitted withdrawal quantity, or the permit authorizes environmental augmentation. Rule 40D-2.091, F.A.C., is amended to incorporate a revised Water Use Permit Information Manual Part B, "Basis of Review," which is being revised to reflect the proposed amendments. BOR sections 1.6 and 4.3 are amended to reflect the changes in processing of Individual permits.

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: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.239, 373.243 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 RULES IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.041 Permits Required.

(1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. Water Use Permits for a combined annual average daily water demand of 500,000 gpd or greater are issued as Individual Water Use Permits. Individual Water Use Permits are issued by the Governing Board or designated District staff. Individual Water Use Permits must receive approval from the Governing Board if any of the following applies:

1. The permit is for a combined annual average daily water demand of 10,000,000 gpd or greater;

2. The permit is a new permit;

3. The permit is a renewal or modification of an existing permit that increases the authorized withdrawal quantity by, or allows a change in water use of, 100,000 gpd or more, or 10% or more of the prior permitted withdrawal quantity; or

4. The permit authorizes environmental augmentation as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the Basis of Review.

(b) through (c) No change.

(3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-19-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08,_____.

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, “Basis of Review” (_____), and

(2) Part D, “Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area” (1/07).

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08,_____.

WUP BOR

1.6 APPLICATION REVIEW PROCESS

Once the permit application and appropriate information supplements are received, District staff will identify any deficiencies in the application and request any needed information within 30 days of receipt. District staff will evaluate the application in terms of water needs and potential impact and may request clarification of the information submitted. District staff will work with the Applicant to obtain all of the information necessary to support the application. However, it is the Applicant’s responsibility to provide the information requested. ~~Staff will notify the Applicant when all information has been received and the application is complete.~~ Once the application is complete, the District must issue or deny the permit within 90 days. Typically, permits authorizing withdrawals < 500,000 gpd will be issued or denied within 60 days.

~~The District has established two procedures for issuing permits, based on the quantity of water permitted. The Governing Board must approve all permits authorizing annual average withdrawals 500,000 gpd. District staff typically issues permits authorizing withdrawals of < 500,000 gpd unless the permit involves unusual circumstances. Permits which do not require Governing Board approval may be issued in a shorter period of time than those which must be approved by the Governing Board.~~

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 21 days of receipt of notice of the proposed agency action. Procedures for filing a petition for hearing are described in Chapter 120, F.S., and Chapter 28-106, F.A.C. If no petition for hearing is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations. For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 21 days of receipt of notice of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

Amended 1-1-07, 12-24-07, 12-30-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.041	Permits Required
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to undertake agency action on certain applications for Individual Environmental Resource Permits. Related amendments are also proposed to Chapter 40D-1, F.A.C., concerning permitting processes, Chapter 40D-2, F.A.C., concerning the permitting process for Individual Water Use Permits and Chapter 40D-40, F.A.C., concerning incidental site activities permits applied for in conjunction with Individual Environmental Resource Permits. The effect of this rulemaking will be to enable designated staff to take agency action to approve certain Individual Environmental Resource Permits unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments also incorporate a revised Environmental Resource Permit Information Manual Part B, Basis of Review which is being updated to reflect the changes proposed in this rulemaking.

SUMMARY: As part of the District’s ongoing efforts to improve permitting processes for applicants, amendments are being proposed to delegate to staff authority to take agency action on certain Individual Environmental Resource Permits (ERPs). Rule 40D-4.021, F.A.C., is amended to indicate that the definition of an Individual or a General ERP does not depend upon whether it is issued by staff or the Governing Board. Rule 40D-4.041, F.A.C., is amended to specify that Individual ERPs may be issued by the Governing Board or staff. Governing Board approval would be required if the project area is greater than 500 acres, construction or alteration activities will occur in more than one acre of wetlands or other surface waters, or more than 9 new boat slips are proposed.

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: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.426, 373.427, 373.429, 373.441 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 RULES IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (8) No change.

(9) “General Permit” means a General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-40, F.A.C., ~~that may be issued by District staff.~~

(10) “Individual Permit” means an Individual Environmental Resource Permit, as described in Chapter 40D-4, F.A.C., ~~issued by the District Governing Board.~~

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History–Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, 1-8-08, 9-29-08,_____.

40D-4.041 Permits Required.

(1) No change.

(2) The District issues the following types of Environmental Resource Permits:

(a) General permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects which have, either singularly or cumulatively, minimal environmental impact.

1. General permits are issued pursuant to Chapter 40D-40, F.A.C.

2. Noticed general permits are issued pursuant to Chapter 40D-400, F.A.C.

(b) Individual permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects not meeting the criteria to

qualify for a general permit under Chapter 40D-40 or 40D-400, F.A.C., and for mitigation banks. Individual permits are issued by the Governing Board or designated District staff. Individual permits must receive approval of the Governing Board if any of the following applies:

1. The project area is greater than 500 acres;
 2. Construction or alteration of a system, including dredging or filling will occur in, on or over a total of more than one acre of wetlands and other surface waters, not including ditches that were originally constructed in uplands or any wholly owned, isolated wetland or other surface water less than one-half acre in size and for which mitigation is not required; or
 3. The system includes more than nine proposed boat slips.
- (c) through (d) No change.
 (3) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History—Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, 3-26-03, 1-8-08, 9-10-08, 9-29-08,_____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, ~~_____ June 22, 2008.~~ This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08,_____.

ERP BOR

CHAPTER ONE – INTRODUCTION

1.2 Application Review Process – The District issues three types of environmental resource permits as authorized by Part IV, Chapter 373, Florida Statutes: individual including conceptual, general and noticed general permits. Noticed general permits and general permits are issued by staff, ~~while Governing Board action is required for Individual permits are issued by staff or the Governing Board, as provided in paragraph 40D-4.041(2)(b), F.A.C.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-40.302	Conditions for Issuance of General Permits

PURPOSE AND EFFECT: Rule 40D-40.302, F.A.C., is amended to state that, with respect to the related Individual Environmental Resource Permit application submitted with an application for a general incidental site activities permit, the Individual Environmental Resource Permit may be issued by District staff or the Governing Board. The purpose and effect of this amendment is to make the rule consistent with amendments concurrently proposed for Chapters 40D-1 and 40D-4, F.A.C., authorizing some Individual Environmental Resource Permits to be issued by District staff as well as the Governing Board.

SUMMARY: This amendment is an ancillary part of a rulemaking package that delegates to District staff authorization to take agency action on certain selected Individual Environmental Resource Permits. The additional conditions for issuance of an incidental site activities permit as set forth in Rule 40D-40.302, F.A.C., are amended to state that, with respect to the companion Individual permit, the incidental site activities permit can be issued when the Individual permit application is complete and the permit will be either issued by District staff or staff is recommending approval of the individual permit to the Governing Board.

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: 373.044, 373.113, 373.11, FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-40.302 Conditions for Issuance of General Permits.

(1) through (5) No change.

(6) Additional Conditions for an Incidental Site Activities Permit.

(a) Notwithstanding the threshold conditions of subsection (2), a permit shall be authorized for incidental site activities that are conducted in connection with a surface water management system proposed in an individual environmental resource permit application provided:

1. through 5. No change.

6. District staff has reviewed the individual environmental resource permit application, the application is complete and the permit will be issued by District staff or staff is recommending approval of the individual permit. For the purpose of this section, District staff is recommending approval of the individual permit when the Regulation Department Director has issued a letter informing the applicant that the application is complete and the staff will be recommending approval of the application to the Governing Board;

7. through 10. No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, 7-16-02, 9-26-02, 8-3-03, 2-19-04, 2-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

LAND AND WATER ADJUDICATORY COMMISSION

Fleming Island Plantation Community Development District

RULE NO.: RULE TITLE:

42BB-1.002 Boundary

PURPOSE AND EFFECT: The petition, filed by the Fleming Island Plantation Community Development District, requests the Commission amend the boundaries of the district. The District currently covers approximately 1,580 acres of land located in Clay County, Florida. The petition proposes to delete

approximately 17 acres from the District. After contraction, the District will encompass a total of approximately 1,563 acres. A general location map is contained as Exhibit 1 to the petition depicting the existing District and the location of the parcels to be removed from the District. The Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property located within the contraction parcels. The owners of land within the contraction parcels are the Clay County School Board, Centex Homes, and New Grace Church, Inc. The favorable action of the District Board of Supervisors constitutes consent for all other lands pursuant to Section 190.046(1)(e), F.S.

SUMMARY: The petition, filed by the Fleming Island Plantation Community Development District, requests the Commission amend the boundaries of the district. The District currently covers approximately 1,580 acres of land located in Clay County, Florida. The petition proposes to delete approximately 17 acres from the District. After contraction, the District will encompass a total of approximately 1,563 acres. A general location map is contained as Exhibit 1 to the petition depicting the existing District and the location of the parcels to be removed from the District. The Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property located within the contraction parcels. The owners of land within the contraction parcels are the Clay County School Board, Centex Homes, and New Grace Church, Inc. The favorable action of the District Board of Supervisors constitutes consent for all other lands pursuant to Section 190.046(1)(e), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to amend the boundaries of the District. The complete text of the SERC is contained as Exhibit 8 to the petition. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the District, the State of Florida and its residents, Clay County and its residents, current

property owners of lands within the boundaries of the proposed District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Clay County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to Clay County to offset any costs it may incur. Adoption of the proposed rule to amend the boundaries of the District will not have any negative impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to amend the boundaries of the District will have no impact or a positive impact on small businesses. The petition to amend the boundaries of the District will not have an impact on small counties as Clay County is not a small county as defined by Section 120.52, F.S. Under section (e), no written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative has been submitted.

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: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 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: Thursday, March 12, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. 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 IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

FLEMING ISLAND PLANTATION COMMUNITY
DEVELOPMENT DISTRICT

42BB-1.002 Boundary.

The boundaries of the District are as follows:

LEGAL DESCRIPTION OF FLEMING ISLAND – “WEST”
PARCEL

A PART OF SECTIONS 4, 5, 6, 8, 9, 16, 17, AND ALSO A PART OF THE GEORGE FLEMING GRANT, SECTION 38, ALL LYING IN TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE CORNER COMMON TO SAID SECTIONS 5 AND 8 WITH SECTIONS 6 AND 7, SAID TOWNSHIP AND RANGE; THENCE SOUTH 06° 25' 27" WEST, ALONG THE LINE DIVIDING SAID SECTION 7 FROM SAID SECTION 8, A DISTANCE OF 2,029.71 FEET; THENCE NORTH 88° 34' 03" EAST A DISTANCE OF 1,519.07 FEET TO THE SOUTHWEST CORNER OF LANDS RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 1285, PAGE 079; RUN THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 1285, PAGE 079; 1ST COURSE, NORTH 01° 25' 57" WEST, 1,200.00 FEET; 2ND COURSE, NORTH 67° 09' 17" EAST, 369.74 FEET; 3RD COURSE, NORTH 03° 05' 06" WEST, 100.0 FEET; 4TH COURSE, NORTH 56° 54' 54" EAST, 100.0 FEET; 5TH COURSE, NORTH 03° 05' 06" WEST, 150.0 FEET; 6TH COURSE, NORTH 63° 05' 06" WEST, 100.0 FEET; 7TH COURSE, NORTH 03° 05' 06" WEST, 200.0 FEET TO A POINT ON A CURVE; RUN THENCE IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN THE NORTH LINE OF LAST MENTIONED DEED, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 1,800.0 FEET, AN ARC DISTANCE OF 438.16 FEET TO THE NORTHEAST CORNER OF SAID DEED, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 80° 14' 19" EAST, 437.17 FEET; THENCE SOUTH 02° 43' 18" WEST, ALONG THE EASTERLY LINE OF A 66 FOOT UNRECORDED CLAY ELECTRIC EASEMENT, A DISTANCE OF 109.88 FEET; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 1,133.99 FEET; THENCE SOUTH 57° 35' 21" EAST, A DISTANCE OF 772.86 FEET; THENCE SOUTH 32° 24' 39" WEST, A DISTANCE OF 167.39 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHWESTERLY

DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 650.00 FEET, AN ARC DISTANCE OF 192.62 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 23° 55' 16" WEST, 191.92 FEET; THENCE SOUTH 15° 25' 53" WEST, A DISTANCE OF 85.40 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 30.00 FEET, AN ARC DISTANCE OF 47.12 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 60° 25' 53" WEST, 42.43 FEET; THENCE NORTH 74° 34' 07" WEST, A DISTANCE OF 14.80 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 175.00 FEET, AN ARC DISTANCE OF 47.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 82° 17' 03" WEST, 46.99 FEET; THENCE SOUTH 90° 00' 00" WEST, A DISTANCE OF 1,537.64 FEET TO A POINT ON THE EAST LINE OF PREVIOUSLY MENTIONED OFFICIAL RECORDS BOOK 1285, PAGE 079; THENCE SOUTH 02° 43' 18" WEST, ALONG LAST SAID EAST DEED LINE, 1,018.40 FEET TO THE SOUTHEAST CORNER OF SAID DEED; THENCE SOUTH 88° 34' 03" WEST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 1285, PAGE 079, A DISTANCE OF 139.42 FEET; THENCE SOUTH 06° 21' 04" WEST, 3,365.62 FEET; THENCE SOUTH 00° 31' 34" EAST, 1,154.82 FEET; THENCE SOUTH 38° 12' 02" EAST, 775.11 FEET; THENCE SOUTH 00° 00' 14" WEST, 828.48 FEET; THENCE SOUTH 58° 24' 54" EAST, 1,127.18 FEET; THENCE DUE SOUTH, 400.00 FEET; THENCE SOUTH 40° 48' 54" WEST, 893.07 FEET; THENCE SOUTH 05° 07' 41" EAST, 243.40 FEET; THENCE NORTH 35° 50' 56" EAST, 117.83 FEET; THENCE NORTH 43° 58' 16" EAST, 851.76 FEET; THENCE NORTH 85° 07' 48" EAST, 328.12 FEET; THENCE SOUTH 60° 31' 53" EAST, 523.89 FEET; THENCE SOUTH 21° 54' 37" WEST, 307.10 FEET; THENCE DUE SOUTH, 1,251.12 FEET; THENCE DUE WEST, 219.20 FEET; THENCE SOUTH 52° 37' 30" EAST, 3,778.12 FEET; THENCE NORTH 29° 27' 01" EAST, 392.64 FEET; THENCE NORTH 27° 02' 49" WEST, 937.20 FEET; THENCE NORTH 02° 51' 40" EAST, 414.11 FEET; THENCE NORTH 60° 07' 34" WEST, 489.56 FEET; THENCE NORTH 29° 52' 26" EAST, 522.13 FEET; THENCE SOUTH 60° 07' 34" EAST, 870.96 FEET; THENCE SOUTH 87° 08' 20" EAST, 200.00 FEET; THENCE NORTH 02° 51' 40" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17

STATE ROAD NO. 15 (A VARIABLE WIDTH RIGHT-OF-WAY), 651.23 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES AS RECORDED IN PLAT BOOK 4, PAGE 63 OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 2,718.29 FEET; THENCE NORTH 46° 57' 35" EAST, ALONG THE NORTHWESTERLY LINE OF SAID FLEMING ISLAND ESTATES AND ITS NORTHEASTERLY PROLONGATION, THE SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED GEORGE FLEMING GRANT, SECTION 38, A DISTANCE OF 2,191.22 FEET; THENCE SOUTH 89° 10' 36" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK "H", PAGE 242 AND DEED BOOK 38, PAGE 44, BOTH OF SAID PUBLIC RECORDS, A DISTANCE OF 701.41 FEET; THENCE NORTH 00° 48' 52" WEST, ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 795.34 FEET; THENCE NORTH 89° 07' 16" EAST, ALONG THE NORTHERLY LINE OF SAID LANDS AND ALONG THE NORTHERLY LINE OF DEED BOOK 99, PAGE 268 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,579.58 FEET TO ITS INTERSECTION WITH SAID NORTHWESTERLY LINE OF THE GEORGE FLEMING GRANT, SECTION 8; THENCE NORTH 46° 57' 35" EAST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 115.13 FEET TO ITS INTERSECTION WITH THE AFOREMENTIONED WESTERLY RIGHTOFWAY LINE OF U.S. HIGHWAY NO. 17 – STATE ROAD NO. 15; THENCE NORTH 02° 51' 23" EAST, ALONG SAID WESTERLY RIGHTOFWAY LINE, 8,066.26 FEET; THENCE SOUTH 89° 33' 25" WEST, ALONG THE SOUTHERLY LINE OF OFFICIAL RECORDS VOLUME 122, PAGE 625 (PARCEL NO. 1) OF SAID PUBLIC RECORDS, A DISTANCE OF 823.19 FEET; THENCE SOUTH 01° 01' 47" EAST, A DISTANCE OF 541.27 FEET; THENCE SOUTH 25° 45' 22" WEST, A DISTANCE OF 550.74 FEET; THENCE SOUTH 40° 26' 26" WEST, A DISTANCE OF 184.87 FEET; THENCE SOUTH 10° 59' 12" WEST, A DISTANCE OF 385.85 FEET; THENCE SOUTH 49° 53' 10" WEST, A DISTANCE OF 227.28 FEET TO A POINT ON A CURVE; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1,000.00 FEET, AN ARC DISTANCE OF 391.74 FEET TO A POINT OF REVERSE CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 51° 20' 11" WEST, 389.24 FEET; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1,950.00 FEET, AN ARC DISTANCE OF 799.31 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC

BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 50° 48' 57" WEST, 793.72 FEET; THENCE NORTH 39° 04' 23" WEST, A DISTANCE OF 412.83 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 05° 55' 36" EAST, 42.43 FEET; THENCE NORTH 50° 55' 37" EAST, A DISTANCE OF 170.00 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 500.00 FEET, AN ARC DISTANCE OF 577.46 FEET TO A POINT OF REVERSE CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 17° 50' 27" EAST, 545.90 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 450.00 FEET, AN ARC DISTANCE OF 660.72 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 26° 49' 04" EAST, 602.95 FEET; THENCE NORTH 68° 52' 51" EAST, A DISTANCE OF 200.56 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 375.00 FEET, AN ARC DISTANCE OF 217.32 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 52° 16' 44" EAST, 214.29 FEET; THENCE NORTH 89° 33' 25" EAST, 134.43 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN THE OFFICIAL RECORDS OF SAID COUNTY IN OFFICIAL RECORDS BOOK 43, PAGE 300, TRACT NO. 100; THENCE NORTH 00° 26' 35" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 43, PAGE 300, TRACT NO. 100, A DISTANCE OF ~~400~~300.00 FEET; THENCE ~~SOUTH~~ NORTH 89° 33' 25" WEST, 562.77 EAST, ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS AND ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 122, PAGE 625 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,588.98 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15; THENCE NORTH 02° 51' 23" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.17 FEET; THENCE SOUTH 89° 33' 25" WEST, 2,147.52 FEET; THENCE SOUTH 89° 28' 17" WEST, 1,887.61 1,935.17 FEET; THENCE SOUTH 00° 31' 43" EAST, 260.50 FEET; THENCE NORTH 89° 28' 17"

EAST, 233.91 FEET; THENCE SOUTH 00° 31' 43" EAST, 308.38 ~~721.32~~ FEET; THENCE NORTH 61° 01' 58" EAST, 170.00 ~~490.10~~ FEET; THENCE SOUTH 43° 54' 14" EAST, 496.66 FEET; THENCE SOUTH 50° 55' 37" WEST, 1,885.75 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD HARD ROAD (A VARIABLE WIDTH RIGHT OF WAY); THENCE NORTH 57° 35' 21" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF OLD HARD ROAD, 710.85 FEET; TO A POINT OF CURVATURE; RUN 654.06 THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT OF WAY LINE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 260.00 FEET, AN ARC DISTANCE OF 174.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 38° 18' 30" WEST, 171.70 ~~60° 51' 43" EAST, 56.79~~ FEET; THENCE NORTH 19° 01' 41" WEST, 1,730.58 CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, 430.06 FEET; THENCE SOUTH 89° 28' 17" WEST, 163.45 FEET; THENCE SOUTH 19° 01' 41" EAST, 1,153.59 FEET; THENCE SOUTH 89° 02' 15" WEST, 76.79 ~~69.42~~ FEET; RUN THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE EAST, SOUTH AND WEST LINES OF OFFICIAL RECORDS BOOK 1482, PAGE 0112; 0012; 1ST COURSE, SOUTH 19° 01' 41" EAST, 425.0 FEET; 2ND COURSE, SOUTH 89° 02' 15" WEST, 350.0 FEET; 3RD COURSE, NORTH 19° 01' 41" WEST, 425.00 FEET; THENCE SOUTH 89° 02' 15" WEST, 1,535.63 FEET; THENCE SOUTH 04° 09' 45" WEST, ALONG THE LINE DIVIDING AFOREMENTIONED SECTION 5 FROM AFOREMENTIONED SECTION 6, A DISTANCE OF 990.44 FEET; THENCE SOUTH 89° 17' 23" WEST, ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 585, PAGE 506 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 3,296.55 FEET; THENCE SOUTH 63° 37' 27" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS, THE SAME BEING THE SOUTHEASTERLY LINE OF THE E.A.. FERGUSON GRANT AND THE NORTHWESTERLY LINE OF AFOREMENTIONED SECTION 6, A DISTANCE OF 230.88 FEET; THENCE NORTH 89° 17' 23" EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 585, PAGE 506, A DISTANCE OF 3,496.12 FEET TO THE AFOREMENTIONED LINE DIVIDING SECTION 5 FROM SECTION 6; THENCE SOUTH 04° 09' 45" WEST, ALONG SAID DIVIDING LINE A DISTANCE OF 22.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 1,469.452 ACRES OR LESS.

ALSO, LEGAL DESCRIPTION OF FLEMING ISLAND – "EAST" PARCEL

CONTAINING 111 ACRES, MORE OR LESS. A PART OF THE GEORGE FLEMING GRANT, SECTION 38, TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES AS RECORDED IN PLAT BOOK 4, PAGE 61 OF THE PUBLIC RECORDS OF SAID COUNTY WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15 AS NOW ESTABLISHED BY THE STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY SECTION NO. 71020 2508 RIGHT-OF-WAY MAP; THENCE SOUTH 60° 31' 53" EAST, ALONG SAID SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES, A DISTANCE OF 2,342.36 FEET; THENCE SOUTH 29° 28' 07" WEST, ALONG THE NORTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 100.00 FEET TO REFERENCE POINT "A"; THENCE FROM THE AFOREMENTIONED POINT OF BEGINNING OF SAID PARCEL BEING DESCRIBED RUN SOUTH 02° 51' 40" WEST, ALONG THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15, A DISTANCE OF 1,134.95 FEET TO AN ANGLE POINT IN SAID EASTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 986.87 FEET; THENCE SOUTH 87° 05' 18" EAST, ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 69, PAGE 35 OF SAID PUBLIC RECORDS, A DISTANCE OF 165.00 FEET; THENCE SOUTH 02° 54' 42" WEST, ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 200.00 FEET; THENCE NORTH 87° 05' 18" WEST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 165.00 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 278.27 FEET TO A POINT OF CURVE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 23,125.73 FEET; THENCE SOUTHERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A CHORD BEARING OF SOUTH 04° 09' 37" WEST AND A CHORD DISTANCE OF 1,007.86 FEET TO A POINT OF REVERSE CURVE, SAID CURVE BEING CONCAVE EASTERLY HAVING A RADIUS OF 22,996.74 FEET; THENCE SOUTHERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A CHORD BEARING OF SOUTH 04° 57' 41" WEST AND A CHORD DISTANCE OF 359.01 FEET TO THE POINT OF TANGENCY OF SAID

CURVE; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 293.16 FEET; THENCE SOUTH 87° 05' 18" EAST, ALONG THE NORTHERLY LINE OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARK, A DISTANCE OF 272 FEET, MORE OR LESS TO ITS INTERSECTION WITH THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. JOHNS RIVER; THENCE NORTHEASTERLY ALONG AND WITH SAID APPROXIMATE MEAN HIGH WATER LINE, A DISTANCE OF 3,800 FEET, MORE OR LESS TO ITS INTERSECTION WITH A LINE WHICH BEARS SOUTH 60° 31' 53" EAST FROM AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF THOSE AFOREMENTIONED LANDS AS RECORDED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 70 FEET, MORE OR LESS TO THE NORTHEASTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1196, PAGE 394 OF SAID CURRENT PUBLIC RECORDS, SAID CORNER LYING SOUTH 60° 31' 53" EAST, A DISTANCE OF 190.00 FEET FROM REFERENCE POINT "A"; THENCE SOUTH 29° 28' 07" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LANDS, A DISTANCE OF 20.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF LANDS, A DISTANCE OF 90.00 FEET; THENCE NORTH 29° 28' 07" EAST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS, A DISTANCE OF 20.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE AFOREMENTIONED SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 100.00 FEET TO REFERENCE POINT "A"; THENCE NORTH 29° 28' 07" EAST, ALONG THE AFOREMENTIONED NORTHWESTERLY LINE OF THOSE LANDS, A DISTANCE OF 100.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE AFOREMENTIONED SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES, A DISTANCE OF 2,342.36 FEET TO THE POINT OF BEGINNING.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 2-28-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Saliba

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 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 ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: 62B-26.014
 RULE TITLE: Description of the Franklin County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.014, F.A.C., reestablishing the Coastal Construction Control Line for Dog Island, in Franklin County, to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and to ensure the preservation of public beach access.

SUMMARY: Contains the legal description of the Coastal Construction Control Line along Dog Island in Franklin County. Copies of the aeriels showing the proposed line will be on display during regular office hours until the time of the public hearing at the following location: City Administrators Office, 1001 Gray Ave., Carrabelle.

The maps are also available on the Bureau's web site: <http://www.dep.state.fl.us/beaches/default.htm#HotTopics>.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The estimated annual cost to the Department for administration of the coastal construction control line program for the affected properties on Dog Island in Franklin County was calculated as \$4,200. One-time costs for rule promulgation; including staffing, professional fees, travel, and notices, inclusive, are estimated to be approximately \$354,300. Upon reestablishment of the Franklin County Coastal Construction Control Line, construction, excavation or alteration on an estimated 112 properties will be affected. However, it is estimated that only 81 properties will be subject to the requirements of Section 161.053, Florida Statutes and Chapter 62B-33, Florida Administrative Code. Developers of these properties will incur higher construction and regulatory costs and will benefit only as a member of the general public or if they intend to live in the constructed units. Owners of developed property will directly benefit through a lessened chance of damage to property and a lower probability of damage from adjacent properties. The general public will not bear direct costs and will receive certain benefits, including preservation of the beach dune system, less damage due to storm waves, and lower costs for disaster relief. This rule has no economic impact on those properties seaward of the existing Franklin County Coastal Construction Control Line,

as established in 1984. A copy of the Statement of Estimated Regulatory Cost may be obtained by contacting Rosaline Beckham at the information provided below.

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: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, March 10, 2009, 6:00 p.m.

PLACE: City Meeting Room, 1001 Gray Ave., Carrabelle, FL
 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: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosaline Beckham as referenced above

THE FULL TEXT OF THE PROPOSED RULE IS:

62B-26.014 Description of the Franklin County Coastal Construction Control Line.

(1) There is hereby established, pursuant to section 161.053, Florida Statutes, the 2008 revised Dog Island portion of the Franklin County Coastal Construction Control Line. The legal description of said line is attached hereto.

(2) This rule shall take effect on the date of filing with the Florida Department of State; and the rule shall be recorded in the public records in the office of the Clerk of the Circuit Court, in and for Franklin County, Florida, together with each affected municipality.

(3) After this rule becomes effective, a permit, under Section 161.053, Florida Statutes, and Chapter 62B-33, Florida Administrative Code, to alter, excavate or construct on property seaward of the established control line is required from the Department of Environmental Protection.

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FRANKLIN COUNTY, FLORIDA

Description of the coastal construction control line is established in compliance with Section 161.053, Florida Statutes, said control line lying along the Gulf of Mexico coast

from the mean high water line of the southeasterly bank of West Pass, easterly to the mean high water line of the southerly bank of Ochlockonee Bay.

Said coastal construction control line is related to a series of "Permanent Reference Monuments" (P. R. M.) designated and hereinafter referred to as "49-80-A01 through 49-80-A17", "49-80-B01 through 49-80-B34", "49-80-C01 through 49-80-C16" and "49-80-D01 through 49-80-D21" for monuments established by the Department of Environmental Protection, State of Florida, or referenced to by station name for monuments established by the National Geodetic Survey (N. G. S.) or by the U.S. Corps of Engineers (U. S. C. E.).

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FOR SAINT GEORGE ISLAND, FRANKLIN COUNTY, FLORIDA

No change.

(Substantial rewording of Rule 62B-26.014, F.A.C., the Dog Island portion of the Franklin County Coastal Construction Control Line, as follows. See Florida Administrative Code for present text.)

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FOR DOG ISLAND, FRANKLIN COUNTY, FLORIDA

Description of the Coastal Construction Control Line (CCCL) is established in compliance with Section 161.053, Florida Statutes, said control line lying along the Gulf of Mexico coast from the mean high water line of the southeasterly bank of East Pass, easterly to the mean high water line of the southeast bank of Saint George Sound on Dog Island.

Said CCCL is related to a series of "Permanent Reference Monuments" (P.R.M.) designated and hereinafter referred to as "49-80-C01, 49-80-C10, 49-80-C13, and 49-80-C16" for monuments established by the Department of Environmental Protection, State of Florida, or referenced to by station name for monuments established by the National Geodetic Survey (N.G.S.). Said permanent reference monuments are established on the north zone of the State of Florida plane coordinate system. All stations in this description are based on North American 1983 Datum Adjustment of 1990.

The bearing base for this description is grid North, determined by Global Positioning (G.P.S.) Observations made at all Permanent Reference Monuments (P.R.M.).

Commence at P.R.M. 49-80-C01; thence N 81 deg. 05 min. 09 SEC. E a distance of 227.96 feet to the point of beginning; thence N 32 deg. 11 min. 26 sec. E to the point of intersection with the mean high water line of the southeasterly bank of East Pass. Said point being the northwesterly terminus of the coastal construction control line for Dog Island; thence return along the same course to the point of beginning.

Thence S 00 deg. 09 min. 30 sec. W a distance of 493.36 feet to a point; thence S 31 deg. 10 min. 27 sec. E a distance of 652.53 feet to a point; thence S 62 deg. 03 min. 08 sec. E a distance of 1022.52 feet to a point; thence S 74 deg. 16 min. 48

sec. E a distance of 475.83 feet to a point; thence N 46 deg. 36 min. 12 sec. E a distance of 1467.26 feet to a point; thence S 67 deg. 25 min. 30 sec. E a distance of 983.43 feet to a point; thence N 84 deg. 13 min. 52 sec. E a distance of 971.93 feet to a point; thence N 73 deg. 14 min. 24 sec. E a distance of 985.89 feet to a point; thence N 73 deg. 38 min. 43 sec. E a distance of 964.53 feet to a point; thence N 73 deg. 40 min. 37 sec. E a distance of 995.04 feet to a point; thence N 53 deg. 29 min. 19 sec. E a distance of 1035.05 feet to a point; thence N 76 deg. 29 min. 10 sec. E a distance of 1011.99 feet to a point; thence N 77 deg. 17 min. 44 sec. E a distance of 1020.56 feet to a point; thence N 76 deg. 46 min. 41 sec. E a distance of 992.14 feet to a point; thence N 76 deg. 59 min. 59 sec. E a distance of 900.63 feet to a point; thence N 71 deg. 13 min. 18 sec. E a distance of 1046.57 feet to a point; thence N 70 deg. 18 min. 32 sec. E a distance of 894.54 feet to a point;

Thence N 70 deg. 26 min. 28 sec. E a distance of 1013.12 feet to a point; thence N 70 deg. 12 min. 04 sec. E a distance of 892.01 feet to a point; thence N 79 deg. 11 min. 12 sec. E a distance of 993.94 feet to a point; thence N 72 deg. 51 min. 32 sec. E a distance of 963.30 feet to a point; thence N 64 deg. 01 min. 07 sec. E a distance of 1096.44 feet to a point; thence N 62 deg. 31 min. 01 sec. E a distance of 966.56 feet to a point; thence N 62 deg. 16 min. 43 sec. E a distance of 200.00 feet to a point;

Thence N 35 deg. 42 min. 49 sec. E a distance of 279.51 feet to a point; thence N 58 deg. 02 min. 10 sec. E a distance of 504.49 feet to a point; thence N 73 deg. 47 min. 00 sec. E a distance of 984.55 feet to a point; thence N 66 deg. 48 min. 37 sec. E a distance of 1034.30 feet to a point; said point being N 88 deg. 15 min. 48 sec. E a distance of 612.20 feet from P.R.M. 49-80-C10.

Thence N 65 deg. 18 min. 10 sec. E a distance of 983.20 feet to a point; thence N 72 deg. 00 min. 36 sec. E a distance of 1001.05 feet to a point; thence N 62 deg. 26 min. 21 sec. E a distance of 964.74 feet to a point; thence N 62 deg. 29 min. 47 sec. E a distance of 950.90 feet to a point; thence N 62 deg. 53 min. 26 sec. E a distance of 987.94 feet to a point; thence N 60 deg. 25 min. 23 sec. E a distance of 933.35 feet to a point; thence N 47 deg. 10 min. 53 sec. E a distance of 1100.32 feet to a point; said point being N 30 deg. 43 min. 35 sec. W a distance of 498.01 feet From P.R.M. 49-80-C13.

Thence N 39 deg. 25 min. 27 sec. E a distance of 933.73 feet to a point; thence N 39 deg. 58 min. 46 sec. E a distance of 504.89 feet to a point; thence N 39 deg. 17 min. 28 sec. E a distance of 920.15 feet to a point; thence N 57 deg. 56 min. 00 sec. E a distance of 980.91 feet to a point; thence N 21 deg. 02 min. 31 sec. E a distance of 953.79 feet to a point; thence N 13 deg. 06 min. 53 sec. E a distance of 916.73 feet to a point; thence N 02 deg. 20 min. 26 sec. E a distance of 802.90 feet to a point; thence N 03 deg. 25 min. 49 sec. W a distance of 1006.80 feet to a point; said point being N 39 deg. 58 min. 00 sec. W a distance of 333.47 feet from P.R.M. 49-80-C16.

Thence N 10 deg. 19 min. 03 sec. W a distance of 751.30 feet to a point; thence N 27 deg. 31 min. 26 sec. W to the point of intersection with the mean high water line of the south bank of Saint George Sound, said point being the northeasterly terminus of the 2008 revised coastal construction control line for Dog Island.

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FOR ALLIGATOR POINT, FRANKLIN COUNTY, FLORIDA

No change.

Specific Authority 370.021(1) FS. Law Implemented 161.053 FS. History--New 4-30-84, Formerly 16B-26.14, 16B-26.014, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.012 **RULE TITLE:** Application Forms

PURPOSE AND EFFECT: The Board proposes to incorporate an updated application form.

SUMMARY: An updated application form will be incorporated into the rule.

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: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b) 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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, 1/09, ~~DOH/MQA/PY APP/REV. 4/02~~; "Application for Psychologist Licensure," effective 1-23-09 ~~6-25-02~~, which is incorporated herein by reference and which may be obtained from the Board office or on the Board's website at http://www.doh.state.fl.us/mqa/psychology.

(2) through (4) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b) FS. History--New 6-25-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-2.001 **RULE TITLE:** Documentation for Licensure

PURPOSE AND EFFECT: To update and modify questions asked of the applicant in the licensure application.

SUMMARY: This rule updates the application questions effective January 2009 and advises where the application document may be found.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and documents that proposed changes to the form have no effect on the costs related to the application.

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: 456.004, 456.013, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) 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: Vicki Grant, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-2.001 Documentation for Licensure.

Each applicant for licensure shall make application on incorporated by reference Form DH 1274 (effective 1/1/2009), Application for Licensure as a Medical Physicist, which is available from the department at www.FLHealthSource.com, or by calling (850)245-4910 hereby incorporated by reference, which is effective 6-10-99 and shall be provided by the Department. The following items must be submitted with each application:

- (1) One passport style photograph of applicant taken within the last six months;
- (2) Official documentation of board certification;
- (3) Licensure verification sent directly from the agency that issued the license; and
- (4) Proof of completion of a two (2) hour course relating to the prevention of medical errors pursuant to the requirements of Section 456.013, F.S.

Specific Authority 456.004, 456.013, 483.901(6)(b) FS. Law Implemented 456.013, 483.901(6)(b) FS. History--New 6-10-99, Amended 8-21-02, _____ .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Grant

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-7.001 RULE TITLE: Application for Physicist-in-Training
PURPOSE AND EFFECT: To update and modify questions asked of the applicant in the licensure application.

SUMMARY: This rule updates the application questions effective January 2009 and advises where the application document may be found.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and documents that proposed changes to the form have no effect on the costs related to the application.

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: 483.901(6)(j) FS.
LAW IMPLEMENTED: 483.901(6)(j) 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: Vicki Grant, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-7.001 Application for Physicist-in-Training.

Each applicant for physicist-in-training must meet the following requirements:

- (1) Each applicant for physicist-in-training must fill out incorporated by reference Form #DH 1279, (effective 1/1/2009), Application for Certification as a Medical Physicist-in-Training, which is available from the department at www.FLHealthSource.com or by calling (850)245-4910, hereby incorporated by reference, effective 6-10-99, and provided by the Department and pay the fee specified in Rule 64B23-3.007, F.A.C.
- (2) through (3) No change.

Specific Authority 483.901(6)(j) FS. Law Implemented 483.901(6)(j) FS. History--New 6-10-99, Amended _____ .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Grant

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-2.004 RULE TITLE: Licensure by Endorsement
PURPOSE AND EFFECT: To update and limit the length of time when a temporary certificate is in effect.

SUMMARY: The amendment to the rule clarifies that a person shall not be granted a temporary certificate more than one time.

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: 467.005 FS.
LAW IMPLEMENTED: 467.0125 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: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-2.004 Licensure by Endorsement.

(1) through (2) No change.

(3)(a) No change.

(b) A temporary certificate issued under this section shall be valid only as long as an area for which it is issued remains an area of critical need, but no longer than 2 years. A temporary certificate is not renewable, nor shall a person be granted a temporary certificate more than once.

(c) No change.

Specific Authority 467.005 FS. Law Implemented 467.0125 FS. History—New 1-26-94, Formerly 61E8-2.004, 59DD-2.004, Amended 10-24-02, 2-7-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-32.005
 RULE TITLE: Application Procedures

PURPOSE AND EFFECT: Pursuant to Florida Statutes Chapter 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule are required to implement technical and clarifying changes.

SUMMARY: The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 9, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

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: Derek Helms, (850)488-4198. 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 IS: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-32.005 Application Procedures.

(1) The Corporation hereby adopts and incorporates by reference the EHCL Program Application Package EA0703 (1/09) (01/08)

(2) through (5) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended 2-16-05, 1-26-06, 2-20-07, 1-17-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jody Bedgood, Program Manager, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1112

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Derek Helms, Program Administrator, Elderly Housing Community Loan (EHCL) Program, Florida

submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (2)(d) No change.

(3) through (12)(b) No change.

Rule 14-10.0043 is changed to reflect revised fees in (2), (3)(a) through (3)(d):

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) No change.

(2) The annual permit fee for each sign facing is \$51.00 ~~\$44.00~~ for 200 square feet or less, and \$71.00 ~~\$64.00~~ for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: \$51.00 ~~\$44.00~~ for each sign facing of 200 square feet or less; \$71.00 ~~\$64.00~~ for each facing greater than 200 square feet;

(b) April 16 through July 15: \$38.25 ~~\$33.00~~ for each sign facing of 200 square feet or less; \$53.25 ~~\$48.00~~ for each facing greater than 200 square feet;

(c) July 16 through September 30: \$25.50 ~~\$22.00~~ for each sign facing of 200 square feet or less; \$35.50 ~~\$32.00~~ for each facing greater than 200 square feet;

(d) October 1 through January 15: \$63.75 ~~\$55.00~~ for each sign facing of 200 square feet or less; \$88.75 ~~\$80.00~~ for each facing greater than 200 square feet.

(4) No change.

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

Cost Management and Control

RULE NO.: RULE TITLE:

59B-9.031 Definitions

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. 53, December 31, 2008 issue of the Florida Administrative Weekly.

59B-9.031 Definitions.

(1) through (2) No change.

~~(3) "Charity" means medical care provided by a health care entity to a person who has insufficient resources or assets to pay for needed the medical care without utilizing his resources which are required to meet the person's his basic need for shelter, food, or clothing. No patient shall be considered charity care whose family income, as applicable for the twelve (12) months preceding the determination, exceeds 200 percent of the federal poverty guidelines, unless the amount of health care charges due from the patient exceeds 25 percent of annual family income. However, in no case shall the facility charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. This information should be provided based on the patient's status at time of reporting.~~

~~(3)(4)~~ No change.

~~(4)(5)~~ "E-code" means a Supplementary Classification of External Causes of Injury and Poisoning ICD-9-CM or ICD-10-CM codes where environmental events, circumstances, and conditions are the cause of injury, poisoning and other adverse effects as specified in the ICD-9-CM or ICD-10-CM manual and the conventions of coding.

~~(5)(6)~~ "Executive Officer" means a reporting facility's chief executive officer, chief financial officer, chief operating officer, president, or ~~any~~ vice president, of the facility in charge of a principal business unit, division or function (administration or finance).

(7) through (8) renumbered (6) through (7) No change.

~~(8)(9)~~ "NUBC" means National Uniform Billing Committee. A national body that defines the data elements ~~fields~~ that are reported on the Uniform Bill UB-04 and annually publishes an Official UB-04 Data Specifications Manual, which is published annually.

~~(9)(10)~~ No change.

~~(10)(11)~~ "NPI" means National Provider Identification. A NPI is an A unique identification number assigned to a provider by the Centers for Medicare & Medicaid Services.

(12) through (14) renumbered (11) through (13) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.032
 RULE TITLE: Ambulatory and Emergency Department Data Reporting and Audit Procedures

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(1) The following entities shall submit patient data reports to the Agency for Health Care Administration (AHCA or Agency):

- (a) through (b) No change.
- (c) All lithotripsy centers defined in Section 408.07, F.S.:
- (d) All cardiac catheterization laboratories defined in Section 408.07, F.S.

(2) through (6) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.033
 RULE TITLE: Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions

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. 53, December 31, 2008 issue of the Florida Administrative Weekly.

59B-9.033 Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions.

(1) Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, Ambulatory Centers and Emergency Departments shall report patient data according to the provisions in Rules 59B-9.030 through 59B-9.039, F.A.C.

- (a) through (d) No change.
- (2) through (3) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.034
 RULE TITLE: Reporting 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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.034 Reporting Instructions.

Reporting instructions for all Ambulatory Centers beginning with the ambulatory data reporting for the 1st quarter of the year 2010.

- (1) Ambulatory centers shall report data for:
 - (a) through (a)1. No change.
 - 2. 92980 through ~~92998 92996~~ and 93500 through 93599. Includes percutaneous transluminal coronary angioplasty (PTCA) and Cardiac Catheterization.
 - ~~(b) Do not report CPT codes 36415 or 36416.~~
 - 3. No change.
 - (2) through (2)(a) No change.
 - (b) An ED visit occurs even if the only service provided to a registered patient is triage or screening. If the registered patient leaves prior to being seen by a physician, report the discharge status as "07" "AMA/discontinued care" ~~and charges~~. Report zero if charges are are not incurred.
 - (c) No change.
 - (3) through (5)(a) No change.
 - (b) Reports sent to the Internet address shall be electronically transmitted with the zipped ambulatory data in a XML file using the Ambulatory Patient Data XML Schema available at <http://ahca.myflorida.com/xmlschemas/asc22.xsd>.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.035
 RULE TITLE: Certification, Audits, and Resubmission Procedures

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.035 Certification, Audits, and Resubmission Procedures.

(1) All ambulatory centers submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall certify that the data submitted for each quarter period is accurate, complete and verifiable using Certification Form for Ambulatory Patient Data AHCA Form APD1, dated 7/1/95 and incorporated by reference. The completed certification form shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308, Attention: Florida Center for Health Information and Policy Analysis or by facsimile to the Agency's office, or a scanned certification submitted by electronic mail.

(2) Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, facilities not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule

59B-9.036, F.A.C. Extensions to this five (5) month period may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee, for a maximum of 30 days following the certification due date in response to a written request signed by the facilities chief executive officer, ambulatory center director or authorized executive officer designee. A facility will not be penalized for delays caused by AHCA which is documented by the reporting facility to include on-line reporting system downtime or delays in receipt of reports from AHCA.

(3) Changes or corrections to certified data will be accepted from facilities to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance or designee may grant approval for resubmitting previously certified data in response to a written request signed by the facility's chief executive officer, Ambulatory Center director or authorized executive officer designee. The written request must specify the reason for the corrections or changes, explain the cause contributing to the inaccurate reporting, describe a corrective action plan to prevent future errors, the total number of records affected by quarters and years, the data type and the date that the replacement file will be submitted to the Agency. Any changes to a facility's hospital's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Resubmission of previously certified data must be certified within thirty (30) days following receipt of the data file from the facility.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.036
 RULE TITLE: Penalties for Ambulatory Patient Data Reporting and Deficiencies

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.036 Penalties for Ambulatory Patient Data Reporting and Deficiencies.

(1) For purposes of this rule, a report or other information is "incomplete" when it does not contain all data required by the Agency in this rule and in forms incorporated by reference or when it contains inaccurate data. The Agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all facility's or audit a random sample of hospitals. The Agency will notify each facility of any possible errors discovered by audit and request that the facility either correct the data or verify that the data is complete and correct. A report or other information is "false" if done or

made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.

(2) through (3) No change.

(4) The penalty period will begin on the first calendar working day following the initial due date and the first calendar day following the certification due date for purposes of penalty assessments.

(5) No changes.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.037
 RULE TITLE: Header Record

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.037 Header Record.

Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, the ~~The~~ first record in the data file shall be a header record, containing the information described below.

(1) through (7) No change.

(8) Medicare Number. Enter the Medicare number of the facility as assigned by Centers for Medicare & Medicaid Services (CMS). A valid identification number must contain seven (7) numeric digits. A required field.

(8) through (15) renumbered (9) through (16) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-9.038
 RULE TITLE: Ambulatory Data Elements, Codes and Standards

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.038 Ambulatory Data Elements, Codes and Standards.

Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, all AH data elements and data element codes listed below shall be reported. All facilities submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall report the following required data elements as stipulated by the Agency and described in the Official Data Specifications Manual published by the NUBC and NUCC.

(1) AHCA Facility Number. The identification number of the ambulatory center as assigned by AHCA for reporting purposes. An identification number assigned by AHCA for reporting purposes. The number must match the facility number recorded on the header record. A valid identification number must contain at least eight digits and no more than 10 digits. A required entry.

(2) through (5) No change.

(6) Patient Race.

(a) 1 – American Indian or Alaskan Native. A person having origins in any of the original peoples of North America and South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition.

(b) through (g) No change.

(7) Patient Birth Date. The date of birth of the patient. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Use 9999-99-99 where type of service is “2” and efforts to obtain the patient’s birth date have been unsuccessful. Unknown birthdates should use the default of YYYY-01-01 where the year is based on approximate age. A birth date after the patient visit ending date is not permitted. A required entry.

(8) No change.

(9) Patient Zip Code. The five digit United States Postal Service ZIP Code of the patient’s address permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the Code for Representation of Names of Countries, ISO 3166 or latest release. A required entry for type of service “2”. Use 99 where the country of residence is unknown, or where efforts to obtain the information have been unsuccessful, or if type of service is “1”.

(11) Type of Service Code. A code designating the type of service, either an ambulatory center surgery or emergency department visit. A required entry. Must be a one (1) digit code as follows:

(a) through (b) No change.

1 – Ambulatory surgery, as described in subsection 59B-9.034 59B9.032(1), F.A.C.

(b) 2 – Emergency department visit, as described in subsection 59B-9.034 59B9.032(2), F.A.C.

(12) No change.

(13) Principal Payer Code. Describes the primary source of expected reimbursement for services rendered based on the patient’s status at discharge or the time of reporting. Report

~~charity as defined in subsection 59B-9.031(3), F.A.C.~~ A required entry. Must be a one (1) character alpha field using upper case as follows:

(a) through (e) No change.

~~(f) F Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.~~

(g) through (i) renumbered (f) through (h) No change.

~~(i)(j) K – Other State/Local Government. Patients covered by a state program or local government that does not fall into any of the payer state funded categories listed above. This would include those covered by the Florida Department of Corrections or any county or local corrections department, patients covered by county or local government indigent care programs if the reimbursement is at the patient level; any out-of-state Medicaid programs and county health departments or clinics.~~

(k) through (l) renumbered (j) through (k) No change.

~~(l)(m) N – Non-Payment Charity. Includes charity, professional courtesy, no charge, research/clinical trial, refusal to pay/bad debt, Hill Burton free care, research/donor that is known at the time of reporting. Include charity that is known at the time of discharge.~~

(n) through (o) renumbered (m) through (n) No change.

~~(o) Q- Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.~~

(14) through (15) No change.

(16) Evaluation and Management Code (1), Evaluation and Management Code (2), Evaluation and Management Code (3), Evaluation and Management Code (4), Evaluation and Management Code (5). A code representative of the patient acuity level for the services provided. If type of service is “2”, must contain a valid Evaluation and Management (EM) Code range 99281-99285; 99288; 99291-99292; and G0380-G0384, even if the only service provided to a registered patient is triage or screening. If patient discharge status is “07” meaning patient left against medical advice or discontinued care, or where a visit occurs resulting in zero charges, enter default code 99999 to indicate that the patient was not evaluated by a physician. No more than five EM codes may be reported. Less than five entries is permitted. A required field.

~~(17) Principal CPT or HCPCS Procedure Code. A code representative of the primary services provided or procedures performed.~~

~~(a) Ambulatory surgery type of service “1” must contain a valid CPT code or HCPCS code as specified in 59B-9.034(1) excluding CPT codes 36415, 36416 representing the reason for the surgery or the encounter.~~

~~(b) Emergency Department visits type of service “2” must contain a valid CPT or HCPCS code if the patient discharge status is not “07” indicating that the patient left against medical advice or discontinued care. Must contain either a valid CPT or~~

HCPCS procedure code if type of service is "2" and patient discharge status is "07" indicating that the patient left against medical advice or discontinued care. The code must be five digits and valid for the reporting period. Do not report venipuncture codes 36415-36416 as a principal CPT or procedure code.

~~(17)(18) Other CPT or HCPCS Procedure Code (1), Other CPT or HCPCS Procedure Code (2), Other CPT or HCPCS Procedure Code (3), Other CPT or HCPCS Procedure Code (4), Other CPT or HCPCS Procedure Code (5), Other CPT or HCPCS Procedure Code (6), Other CPT or HCPCS Procedure Code (7), Other CPT or HCPCS Procedure Code (8), Other CPT or HCPCS Procedure Code (9), Other CPT or HCPCS Procedure Code (10), Other CPT or HCPCS Procedure Code (11), Other CPT or HCPCS Procedure Code (12), Other CPT or HCPCS Procedure Code (13), Other CPT or HCPCS Procedure Code (14), Other CPT or HCPCS Procedure Code (15), Other CPT or HCPCS Procedure Code (16), Other CPT or HCPCS Procedure Code (17), Other CPT or HCPCS Procedure Code (18), Other CPT or HCPCS Procedure Code (19), Other CPT or HCPCS Procedure Code (20), Other CPT or HCPCS Procedure Code (21), Other CPT or HCPCS Procedure Code (22), Other CPT or HCPCS Procedure Code (23), Other CPT or HCPCS Procedure Code (24), Other CPT or HCPCS Procedure Code (25), Other CPT or HCPCS Procedure Code (26), Other CPT or HCPCS Procedure Code (27), Other CPT or HCPCS Procedure Code (28), Other CPT or HCPCS Procedure Code (29), Other CPT or HCPCS Procedure Code (30), Other CPT or HCPCS Procedure Codes 1 through 30. A code representing an additional procedure or service provided during the visit. Other CPT or HCPCS procedure code data element fields are designated specific code ranges. If a principal CPT or HCPCS procedure is not reported, Other CPT or HCPCS Procedure Codes must not be reported unless the patient status is "07" indicating the patient left against medical advice or discontinued care. If not space filled, must be a valid CPT or HCPCS code. The code must be five digits and valid for the reporting period. Alpha characters must be in upper case. No more than thirty (30) other CPT or HCPCS procedure codes may be reported. Less than thirty (30) entries or no entry is permitted.~~

~~(a) Other CPT or HCPCS Procedure Code (1), Other CPT or HCPCS Procedure Code (2), Other CPT or HCPCS Procedure Code (3), Other CPT or HCPCS Procedure Code (4), Other CPT or HCPCS Procedure Code (5), Other CPT or HCPCS Procedure Code (6), Other CPT or HCPCS Procedure Code (7), Other CPT or HCPCS Procedure Code (8), Other CPT or HCPCS Procedure Code (9), Other CPT or HCPCS Procedure Code (10), Other CPT or HCPCS Procedure Codes 1-10 are designated for CPT procedure code ranges 10021-69999; 92980 through 92996; and 93500 through 93599 and corresponding HCPCS codes. Do not report CPT codes 36415 or 36416. If a principal CPT or HCPCS procedure is not reported, an Other CPT or HCPCS Procedure Code must not be~~

reported. No more than ten other CPT or HCPCS procedure codes may be reported. Less than ten entries or no entry is permitted.

~~(b) Other CPT or HCPCS Procedure Code (11), Other CPT or HCPCS Procedure Code (12), Other CPT or HCPCS Procedure Code (13), Other CPT or HCPCS Procedure Code (14), Other CPT or HCPCS Procedure Code (15), Other CPT or HCPCS Procedure Code (16), Other CPT or HCPCS Procedure Code (17), Other CPT or HCPCS Procedure Code (18), Other CPT or HCPCS Procedure Code (19), Other CPT or HCPCS Procedure Code (20). Other CPT or HCPCS Procedure Codes 11-20 are designated for radiology services provided during the visit corresponding to CPT procedure code ranges 70000-79999 and associated HCPCS codes. No more than ten other CPT or HCPCS procedure codes may be reported. Less than ten entries or no entry is permitted.~~

~~(c) Other CPT or HCPCS Procedure Code (21), Other CPT or HCPCS Procedure Code (22), Other CPT or HCPCS Procedure Code (23), Other CPT or HCPCS Procedure Code (24), Other CPT or HCPCS Procedure Code (25), Other CPT or HCPCS Procedure Code (26), Other CPT or HCPCS Procedure Code (27), Other CPT or HCPCS Procedure Code (28), Other CPT or HCPCS Procedure Code (29), Other CPT or HCPCS Procedure Code (30). Other CPT fields 21-30 are designated to report laboratory services provided during the visit corresponding to CPT procedure code ranges 80000-89999 and associated HCPCS codes. No more than ten other CPT or HCPCS procedure codes may be reported. Less than ten entries or no entry is permitted.~~

~~(19) through (21) renumbered (18) through (20) No change.~~

~~(21)(22) Operating or Performing Practitioner Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 999999999.~~

~~(22)(23) No change.~~

~~(23) Other Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 999999999.~~

~~(24) through (41) No change.~~

~~(42) ED Hour of Discharge. The hour on a 24-hour clock during which the patient left the emergency department. A required entry. Use 99 where efforts to obtain the information have been unsuccessful or type of service is "1". Must be two digits as follows:~~

(43) through (45) No change.

(46) External Cause of Injury Code. External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning or other adverse effects recorded as a diagnosis. Assign the appropriate E-code for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred if documented in the patient medical history. No more than three (3) external cause of injury codes may be reported. Less than three (3) or no entry is permitted. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each encounter reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(47) Service Location. A code designating services performed at an offsite emergency department location at facilities whose license includes a "offsite" emergency department. For type of service "2", enter an upper case "A" for services performed at the offsite emergency department location. No entry is permitted if type of service is "1" or for hospitals without an offsite location. For type of service "2", an alpha character upper case A designation to identify services performed at facilities whose license includes a "offsite" emergency department. A required entry for offsite licensed facilities only where A-D correspond to the order of entities on the hospital license.

(48) through (49) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: RULE TITLE:
59B-9.039 Public Records

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59B-9.039 Public Records.

(1) No change.

(2) Patient-specific records collected by the Agency pursuant to Rules 59B-9.030 through 59B-9.039. F.A.C., are exempt from disclosure pursuant to Section 408.061(7)(8); F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d).

(a) through (d) No change.

(3) through (4) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.021 Definitions

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.021 Definitions.

As used in Rules 59E-7.021 through 59E-7.030 beginning with the inpatient data reporting for the 1st quarter of the year 2010:

(1) No change.

~~(2) "Charity" means medical care provided by a healthcare entity to a person who has insufficient resources to pay for the medical care without utilizing resources which are required to meet the person's basic need for food, shelter, and clothing. No patient shall be considered charity care whose family income, as applicable for (12) months preceding the determination, exceeds 200 percent of the federal poverty guidelines, unless the amount of health care charges due from the patient exceeds 25 percent of annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. This information should be provided based on the patient's status at time of reporting.~~

~~(2)(3) "Comprehensive Rehabilitation" means services provided in a Specialty Rehabilitation Hospital licensed under Chapter 395, F.S. or and services provided in a hospital rehabilitation distinct part unit.~~

~~(4) "Discharge" means an inpatient who is formally released from the care of the hospital; or is transferred within the hospital from one type of care to another type of care; or is transferred to another location for care unless the patient is returned the same day; or leaves the hospital against medical advice without a physician's order; or is a psychiatric patient who is discharged as away without leave (AWOL or elopement); or has died.~~

~~(3)(5) No change.~~

~~(4)(6) "E-code" means a Supplementary Classification of External Causes of Injury and Poisoning, ICD-9-CM or ICD-10-CM codes, where environmental events, circumstances, and conditions are the cause of injury, poisoning, and other adverse effects as specified in the ICD-9-CM or ICD-10-CM manual and the conventions of coding.~~

~~(5)(7) "Executive Officer" means a reporting facility's chief executive officer, chief financial officer, chief operating officer, president, or any vice president of the facility in charge of a principal business unit, division or function (administration or finance).~~

~~(6)(8) No change.~~

(7)(9) “Newborn” means a baby born within the hospital facility or the initial admission of an infant to any hospital acute care facility within 24 hours of birth. Excludes babies born in a different hospital and transferred to the reporting hospital.

(10) through (12) renumbered (8) through (10) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.022 Inpatient Data Reporting and Audit Procedures

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.022 Inpatient Data Reporting and Audit Procedures.

(1) through (2) No change.

(3) All acute, intensive care, long term acute care, short term and long term psychiatric, substance abuse and comprehensive rehabilitation live discharges and deaths, including newborn live discharges and deaths, shall be reported. Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths. Patients receiving rehabilitation services while in the acute care setting (not discharged or transferred to a distinct part unit) are included in the inpatient reporting record for service type “1” ~~±~~. Report all rehabilitation services provided in either a rehabilitation hospital or in a non-acute distinct part unit in the inpatient reporting for service type 2.

(4) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.024 Reporting 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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.024 Reporting Instructions.

(1) Beginning with the inpatient data report for the 1st quarter of the year 2010, reporting facilities shall submit a zipped inpatient discharge data file by Internet according to the specifications in paragraphs (a) through (c) below unless reporting by CD-ROM is approved by the Agency in the case of extraordinary or hardship circumstances.

(a) The Internet address for the receipt of inpatient data is <http://ahcaxnet.fdhc.state.fl.us/patientdata>.

(b) Data submitted to the Internet address shall be electronically transmitted with the zipped inpatient data in a XML file using the Inpatient Data XML Schema available at <http://ahca.myflorida.com/xmlschemas/inppoa22.xsd>. The Inpatient Data XML Schema is incorporated by reference.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.025 Certification, Audits and Resubmission Procedures

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.025 Certification, Audits and Resubmission Procedures.

(1) No change.

(2) Beginning with the inpatient data reporting for the 1st quarter of the year 2010, hHospitals whose data is not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59E-7.026, F.A.C. Extensions to this five (5) month period may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee for a maximum of 30 days following the certification due date in response to a written request signed by the hospital’s chief executive officer, chief financial officer, or authorized executive officer designee. A facility will not be penalized for delays caused by AHCA which is documented by the reporting facility to include on-line reporting system downtime or delays in receipt of reports from AHCA.

(3) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.027 Header Record

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.027 Header Record.

Beginning with the inpatient data reporting for the 1st quarter of the year 2010, the ~~The~~ first record in the data file shall be a header record containing the information described below.

(1) through (7) No change.

(7) AHCA ~~Facility~~ ~~Hospital~~ Number. Enter the identification number of the ~~facility~~ ~~hospital~~ as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than ten (10) digits. A required field.

(8) through (16) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: 59E-7.028
RULE TITLE: Inpatient Data Elements, Codes and Standards

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.028 Inpatient Data Elements, Codes and Standards. Beginning with the inpatient data reporting for the 1st quarter of the year 2010, all AH hospitals submitting data in compliance with Rules 59E-7.021 through 59E-7.030, F.A.C., shall report the required data elements and data element codes listed below as stipulated by the Agency and described in the National Uniform Billing Committee Official UB-04 Data Specifications Manual and as stipulated by the Agency.

(1) AHCA ~~Facility~~ ~~Hospital~~ Number. Enter the identification number of the ~~facility~~ ~~hospital~~ as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than ten (10) digits. A required field.

(2) through (5) No change.

(6) Patient Race. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's racial background shall be reported as one choice from the following list of alternatives. A required entry. Must be a one (1) digit code as follows:

(a) 1 – American Indian or Alaska Native. A person having origins in any of the original peoples of North America and South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition.

(b) through (g) No change.

(7) Patient Birth Date. The date of birth of the patient. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Unknown

birthdates should use the default of 1880 YYYY-01-01 ~~where the year is based on approximate age.~~ A birth date after the discharge date is not permitted. A required entry.

(8) No change.

(9) Patient Zip Code. The numeric five (5) digit United States Postal Service ZIP Code of the patient's address permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the International Standard for Organization country code list, ISO 3166 or latest release. A required entry. Use 99 where the country of residence is unknown or where efforts to obtain the information have been unsuccessful.

(11) Type of Service Code. A code designating the type of discharges as either acute inpatient, long term care, short term and long term psychiatric, or comprehensive rehabilitation. A required entry. Must be a one digit code as follows:

(a) 1 – Inpatient, as described in Rule paragraph 59E-7.022(4), F.A.C.

(b) 2 – Comprehensive Rehabilitation, as described in subsection 59E-7.021(2)(3), F.A.C.

(12) Priority of Admission. No change.

(a) through (c) No change.

(d) 4 – Newborn. A baby born within the facility or the initial admission of an infant to any acute care facility within 24 hours of birth, as described in subsection 59E-7.021(7), F.A.C. Use of this code requires the use of a special Point of Origin for Admission code.

(e) No change.

(13) Source or Point of Origin for Admission. Must be a one (1) character alpha code or two (2) digit numeric code indicating the direct source of patient origin for the admission or visit. Codes 10 or through 13 are to be used only for newborn admissions. A required entry. Alpha characters must use upper case.

(a) through (m) No change.

(14) through (18) No change.

(19) Principal Payer Code. Describes the expected primary source of reimbursement for services rendered based on the patient's status at ~~discharge or~~ the time of reporting. ~~Report charity as defined in subsection 59E 7.021(2), F.A.C.~~ A required entry. Must be a one (1) character alpha field using upper case as follows:

(a) through (e) No change.

~~(f) F – Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.~~

(g) through (i) renumbered (f) through (h) No change.

~~(i)(j)~~ K – Other State/Local Government. Patients covered by a state program or local government that does not fall into any of the payer state funded categories listed above. This would include those covered by the Florida Department of Corrections or any county or local corrections department, patients covered by county or local government indigent care programs if the reimbursement is at the patient level; any out-of-state Medicaid programs and county health departments or clinics.

(k) through (l) renumbered (j) through (k) No change.

~~(l)(m)~~ N – Non-Payment Charity. Includes charity, professional courtesy, no charge, research/clinical trial, refusal to pay/bad debt, Hill Burton free care, research/donor that is known at the time of reporting. Include charity that is known at the time of discharge.

~~(m)(n)~~ No change.

~~(n)~~ O- Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.

(20) through (29) No change.

(30) Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider who had primary responsibility for the Principal Procedure. A required identification number for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 9999999999. No entry is permitted if no principal procedure is reported.

(31) No change.

~~(32)~~ Other Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider who assisted the operating or performing practitioner or performed a secondary procedure. A required identification number for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 9999999999. No entry is permitted if no principal procedure is reported.

(32) through (33) renumbered (33) through (34) No change.

~~(35)(34)~~ Nursery Level II Charges. Accommodation charges for services which include provision of ventilator services and at least 6 hours of nursing care per day. Restricted to neonates of 1000 grams birth weight and over with the exception of those neonates awaiting transfer to Level III. Report charges for revenue code 172 as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if

there are no Level II Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

~~(36)(35)~~ Nursery Level III Charges. Accommodation charges for services which include the provision of continuous cardiopulmonary support services 12 or more hours of nursing care per day, complex pediatric surgery, neonatal cardiovascular surgery, pediatric neurology and neurosurgery, and pediatric cardiac catheterization. Report charges for revenue code 173 (Level III) as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level III Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(36) through (56) renumbered (37) through (57) No change.

~~(58)(57)~~ Total Gross Charges. The total of undiscounted charges for services rendered by the hospital. Include charges for services rendered by the hospital excluding professional fees. The sum of all charges reported above in paragraphs (33) through (57) must equal total charges, plus or minus thirteen (13) ten (10) dollars. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

~~(59)(58)~~ Infant Linkage Identifier. The social security number of the patient's birth mother where the patient is less than two (2) years of age. A nine (9) digit field to facilitate retrieval of individual case records, to be used to link infant and mother records, and for medical research. Reporting 77777777 for the mother's SSN is acceptable for those patients where efforts to obtain the mother's SSN have been unsuccessful or the mother is ~~not~~ known to be from a country other than the United States. Infants in the custody of the State of Florida or adoptions, use 333333333 if the birth mother's SSN is not available. A required field for patients whose age is less than two (2) years of age at admission. No entry is permitted if the patient is two (2) years of age or older. A required entry.

~~(60)(59)~~ No change.

~~(61)(60)~~ External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. Assign appropriate E-codes for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred if documented in the patient medical history. No more than three (3) external cause of injury codes may be reported. Must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once

for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(61) through (63) renumbered (62) through (64) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.029 Public Records

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.029 Public Records.

(1) No change.

(2) Patient-specific records collected by the Agency pursuant to Rules 59E-7.021-7.030, F.A.C., are exempt from disclosure pursuant to Section 408.061(7)(8), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d) beginning with 1st quarter 2010 data.

(a) 1. through 3. No change.

4. Admission Date. ~~Deleted. Substitute quarters 1-4~~ (admit month cannot be substituted).

5. Discharge Date. ~~Substitute quarters 1-4. Length of Stay (LOS) will be substituted.~~ (discharge month cannot be substituted)

6. through 9. No change.

10. ED Date of Arrival. Visit Time Hours (VTH) Boarding time (BT) will be substituted.

(b) through (d) No change.

(3) through (4) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: RULE TITLE:
59E-7.030 General Provisions

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. 53, December 31, 2008 of the Florida Administrative Weekly.

59E-7.030 General Provisions.

Hospitals submitting inpatient discharge data pursuant to the provisions contained in these rules shall be directed by the following specific general provisions for inpatient data reporting beginning 1st quarter 2010:

(1) Any inpatient who is transferred or discharged from the acute care setting into a rehabilitative care distinct part unit or free standing hospital unit, must be reported as a separate record from the patients acute care record. The acute care discharge record is assigned data type one (1), and the comprehensive rehabilitative therapy discharge record is assigned data type two (2).

(2) If inpatients are administratively transferred or formally discharged from the acute care setting into a distinct-part Medicare certified skilled nursing unit or to hospice care of a hospital, reporting accountability ceases at the time of discharge or transfer. Patient's receiving sub-acute care in these setting are excluded from inpatient reporting requirements.

(3) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-7.0015 Board Approved Comprehensive Standard Training Programs as Alternative Eligibility Requirements for Examination for Building Code Inspector or Plans Examiner Certification

SECOND 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. 19, of the May 9, 2008, issue of the Florida Administrative Weekly. The changes are in response to additional written comments submitted by the staff of the Joint Administrative Procedures Committee. A previous Notice of Change was published for this rule and appeared in Vol. 34, No. 51 of the December 19, 2008, Florida Administrative Weekly. The Board, at its meeting on December 11, 2008, voted to change the rule and when changed the rule shall read as follows:

61G19-7.0015 Board Approved Comprehensive Standard Training Programs as Alternative Eligibility Requirements for Examination for Building Code Inspector or Plans Examiner Certification.

Applicants seeking the first standard certification under Part XII of Chapter 468, F.S., as an Inspector or Plans Examiner having a minimum of 3 years verifiable experience in construction, as defined in subsection 61G19-1.009(8), F.A.C., shall satisfactorily complete a comprehensive initial training

program comprised of a 120 hour core curriculum common to all categories and not less than the following number of hours in the certification category sought:

- (1) Building – 450 hours
- (2) Electrical – 400 hours
- (3) Plumbing – 270 hours
- (4) Mechanical – 270 hours

The 20 hours required by Section 468.609(2), F.S., shall be embedded in each category.

Specific Authority 468.606, 468.609 FS. Law Implemented 455.2179, 468.609(2) FS. History–New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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.”

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:
67-32.004 General Program Restrictions
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking indicated that the Notice of Rule Development was published on November 14, 2008. However, the Notice of Rule development was published on November 21, 2008.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.: RULE TITLES:
69I-20.0011 Full Disclosure Statement
69I-20.0028 General Principles for Joint
 Ownership of Property for
 Accounts that are not Unclaimed
 Demand, Savings or Checking
 Accounts Formerly Held by a
 Financial Institution
69I-20.0029 Survivorship Accounts Reported by a
 Financial Institution

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. 27, July 3, 2008 issue of the Florida Administrative Weekly.

69I-20.0011 Full Disclosure Statement.

(1) through (3) No change.

(4) For purposes of the FULL DISCLOSURE STATEMENT codified in Sections 717.135(3) and 717.1351(2), F.S., the property category, date of last contact, and property remitted by or holder information from a single account that is being claimed must be disclosed in the FULL DISCLOSURE STATEMENT.

69I-20.0028 General Principles for Joint Ownership of Property for Accounts that are not Unclaimed Demand, Savings or Checking Accounts Formerly Held by a Financial Institution.

(1) through (3) No change.

Specific Authority 717.138 FS. Law Implemented 717.124, 717.126 FS. History–New _____.

69I-20.0029 Survivorship Accounts Reported by a Financial Institution.

No change.

Specific Authority 717.138 FS. Law Implemented 717.12403, 717.126 FS. History–New _____.

Cf. Sections 655.005, 655.79, F.S.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: RULE TITLE:
69I-20.031 Holder Due Diligence
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: RULE TITLE:
69I-20.050 Voluntary Disclosure Agreements,
 Examinations and Audits
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. 27, July 3, 2008 issue of the Florida Administrative Weekly.

69I-20.050 Voluntary Disclosure Agreements, Examinations and Audits.

(1) The Department’s ~~mission goal~~ is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses (“Holders”) inside and outside the State of Florida who are in possession of unclaimed property to comply with Florida’s Unclaimed Property Law. This

(a) For each employee, other than corporate officers, identified by the department as an employee of such employer at any time during the period of the employer's non-compliance, the imputed weekly payroll for each week of the employer's non-compliance for each such employee shall be the statewide average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5. Employees include sole proprietors and partners in a partnership.

(b) If the employer is a corporation, for each corporate officer of such employer identified as such on the records of the Division of Corporations at the time of issuance of the stop-work order, the imputed weekly payroll for each week of the employer's non-compliance for each such corporate officer shall be the statewide average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5.

(c) If a portion of the period of non-compliance includes a partial week of non-compliance, the imputed weekly payroll for such partial week of non-compliance shall be prorated from the imputed weekly payroll for a full week.

(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned to the highest rated workers' compensation classification code associated with the employer's business activities. If records demonstrate the assignment of an alternative workers' compensation classification code, such classification code will be applicable to all employees. However, the department shall ~~may~~ assign an alternative workers' compensation classification code for an employee based upon the investigator's physical observation of that employee's activities.

(4) If the department imputes the employer's payroll, the employer shall have twenty business days after service of the order assessing the penalty to provide business records sufficient for the department to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty or for the alternative period of non-compliance. If the employer provides such business records, the department shall recalculate the employer's penalty pursuant to Section 440.107(7)(d), F.S. If business records sufficient for the department to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty or for the alternative period of non-compliance are not provided to the department within twenty business days after service of the order assessing the penalty, the penalty based upon the time period requested for the calculation of the penalty imputing the employer's payroll for the time period in the business records request for the calculation of the penalty will remain in effect.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(e) FS. History—New 7-12-05, Amended 8-31-06,

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

The remainder of the rule reads as previously published.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-163.0075	Term and Evidence of Insurance
690-163.009	Determination of Reasonableness of Benefits in Relation to Premium Charge
690-163.011	Credit Disability Insurance Rates

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 52, December 24, 2008 Florida Administrative Weekly has been continued from January 13, 2009 to February 10, 2009.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-175.008	Unfair Discrimination in Private Passenger Motor Vehicle Insurance Rates – Based on History of Accidents

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 4, January 30, 2009 issue of the Florida Administrative Weekly.

The public hearing has been rescheduled to be held:

DATE AND TIME: February 25, 2009, 1:00 p.m.

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-186.003	Title Insurance Rates
690-186.005	Premium Schedule Applicable to "Truth in Lending" and Other Endorsements

Weekly on September 12, 2008. No public comment was received. The Department entered a final order (OGC File No. 08-2219) denying the petition for a waiver for construction of a boardwalk and viewing pier for the use of interior lot owners who do not own waterfront lots, because the petitioner did not demonstrate that application of subsection 62-312.080(7), F.A.C., would create a substantial hardship for the petitioner or violate principles of fairness.

A copy of the Order may be obtained by contacting: Woodrow Speed, Florida Department of Environmental Protection, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501, (850)595-8300, ext. 1287.

NOTICE IS HEREBY GIVEN THAT on January 14, 2009, the Department of Environmental Protection, received a petition for variance from the water treatment plant staffing requirements in paragraph 62-699.310(2)(e) and subsection 62-699.311(4), F.A.C., from Emerald Coast Utilities Authority. This variance has been assigned OGC File No. 09-0097. Comments must be received no later than 14 days from the date of this publication, and should be sent to the person named below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Virginia Harmon, Department of Environmental Protection, Drinking Water Section, M.S. 3520, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8630.

NOTICE IS HEREBY GIVEN THAT on January 16, 2009, the Bureau of Beaches and Coastal Systems, received a petition for a variance from 550 Seabreeze Development, LLC. The petitioner seeks a permanent variance from subsection 62B-33.013(3), F.A.C., which provides for one three-year time extension to complete activities permitted by the Department. The property is located at 550 Seabreeze Blvd., Ft. Lauderdale, Broward County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. The petition is being processed and 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 5050 West Tennessee Street, Bldg. B, Tallahassee, Florida 32304. Any comments should be filed in writing: Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

NOTICE IS HEREBY GIVEN THAT on January 29, 2009, the Bureau of Beaches and Coastal Systems has issued an order.

A petition was filed on February 19, 2008, by James R. Spires and Michelle M. Spires, regarding the property located at 59 Pelican Cir., Panama City Beach (Walton County). Notice of receipt of this petition was published in the Florida

Administrative Weekly on March 7, 2008. The Petitioners sought a variance or waiver from subparagraph 62B-33.0051(1)(a)1., F.A.C., which requires that a structure be eligible in order to be authorized for construction of coastal armoring, from subsection 62B-33.002(64), F.A.C., which defines and requires that a vulnerable structure must be an eligible structure, and from subparagraph 62B-33.0051(1)(a)2. F.A.C., which requires that a vulnerable structure be an eligible structure. No public comment was received.

The variance is granted based upon the Petitioner's demonstration that a strict application of the rule would result in substantial hardship and because Petitioners have demonstrated that the variance would serve the purposes of the underlying statute.

A copy of the Order may be obtained by contacting: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 18, 2008, the Board of Orthotists and Prosthetists has issued an order.

The Board of Orthotists and Prosthetists hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on October 7, 2008, on behalf of Douglas A. Taylor, CP. The Notice of Petition for Variance/Waiver was published in Vol. 34, No. 44, of the October 31, 2008, Florida Administrative Weekly. Specifically, the Petitioner sought a variance and waiver of the provisions of paragraph 64B14-4.003(1)(b), F.A.C., be waived in regards to the educational course work which was completed before CAAHEP's implementation. The Board of Orthotists and Prosthetists considered the Petition at its meeting held on November 6, 2008, in Jacksonville, Florida. The Board's Order, filed on November 18, 2008, approved the Petition for Waiver of paragraph 64B14-4.003(1)(b), F.A.C., finding that the Petitioner submitted proof of a bachelor of science degree from an accredited university, and a certificate in prosthetics from a program equivalent to a program recognized by CAAHEP.

A copy of the Order may be obtained by contacting: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

NOTICE IS HEREBY GIVEN THAT on January 21, 2009, the Department of Health, received a petition for Variance from or Waiver of Agency paragraph 64F-12.023(3)(a), Florida Administrative Code, from Pharnalink, Inc. located at 12345 Starkey Road, Suite L, Largo, Florida. The petition seeks a variance from or waiver of paragraph 64F-12.023(3)(a), F.A.C. requiring Petitioner to obtain an inbound inventory from its

customers prior to shipping prescription drugs to Petitioner. Specifically the Petition seeks a variance or waiver of the inbound inventory requirement by allowing the Petitioner to create an inventory of inbound products upon receipt of the shipment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, FL 32399, (850)245-4294.

NOTICE IS HEREBY GIVEN THAT on February 3, 2009, the Florida Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by Richard F. Mihalich with the Department of Health on November 25, 2008 and published December 12, 2008 in the Florida Administrative Weekly requesting a waiver from paragraph 64J-1.010(3)(d), Florida Administrative Code, which states that a paramedic whose certificate has been on inactive status for more than 1 year must pass the paramedic certification exam. If the applicant fails the exam, he or she must meet the requirements for initial certification.

The Department of Health, Bureau of EMS has denied the request for waiver. The general basis for this decision was that Petitioner did not meet the general requirements for variance:

- (a) Petitioner has not demonstrated that the principles of fairness will be violated should Petitioner be required to adhere to the current rule. A letter was sent to Petitioner by the Bureau of EMS outlining all of the requirements to renew his license, in accordance with the rule, before his inactive status expired.
- (b) Petitioner has not demonstrated substantial hardship in his petition for waiver.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for waiver has been denied.

A copy of the Order may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander_macy@doh.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 3, 2009, the Florida Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by Okaloosa County EMS with the Department of Health on November 19, 2008 and published December 12, 2008 in the Florida Administrative Weekly requesting a temporary variance from Rule 64J-1.003, Table II (v), Florida Administrative Code, which requires an electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient for Advanced Life Support (ALS) ground vehicles.

The Department of Health, Bureau of EMS has granted the request for variance. The general basis for this decision was that Petitioner met the general requirements for variance:

- (a) Principles of fairness would be violated should Petitioner be required to adhere to the current rule. Petitioner has provided evidence of its backorder for the equipment upgrade.
- (b) A substantial hardship would be placed upon Petitioner as it would be without licensed ALS ground vehicles.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for temporary variance has been granted and allows Okaloosa County EMS to operate its ALS ground vehicles without the required upgrade until May 31, 2009.

A copy of the Order may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander_macy@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on January 30, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Family Preservation Services, Inc., and Randy Barbary and Carolyn Rose, assigned Case No. 09-002W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's or master degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on January 27, 2009, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.027(2)(a), Florida Administrative Code, from Center for Family and Child Enrichment, Inc. and Rodney Dottin, assigned Case No. 09-003W. Paragraph 65C-13.027(2)(a), F.A.C., states if a licensed out-of-home caregiver marries or reconciles with an unlicensed spouse, the unlicensed spouse shall complete an "Application for License to Provide Out-of-Home Care for Dependent Children. Submit fingerprints within five calendar days of residence for background screening unless previously completed, attend pre-service training if not previously completed in the last five years, and meet all licensing requirements. The unlicensed spouse shall have six months from the date of marriage or reconciliation to complete pre-service training. Failure to meet the licensing and background screening provisions of this rule which may threaten the safety of any child in care, or place the

home in violation of the licensing standards in this rule, are grounds for denial, suspension or revocation of an application or license. During this period, and based on the satisfactory completion of background screening requirements and the established good moral character of the unlicensed spouse, the home remains licensed and previously placed children may remain in the home, however no new children shall be placed in the home.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on January 30, 2009, the Florida Housing Finance Corporation, received a petition for Waiver subsection 67-48.004(14), Florida Administrative Code, from Magnolia Landing Apartments, Ltd., (“Petition”). The Petition is seeking a waiver of the rule to allow a reduction of the total number of units contained in the application.

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

DEPARTMENT OF STATE

The **National Register Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 25, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: R. A. Gray Building, Third Floor, Room 307, 500 S. Bronough St., Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of National Register applications.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

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: Pam Stanley at (850)245-6302. 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: Pam Stanley at (850)245-6302.

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 26, 2009, 9:00 a.m. – until conclusion

PLACE: R. A. Gray Building, Heritage Hall, First Floor, Auditorium, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

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: Pam Stanley at (850)245-6302. 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: Pam Stanley at (850)245-6302.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 12:30 p.m. – 2:30 p.m.

PLACE: Everglades Research and Education Center, 3200 E. Palm Beach Rd., Belle Glade, FL 33430, (561)993-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introduction of Requim (Presented by Dennis Long, Technical Sales Representative for AgraQuest, Inc.)

Division of Plant Industry Representatives
EREC staff project updates

A copy of the agenda may be obtained by contacting: Stephen Basore, Chairman at (561)996-1980, ext. 20.

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: EREC Belle Glade Office at (561)993-1500. 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 **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2009, 10:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Mike Page, Chief of the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

The **Florida Sturgeon Production Working Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 17, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Division of Aquaculture, Fifth Floor, Conference Room, 1203 Governor's Square Boulevard, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address administrative issues and the status of commercial sturgeon production in Florida.

A copy of the agenda may be obtained by contacting: Mark Berrigan at (850)488-4033.

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: Anne Cerwin at (850)488-4033. 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: Mark Berrigan at (850)488-4033.

The **Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 17, 2009, 11:00 a.m. – 2:00 p.m.

PLACE: Division of Aquaculture, Fifth Floor, Conference Room, 1203 Governor's Square Boulevard, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren at (850)488-4033.

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: Kim Norgren at (850)488-4033. 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: Kim Norgren at (850)488-4033.

The **Clam Industry Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 18, 2009, 10:00 a.m. – 1:00 p.m.

PLACE: Division of Aquaculture, Fifth Floor, Conference Room, 1203 Governor's Square Boulevard, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the Florida clam industry.

A copy of the agenda may be obtained by contacting: Rachelle Coleman at (850)488-4033.

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: Rachelle Coleman at (850)488-4033. 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: Mark Berrigan at (850)488-4033.

DEPARTMENT OF EDUCATION

The **Board of Governors**, State University System of Florida announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 26, 2009, 9:00 a.m.

PLACE: 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning for increased veteran enrollment under Post 9/11 GI Bill; Update: Federal economic stimulus program; Federal lobbyist for the SUS; Authorization for FAMU to implement a guaranteed energy performance program, Tallahassee campus; External funding efforts and facilities, new and renovated, new medical schools, UCF and FIU; and other matters pertaining to the Board of Governors.

A copy of the agenda may be obtained by contacting: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

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: Office of Access and Equity, DOE at (850)245-9532, Voice. 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: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

The **Charter School Appeal Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: February 24-25, 2009, 10:00 a.m. – completion

PLACE: Florida Department of Education, 325 W. Gaines Street, Conference Room 1703/07, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission Hearing will be hearing the Application Denial of New Alternative Education High School vs. Hernando County School Board; New Alternative Education High School North, South, and Central Campus vs. Broward County School Board; Padah's Academy vs. Hillsborough County School Board; The Community Green School vs. DeSoto County School Board; New Alternative Education High School vs. Polk County School Board.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

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: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502. 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: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIMES: An Administrator Hearing Panel, February 26, 2009, 9:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, 9:30 a.m. or as soon thereafter as can be heard

PLACE: Staybridge Suites Tallahassee, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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: Kathleen M. Richards at (850)245-0455. 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, February 27, 2009, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Staybridge Suites Tallahassee, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

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: Kathleen M. Richards at (850)245-0455. 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2009, 10:00 a.m.

PLACE: Meetings to be Conducted using Communications Media Technology, specifically Conference Call Telephone Number: 1(888)808-6959, Code: 9221867. Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Roofing Technical Advisory Committee. Issues related to roofing arising under the Florida Building Code to develop appropriate recommendation to the Florida Building Commission.

A copy of the agenda may be obtained by contacting: Mr. Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-1824, Fax (850)414-8436. 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 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: Mr. Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-1824.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE OF CANCELLATION – The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Cancellation of the February 6, 2009 Missing Endangered Persons Information Clearinghouse Advisory Board meeting

PLACE: FDLE Headquarters, 2331 Phillips Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Missing Endangered Persons Information Clearinghouse Advisory Board meeting has been rescheduled for June 11, 2009.

A copy of the agenda may be obtained by contacting: Dinah Johnson at 1(888)356-4774.

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: Dinah Johnson at 1(888)356-4774. 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 **Scenic Highways Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m. – 4:30 p.m.

PLACE: Haydon Burns Building, Suwannee Room, Second Floor, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide recommendations on the National Scenic Byways FY2009 Grant Applications.

A copy of the agenda may be obtained by contacting: Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail: mariano.berrios@dot.state.fl.us, or Fax (850)414-4443.

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: Mr. Mariano Berrios, State Scenic Highways

Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail: mariano.berrios@dot.state.fl.us, or Fax (850)414-4443. 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."

STATE BOARD OF ADMINISTRATION

The **Participant Local Government Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 25, 2009, 9:00 a.m. – 1:30 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida (Hermitage Room)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the first meeting of the Participant Local Government Advisory Council. The agenda will involve primarily orientation and organizational matters, as well as background presentations on the Local Government Investment Pool and Fund B. The Council is a six-member advisory council, which reviews the administration of the Local Government Investment Pool Trust Fund and makes recommendations regarding such administration to the Trustees. The Council operates under Section 218.409 (10)(a), Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1253.

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: James Linn at (850)413-1166. 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 Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, 9:00 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

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 Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. 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 Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, 11:00 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

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 Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. 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 Prepaid College Foundation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 4, 2009, 12:30 p.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

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: Fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. 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.

PUBLIC SERVICE COMMISSION

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NO.: 080121-WS

DATE AND TIME: Rescheduled from February 11, 2009 to February 24, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service

Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendation are also accessible on the PSC Website, at <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, March 2, 2009, 9:30 a.m. (previously scheduled for Tuesday, February 24, 2009, 9:30 a.m.)

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 080234-TP – Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers. The purpose of this hearing is to permit parties to present testimony and exhibits relative to this proceeding. No agenda is 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 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 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).

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation 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.

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770 (or) Charles Murphy, Staff Counsel.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 3, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs meeting to which all interested persons are invited.

DATE AND TIME: March 3, 2009, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs meeting may be obtained by contacting the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a hearing in the following docket to which all persons are invited.

DOCKET NO. AND TITLE: Docket Number 080318-GU – Petition for rate increase by Peoples Gas System.

DATES AND TIME: March 4-6, 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 petition for rate increase, filed by Peoples Gas System (PGS) on August 11, 2008, 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 PGS to present evidence and testimony in support of its 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 Chapters 120 and 366, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code. Only issues relating to this petition for rate increase will be heard at the March 4-6, 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 the 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, FL 32399-0850 or at (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.

NOTICE OF AMENDMENT – The Florida **Public Service Commission** announces a public customer meeting to which all persons are invited.

DATE AND TIME: Thursday, March 5, 2009, 6:00 p.m.

PLACE: Forest Lake Estates Community Clubhouse, 6429 Forest Lake Drive, Zephyrhills, FL 33540

GENERAL SUBJECT MATTER TO BE CONSIDERED:
DOCKET NO.: 080249-WS – Application for increase in water and wastewater rates in Pasco County by Labrador Utilities, Inc.

The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. All persons who wish to comment are urged to be present at the beginning of the meeting, since the meeting may be adjourned early if no customers are present.

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 the Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Curt Mouring, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6427.

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 or (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: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Policy and Budget** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 28, 2009, 11:30 a.m. – 4:30 p.m.

PLACE: Valencia Community College, Criminal Justice Institute, 8600 Valencia College Lane, Orlando, FL 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Introduction of Committee Chairs.
- Sunshine and public record requirements for members.
- Ethics requirements.
- Objectives and initiatives of the 2010 Sunshine Census.
- Goals and responsibilities of the 2010 Statewide Complete Count Committee.
- Structure of the 2010 Statewide Complete Count Committee.

A copy of the agenda may be obtained by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880 or ayla.anderson@laspbs.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 3 days before the workshop/meeting by contacting: Office of Policy and Budget, The Capitol, Tallahassee, FL 32399, (850)487-1880. 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: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880 or ayla.anderson@laspbs.state.fl.us.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business 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 Council**, Local Emergency Preparedness Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2009, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Northeast Florida Regional Council Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited. Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at this meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

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: Debbie Dale at (904)279-0880. 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: Debbie Dale at (904)279-0880 or ddale@nefrc.org.

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 18, 2009, 10:00 a.m.

PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or rlittle@ecfrpc.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 1 day before the workshop/meeting by contacting: Ruth Little. 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 South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 2, 2009, 10:30 a.m.

PLACE: 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development Orders for Westerra, City of Sunrise and Metropica, City of Sunrise. Any Development Order received prior to the meeting. Any proposed Local Government Comprehensive Plan received prior to the meeting. Any adopted Local Government Comprehensive Plan received prior to the meeting. Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Proposed Local Government Comprehensive Plan Amendments for Lighthouse Point and Sweetwater. Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting. Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments for

Cooper City, Aventura and Southwest Ranches. Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Adopted Local Government Comprehensive Plan Amendments for Pembroke Pines and Indian Creek Village; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting. Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

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)985-4416. 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: (954)985-4416.

REGIONAL TRANSPORTATION AUTHORITIES

The South Florida Regional Transportation Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 21, 2009, 8:00 a.m. – 12:30 p.m.

PLACE: Broward County Convention Center, 1950 Eisenhower Boulevard, Fort Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2009 Transportation Summit.

A copy of the agenda may be obtained by contacting: Transportation Planning Manager at (954)788-7921.

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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. 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: Transportation Planning Manager at (954)788-7921.

The South Florida Regional Transportation Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 24, 2009, 6:00 p.m.

PLACE: Palm Beach County Convention Center, 650 Okeechobee Boulevard, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This Public Meeting is being conducted to provide interested persons the opportunity to comment and to express their views either verbally or in writing concerning the proposed location, conceptual design, social, economic and environmental effects of the West Palm Beach Intermodal Transfer Facility. The West Palm Beach Intermodal Transfer Facility consists of an intermodal transfer facility for Palm Tran with eighteen (18) proposed bus bays along with additional public and employee parking at the current West Palm Beach Tri-Rail Station. The West Palm Beach Tri-Rail Station is located at the southwest corner of Banyan Boulevard and North Tamarind Avenue. The construction of an intermodal transfer facility will provide Palm Tran with eighteen (18) bus bays, a bus turn-around lane, bus shelters, pedestrian crosswalks, public bathroom, and other public facilities, along with increased parking capacity (118 public spaces, 45 employee spaces) at the West Palm Beach Tri-Rail Station.

A copy of the agenda may be obtained by contacting: Mr. Joseph Quinty, South Florida Regional Transportation Authority by calling (954)788-7928 or writing to: 800 N. W. 33rd Street, Suite 100 Pompano Beach, Florida 33064, or by e-mail: quintyj@sfrta.fl.gov. Any interested party who is unable to attend the Public Meeting may send written comments to the South Florida Regional Transportation Authority at the above-stated address. Written comments should be received by the South Regional Transportation Authority postmarked no later than March 6, 2009.

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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. 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 South Florida Regional Transportation Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 9:30 a.m.

PLACE: Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting.

A copy of the agenda may be obtained by contacting: Executive Office at (954)788-7915.

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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. 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.

WATER MANAGEMENT DISTRICTS

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 1:00 p.m. (ET)

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

Other Meetings Held on February 26, 2009:

- 10:30 a.m. – 11:30 a.m. District Lands Committee – to discuss Land Acquisition Matters.
- 11:30 a.m. – 12:30 p.m. Regulations Committee – to discuss Environmental Resource Permitting Program.
- 1:15 p.m. Public Hearing on Regulatory Matters.
- 1:20 p.m. Public Hearing on Land Acquisition Matters.

A copy of the agenda may be obtained by contacting: Robin Tucker, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at www.nfwfmd.state.fl.us).

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 20, 2009, 1:00 p.m.

PLACE: Butler Seafood and Grill, 315 North Lake Avenue, Lake Butler, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to introduce the schedule and process for the District-wide Water Supply Assessment and the Upper Santa Fe River Basin Regional Water Supply Plan projects.

A copy of the agenda may be obtained by contacting: Debbie Davidson at (386)362-1001.

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: Debbie Davidson at (386)362-1001. 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: Carlos Herd at (386)362-1001.

The **Southwest Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: February 20, 2009, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Tampa Service Office, Governing Board Room, 7601 Hwy. 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the latest draft of the proposed amendments to the District's water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review for Water Use Permit Applications, of the Water Use Permit Information Manual regarding additional and enhanced water conservation requirements for public supply, agriculture, industrial, commercial, mining, dewatering, recreation, including golf courses, and aesthetic use. District staff will also provide information relating to the SWFWMD Annual Reclaimed Water Supplier Report.

A copy of the agenda may be obtained by contacting: Dianne Lee, Administrative Supervisor, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4658.

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: Dianne Lee, Administrative Supervisor, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4658. 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: Dianne Lee, Administrative Supervisor, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4658.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 24, 2009, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Committee Meetings, Board Meeting, and Public Hearing. Conduct Committee meetings, Governing Board meeting, and public hearing. There will also be an opportunity for public input on the intention to amend the District's fiscal year (FY) 2009 budget as follows: Increase the FY2009 budget for the General Fund by \$7,500,000 to reflect unanticipated revenue from the Water Management Lands Trust Fund for construction of the Lake Hancock Outfall Treatment project. The proposed budget amendment will not impact the District millage or ad valorem property taxes. Ad Order 23475.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. 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: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District**, Green Industry Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Green Industry Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.

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: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. 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: Teri Hudson at the above address or phone number.

The **Southwest Florida Water Management District**, Agricultural Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Agricultural Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4402.

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: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. 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: Teri Hudson at the above address or phone number.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Lake Belt Mitigation Committee, March 6, 2009, 10:30 a.m.

PLACE: SWFWMD, Building B-1, 2-B Bridge Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting: Susan Brown at (561)682-2743, <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>, Teleconference information Local SWFWMD: (561)682-6700, Nationwide Toll Free: 1(866)433-6299, Meeting ID #: 5133.

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: District Clerk's Office 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).

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: District Clerk's Office at (561)682-2087.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Communities for a Lifetime Bureau, in partnership with the Florida Housing Coalition announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 25, 2009, 8:30 a.m. – 5:00 p.m. (EST)

PLACE: Tampa Lighthouse, 1106 West Platt Street, Tampa, FL 33606

GENERAL SUBJECT MATTER TO BE CONSIDERED: The forum is designed to provide expert training and technical assistance on affordable housing funding resources; developing, maintaining, and enhancing stakeholder collaboration among elder housing and service developers, providers, lenders, government agencies, consumer groups and communities to address housing issues, challenges and opportunities.

A copy of the agenda may be obtained by contacting: Margarita Mejia, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: mejiam@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: Margarita Mejia, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: mejiam@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: Greg Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: riceg@elderaffairs.org.

The **Department of Elder Affairs**, Communities for a Lifetime Bureau announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, February 25, 2009, 9:00 a.m. – 4:00 p.m. (EST)

PLACE: Catherine A. Hickman Theatre, 5501 – 27 Avenue, South, Gulfport, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This symposium breaks down the barriers to senior employment and the challenges to senior volunteer recruitment. We will examine the strengths and flexibility of mature adults as strategic assets that can greatly contribute to an organizations intellectual and financial bottom line. Organizational directors and managers will learn to identify transitional skills, examine encore employment gateways and how to create credible paid and un-paid opportunities that engage and challenge mature adults. Participants wishing to attend this symposium must register at www.meetingspots.com. Cost of registration is \$15.00 per individual, with lunch included. Exhibiter space is available through the registration link.

A copy of the agenda may be obtained by contacting: Nicole Hargraves, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: hargravesn@elderaffairs.org, or at the following website: <http://www.communitiesforalifetime.org/events.php>.

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: Nicole Hargraves, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Email: hargravesn@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: Nicole Hargraves, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: hargravesn@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 10:00 a.m.

PLACE: Lake Panasoffkee Parks and Recreation Community Center, Lake Panasoffkee, FL 33538

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson at (352)620-3088.

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: Marilyn Anderson at (352)620-3088. 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: Marilyn Anderson at (352)620-3088.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF RESCHEDULING – The Florida Health Choices Corporation Board Meeting to which all interested persons are invited.

DATE AND TIME: February 27, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be an organizational meeting for Florida Health Choices.

For more information, contact: Carol Barr Platt or Tom Warring, Bureau of Managed Health Care at (850)487-0640.

DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees. Section 282.205, F.S., establishes the Southwood Shared

Resource Center, formerly the Shared Resource Center, to enhance communication among state agencies and identify statewide enterprise information technology solutions.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.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 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.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).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **State Retirement Commission** announces a hearing to which all persons are invited.

DATE AND TIME: February 16, 2009, 8:30 a.m.

PLACE: Hilton, 350 S. North Lake Blvd., Altamonte Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

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 15 days before the workshop/meeting by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410. 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: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

The Florida **Commission on Human Relations** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, March 12, 2009, 9:00 a.m.

PLACE: Florida Commission on Human Relations. The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. 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: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 20, 2009, 8:30 a.m. – 12:00 Noon

PLACE: Department of Business and Professional Regulation, Northwood Center, Suite 16 Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399, or via Teleconference: 1(888)808-6959, Conference Code: 9227625

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Community Association Living Study Council.

A copy of the agenda may be obtained by contacting: Debbie Miller, Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1030, (850)488-1631.

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: Debbie Miller, Government Analyst at

(850)488-1631. 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 Business and Professional Regulation, Barbers Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2009, 9:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399

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, Barbers Board, 1940 North Monroe Street, 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 5 days before the workshop/meeting by contacting: Barber’s Board Office, 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 **Board of Landscape Architecture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 24, 2009, 10:00 a.m.

PLACE: Access Phone: 1(888)808-6959, Conference Code: 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154

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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. 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: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The **Board of Veterinary Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: March 31, 2009, 8:00 a.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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 Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. 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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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 AMENDMENT – The **Siting Coordination Office** announces an amended schedule to the Levy Nuclear Plant Site Certification Hearing to which all persons are invited. This notice is amended to the Notice of this Hearing published on December 24, 2008.

DATES AND TIME: February 23, 2009 through March 13, 2009, 9:00 a.m. (Hearing dates have been cancelled for: March 16 through 20, 2009; March 23 through 27, 2009; March 30 through April 3, 2009, April 6 through 10, 2009)

PLACE: February 23 through 27, 2009: Inglis Community Center, 137 Highway 40 West, Inglis, Florida; March 2 through 6, 2009: Crystal River Plantation Inn, 9301 W. Fort Island Trail, Crystal River, FL 34429.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The portion of the hearing from February 23 through March 6, 2009, will relate to the proposed plant and related facilities. The associated transmission lines will be addressed at hearings beginning on Tuesday, March 3, 2009, 9:00 a.m., Crystal River Plantation Inn. Public testimony sessions will be held from 3:00 p.m. – 8:00 p.m. to address the plant and proposed transmission lines on: February 26, 2009, Inglis Community Center; and March 3, 2009, Crystal River National Guard Armory, 8551 West Venable Street, Crystal River, Florida. Additional public testimony sessions will be held to address the plant and proposed transmission lines in separate locations, from 3:00 p.m. – 8:00 p.m. as follows: Monday, March 9, 2009, Crystal River National Guard Armory, 8551 West Venable Street, Crystal River, Florida; Tuesday, March 10, 2009, The Bethany Center, 18150 Bethany Center Drive, Lutz, Florida; Wednesday, March 11, 2009, Brooksville Elks Lodge, 14494 Cortez Boulevard, Brooksville, Florida; Thursday, March 12, 2009, The Savannah Center, 510 Colony Boulevard, The Villages, Florida.

Contrary to the December 24th notice, no hearings or public testimony will occur between March 16, 2009 and April 10, 2009.

For more information, you may contact: Jill Stoyshich, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2009, 9:00 a.m.

PLACE: Lake County Agriculture Center, Auditorium, 1951 Woodlea Road, Tavares, Florida 32778

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Upper Ocklawaha River Basin TMDL Working Group was formed to provide a forum for stakeholders to discuss issues related to the Upper Ocklawaha River Basin TMDLs, including development, allocation, and implementation of the TMDLs. The focus of the meeting will be a discussion of the results of the first annual project update report and methods for crediting non-structural BMPs and education efforts. A presentation will be given by SJRWMD on developing minimum flows and levels for basin lakes and permitting water withdrawals.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Monitoring Section, MS 3525, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

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: Ms. Mary Paulic at (850)245-8560. 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** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Orlando City Hall Council Chambers, 400 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a workshop to discuss a proposed change to Chapter 62-701, F.A.C., Solid Waste Management Facilities. The Department is seeking comments on a proposal to allow certain small container-to-container transfer stations to operate without the need for individual permits.

A copy of the agenda may be obtained by contacting: Richard Tedder, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, (850)245-8735, or by email: richard.tedder@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 48 days before the workshop/meeting by contacting: Richard Tedder. 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** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 9:30 a.m.

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 1st Floor, Conference Room, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and give notice of a public workshop and public comment period on a draft total maximum daily load (TMDL) for nutrients for the Caloosahatchee Estuary in the Tidal Caloosahatchee River Basin. The public workshop is being held pursuant to Section 403.067(6)(c), Florida Statutes, which requires the Department to hold at least one public workshop in the vicinity of the waterbody or waterbody segment for which a TMDL is being developed. The TMDL calculations and allocations for each waterbody or waterbody segment will be adopted in Rule 62-304.800, F.A.C. The draft TMDL document will be placed on the Department's TMDL website (<http://www.dep.state.fl.us/water/tmdl>) by February 13, 2009, and the Department will accept written comments on the draft

TMDL through March 16, 2009, or for 30 days after it is posted, whichever date is later. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or via email: jan.mandrup-poulsen@dep.state.fl.us. This rule development has been given OGC case number 08-2291.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Assessment Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

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: Ms. Pat Waters at (850)245-8449. 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** announces a workshop to which all persons are invited.

DATE AND TIME: March 3, 2009, 9:00 a.m. – no later than 5:00 p.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to the Underground Storage Tank Systems Rule, Chapter 62-761, F.A.C., including removing language for upgrading systems prior to the December 31, 2009, deadline to simplify the rule, updating reference standards, creating valid registration requirements, revising periodic integrity testing, revising release detection requirements into one section, revising recordkeeping timeframes, updating closure assessment requirements and updating forms. The materials to be discussed are available at: <http://www.dep.state.fl.us/waste/categories/pcp/pages/announcements.htm>.

A copy of the agenda may be obtained by contacting: John Svec at (850)245-8845 or john.svec@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 48 hours before the workshop/meeting by contacting: John Svec at (850)245-8845 or john.svec@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).

For more information, you may contact: John Svec at (850)245-8845 or john.svec@dep.state.fl.us.

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: March 4, 2009, 9:00 a.m. – no later than 5:00 p.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to the Aboveground Storage Tank Systems Rule, Chapter 62-762, F.A.C., including removing language for upgrading systems prior to the January 1, 2010 deadline to simplify the rule, updating reference standards, creating valid registration requirements, revising upgrade deadlines and requirements for field-erected tanks, revising periodic integrity testing, revising release detection requirements into one section, revising piping pressure testing requirements, revising recordkeeping timeframes, updating closure assessment requirements, and updating forms. The materials to be discussed are available at: <http://www.dep.state.fl.us/waste/categories/pcp/pages/announcements.htm>.

A copy of the agenda may be obtained by contacting: John Svec at (850)245-8845 or john.svec@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 48 hours before the workshop/meeting by contacting: John Svec at (850)245-8845 or john.svec@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).

DEPARTMENT OF HEALTH

The **Department of Health, Board of Acupuncture** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, March 6, 2009, 8:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Development for Rule 64B1-4.0011, F.A.C.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or emailing a request to the Board Office at Paula_Mask@doh.state.fl.us. All written materials must be submitted to the Board within 10 days of the workshop.

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: Kaye Howerton, Executive Director at

(850)245-4161. 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 **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 12, 2009, 3:00 p.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Podiatric Medicine Probable Cause Panel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 25, 2009, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida. Meet Me Number: 1(888)808-6959, Conference Code: 9849329103

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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. 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 **Council of Licensed Midwifery** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m. or soon thereafter

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454594

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

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: Council of Licensed Midwifery at (850)245-4161. 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 **Department of Health**, Office of Trauma announces a workshop to which all persons are invited.

DATE AND TIME: Monday, March 2, 2009, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Department of Health, Office of Trauma, Capital Circle Office Complex, Building 4025, Room 301, Tallahassee, FL 32399-1738. Individuals may also participate in the workshop via conference call. Conference Call Number: 1(888)808-6959, Conference Code: 2354440. Directions: Please contact Priscilla Davidson at (850)245-4440, ext. 2749 or via email: priscilla_davidson@doh.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss the final report on the Trauma Service Areas One and Two Study, and to receive input from the trauma system stakeholders on the apportionment of trauma centers within those trauma service areas.

A copy of the study or agenda may be obtained by contacting: Office of Trauma, Susan McDevitt at (850)245-4440, ext. 2760 or via email: susan_mcdevitt@doh.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 2 days before the workshop/meeting by contacting: Janet Collins at (850)245-4440, ext. 2775 or via email: janet_collins@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: Susan McDevitt at (850)245-4440, ext. 2760 or via email: susan_mcdevitt@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 27, 2009, 9:30 a.m.

PLACE: Department of Children and Families, 1055 U.S. Hwy. 17. N., Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chapter 39, F.S., Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)619-4100.

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: Diane Dvorak, DCF at (863)619-4100. 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: Diane Dvorak, DCF at (863)619-4100.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 16, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues. Elections for Chair, Vice Chair, and Secretary will be held at this meeting.

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 2 days before the workshop/meeting by contacting: Gail Kent, Department of Financial Services, email: Gail.Kent@myfloridacfo.com or call at (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 at Lauren.Pope@MyFWC.com, (850)414-2870.

FLORIDA HIGH SPEED RAIL AUTHORITY

The **Florida High Speed Rail Authority** announces an Authority Board meeting to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, 10:00 a.m. – 1:00 p.m.

PLACE: Executive Conference Room, Greater Orlando Aviation Authority, Orlando International Airport, One Airport Blvd., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will focus on the review of recent federal legislation and activities relating to High Speed Rail and will develop a plan of action for the Authority to participate in newly created federal programs.

A copy of the agenda may be obtained by contacting: Mr. Lee Chira, Chairman, Florida High Speed Rail Authority, 800 North Highland Avenue Orlando, Florida 32803, (407)297-1600, E-mail: lchira@lcadevelopment.com, or Fax: (407)297-0480.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 7 days before the meeting by contacting: Mr. Lee Chira, Chairman, Florida High Speed Rail Authority, 800 North Highland Avenue, Orlando, Florida 32803, (407)297-1600, E-mail: lchira@lcadevelopment.com, or Fax: (407)297-0480.

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).

SOIL AND WATER CONSERVATION DISTRICT

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 17, 2009, 8:15 a.m.

PLACE: 1416 US 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Doris Newman.

The **Collier Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 18, 2009, 8:30 a.m.

PLACE: 14700 Immokalee Rd., Naples, FL 34120

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly business meeting.

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.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 18, 2009, 9:00 a.m. (EDT)

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, statements and committee updates.

A copy of the agenda may be obtained by contacting: www.citizensfla.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 5 days before the workshop/meeting by contacting: Barbara Walker at 1(800)807-7647, extension 3744. 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: Barbara Walker.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Wednesday, February 18, 2009, 1:00 p.m. – 2:30 p.m.; Monday, March 2, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: To participate, dial: 1(866)200-9760 followed by PIN 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Articles & Bylaws Committee.

A copy of the agenda may be obtained by contacting: Susan A. Moore, CEO at susan.a.moore@comcast.net.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 20, 2009, 9:00 a.m., Management Board; 1:00 p.m., Policy Board

PLACE: TBRPC, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on conceptual approval of the draft 2009/2010 Annual Workplan, approval of contractor for Compensatory Mitigation project, and the Joint Participation Agreement with Tampa Port Authority.

A copy of the agenda may be obtained by contacting: ron@tbep.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 7 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.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, Board of Governors announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 20, 2009, 2:00 p.m.

PLACE: To participate in the teleconference meeting please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items shall include 2008 year-end reserves; 2009 rates; and the Investment Policy.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408, or from the FWCJUA's website: www.fwcjua.com.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute** announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2009, 10:30 a.m. – 11:30 a.m.

PLACE: Stabile Research Building, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 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 2 days before the workshop/meeting by contacting: Lori Payne. 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).

FLORIDA ENERGY AND CLIMATE COMMISSION

The **Florida Energy and Climate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 23, 2009, 10:30 a.m. – Until Completion

PLACE: Room 301, Senate Office Building, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for the 2008-09 Renewable Energy and Energy-Efficient Technology (REET) and Bioenergy (BIO) Grants will be presented by staff to the FECC Commissioners for discussion and consideration. There will be an opportunity for Commission Members to ask questions of the proposed 2008-09 REET and BIO grantees as well as public comments.

Commissioners will be updated on the Federal Stimulus Package as it relates to energy and climate change, the 2009 Legislative Session and the Commission’s work plan. Additional presentations relating to energy and climate change will be made to the Commission.

A copy of the agenda may be obtained by contacting: April Groover at (850)487-3800.

FLORIDA CORRECTIONS ACCREDITATION COMMISSION, INC.

The **Florida Corrections Accreditation Commission, Inc.** announces a workshop to which all persons are invited.

DATE AND TIME: February 23, 2009, 3:00 p.m.

PLACE: Tampa Crowne Plaza, 10221 Princess Palm Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review correctional facilities for reaccreditation and other general Commission business.

A copy of the agenda may be obtained by contacting: Executive Director, Kim Bogart at 1(800)558-0218 or visiting www.flaccreditation.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 1 day before the workshop/meeting by contacting: Executive Director, Kim Bogart at 1(800)558-0218. 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: Executive Director Kim Bogart at 1(800)558-0218.

The **Florida Corrections Accreditation Commission, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2009, 10:30 a.m.

PLACE: Tampa Crowne Plaza, 10221 Princess Palm Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review correctional facilities for reaccreditation and conduct other general business of the Commission.

A copy of the agenda may be obtained by contacting: Executive Director, Kim Bogart at 1(800)558-0218 or visiting www.flaccreditation.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 1 day before the workshop/meeting by contacting: Executive Director, Kim Bogart at (800)558-0218. 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: Executive Director, Kim Bogart at 1(800)558-0218.

COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC.

The **Commission for Florida Law Enforcement Accreditation, Inc.** announces a workshop to which all persons are invited.

DATE AND TIME: February 24, 2009, 3:00 p.m.

PLACE: Tampa Crowne Plaza, 10221 Princess Palm Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Executive Director, Peg Gant at 1(800)558-0218 or visiting www.flaccreditation.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 1 day before the workshop/meeting by contacting: Executive Director, Peg Gant at 1(800)558-0218. 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: Executive Director, Peg Gant at 1(800)558-0218.

The **Commission for Florida Law Enforcement Accreditation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 25, 2009, 10:00 a.m.
 PLACE: Tampa Crowne Plaza, 10221 Princess Palm Avenue, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Review law enforcement agencies for accreditation or reaccreditation and general business of the Commission.
 A copy of the agenda may be obtained by contacting: Executive Director, Peg Gant at 1(800)558-0218 or visiting www.flaccreditation.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 1 day before the workshop/meeting by contacting: Executive Director, Peg Gant at 1(800)558-0218. 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: Executive Director, Peg Gant at 1(800)558-0218.

FLORIDA PORTS COUNCIL

The **Florida Ports Financing Commission** (FPFC) announces a telephone conference call to which all persons are invited.
 DATE AND TIME: Wednesday, February 25, 2009, 10:00 a.m.
 PLACE: Toll Free Dial-In Number: 1(877)540-9892, Participant Code: 833035
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.
 A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council at (850)222-8028.
 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: Toy Keller, Florida Ports Council at (850)222-8028. 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: Toy Keller, Florida Ports Council at (850)222-8028.

MID-FLORIDA AREA AGENCY ON AGING

The **Elder Options** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2009, 10:00 a.m.
 PLACE: Elder Options Board Room, 5700 S. W. 34th Street, Suite 222, Florida Farm Bureau Building, Gainesville, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled meeting of the Elder Options Board of Directors. The Board will take action on matters to be determined by the members of the Board, which may include matters such as the Executive Director's Report.
 A copy of the agenda may be obtained by contacting: Sarah Ellis at (352)378-6649.
 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: Sarah Ellis at (352)378-6649. 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: Sarah Ellis at (352)378-6649.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

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 declined to rule on the petition for declaratory statement filed by Mary Christofferson, Petitioner/Unit Owner, In Re: Bayshore Embassy Condominium, Inc., Docket No. 2008066968, on December 11, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have the authority to interpret and enforce ambiguous provisions in the governing documents; or where facts are in dispute; or where owners who will be affected by the decision are not parties to the petition.

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 issued an order disposing of the petition for declaratory statement filed by Andrew I. Lewis, Petitioner, In Re: The Olympus Condominium Association, Inc., Docket No. 2008056492, on October 9, 2008. The following is a summary of the agency's disposition of the petition:

It is ordered that The Olympus Condominium Association, Inc., is required to abide by the new provisions governing director terms under the amendment to Section 718.112(2)(d)1., Florida Statutes, and may either reaffirm its bylaws by majority vote of the total voting interests approving two-year staggered terms or else all director's terms default to one-year terms upon expiration. The directors elected to two-year terms in February 2008 are allowed to continue serving until the terms expire in February 2010.

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 Dawn Marcus, Petitioner/Unit Owner, In Re: Boca Teeca Condominium No. 4, Inc. Docket Number: 2008060457 on October 29, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division has not received a copy of Boca Teeca Condominium No. 4's governing documents and may not issue a declaratory statement without reviewing the documents; or where others who will be affected by the decision are not parties to the petition.

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 declined to rule on the petition for declaratory statement filed by Harvey Wasserman, Petitioner, In Re: Del Mar Association, Inc., Docket No. 2008062585 on November 10, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division may not address issues that have already taken place; or where facts are in dispute.

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.

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 the Department of Environmental Protection has received the petition for declaratory statement from TRI-TECH Analytical Laboratories, Inc., Fisherman's Wharf MH & RV Park, Lake Saunders Utilities, Meadows of Astatula, and Tom Felton, c/o

General Utilities, Inc. The petition seeks the agency's opinion as to the applicability of Rule 62-160.650, F.A.C., as it applies to the petitioner.

The Petition seeks a declaratory statement regarding the following: whether the laboratory petitioner is an "audited party," as defined in Rule 62-160.650, F.A.C.; whether the Department must follow the procedures outlined in Rule 62-160.650, F.A.C., to address alleged deficiencies found during an audit; and whether the wastewater facility petitioners' obligations with respect to selection and use of a laboratory is limited to ensuring that the laboratory is properly certified and maintaining evidence of such certification.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lea Crandall, Agency Clerk, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000 or by e-mail: lea.crandall@dep.state.fl.us.

Please refer all comments to: Lea Crandall, Agency Clerk, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, e-mail: lea.crandall@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Shannon Morse, RN on September 3, 2008. The following is a summary of the agency's disposition of the petition:

The Board of Nursing hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement, which was filed on September 3, 2008, on behalf of Shannon Morse, RN. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 43, of the October 24, 2008, issue of the Florida Administrative Weekly. Specifically, the Petitioner requested that the Board issue an opinion as to whether it is within her scope of practice as defined in the Nurse Practice Act, specifically Section 464.003(3)(a), F.S., and paragraph 64B9-8.005(2)(n), F.A.C., to perform the physical exam and assess patients for potential skin cancers, which may include presumptive diagnoses of nonmelanoma and melanoma skin cancers. The Board of Nursing considered the Petition at its meeting held on December 5, 2008, in Kissimmee, Florida. The Board's Order, filed on January 12, 2009, and found that under the specific facts of the Petition, a presumptive diagnosis of skin cancer is not within the scope of Petitioner's license.

A copy of the Board's Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on January 21, 2009 the Department of Health has received the petition for declaratory statement from Pharmalink, Inc., 12345 Starkey Road, Suite L, Largo, Florida. The petition seeks the agency's opinion as to

the applicability of Section 499.0121(6), Florida Statutes and paragraphs 64F-12.023(3)(a) and 64F-12.012(2)(d), Florida Administrative Code, as it applies to the petitioner.

The petition seeks a Declaratory Statement from the Department of Health, Drugs Devices and Cosmetics Program regarding the creation of an inbound inventory prior to the shipment of prescription medications into Florida as required by Section 499.0121(6), Florida Statutes and paragraphs 64F-12.023(3)(a) and 64F-12.012(2)(d), Florida Administrative Code. The petition seeks the Department's approval of Petitioner's creation of the required inbound inventory upon its receipt of a shipment of prescription medications.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4294.

DEPARTMENT OF FINANCIAL SERVICES

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 Roy Tremain, Eustice Fire Chief, on June 19, 2008. The following is a summary of the agency's disposition of the petition:

The subject of the Petition is the application of the Florida Fire Safety Code (the "Code") to a bed and breakfast located in Eustice, Florida, as it relates to the requirements of Section 509.215, Florida Statutes. The Declaratory Statement concludes that the exemption for structures offering fewer than 50 percent of their units to the public is not applicable to the subject structure because the rooms offered are not units as defined in the Code.

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, FL 32399-0340; 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 EDUCATION

**NOTIFICATION OF INTENT TO
OPERATE THE SUMMER FOOD SERVICE**

PROGRAM FOR CHILDREN in accordance with title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for fiscal year 2009. The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation. Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or a local public educational agency or a local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped. The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or non-profit private school, nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization, or a National Youth Sports Program.

For more information please contact: Food and Nutrition Management, Summer Food Services Program for children at 1(800)504-6609.

“In accordance with Federal law, and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis or race, color, national origin, sex, age or disability. To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S. W., Washington, DC 20250-9410 or call 1(800)795-3272 (Voice) or (202)7220-6382 (TTY). USDA is an equal opportunity provider and employer.”

**PUBLIC NOTICE FOR FOOD SERVICE VENDORS TO
REGISTER WITH THE FLORIDA DEPARTMENT OF
EDUCATION TO SELL AND DELIVER UNITIZED
MEALS AND SNACKS TO THE SUMMER FOOD
SERVICE PROGRAM 2009**

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue administering the Summer Food Service Program (SFSP) for the federal fiscal year ending September 30, 2009.

The primary purpose of the Program is to provide breakfast, lunch and/or snacks to economically needy children during periods when public schools are generally closed for summer recess. Food service vendors who wish to participate in the SFSP may write this agency for a vendor registration guidance package to the address given below. Successful registration will require copies of the following: A current Florida business license as a restaurant, food service caterer or a Food Service Management Company; the two most recent health inspection reports; a completed SFSP vendor registration form; Evidence of general and product liability insurance; and insurance coverage for food service delivery vehicles. The prospective vendor’s registration forms and other documentation must be returned to this Agency by March 15, 2009. U.S. Postal Service date marks or private carrier dates will be used to determine the timeliness of submissions.

For additional information, please contact: Food and Nutrition Management Section of FLDOE at 1(800)504-6609. The primary contact person for vendor registration is David Whetstone and the SFSP Program Manager is Michelle Morris. Please direct written inquires to: Florida Department of Education, Food and Nutrition Management Section, 325 West Gaines Street, Room 1034, Tallahassee, FL 32399-0400.

CALL FOR QUALIFICATIONS

The University of West Florida Board of Trustees is soliciting sealed proposals for the following:

Construction Manager at Risk services for the Renovation of Bldg. 73 (aquatic center and pool upgrades) and 54 (field house women’s locker room).

Programming for this project is currently underway. Therefore, typical pre-construction services will be required.

A Mandatory Pre-Submittal Conference will be held on February 24, 2009, 1:30 p.m. (Central Time), Bldg. 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL.

All potential respondents are required to attend the pre-solicitation conference.

Sealed proposals will be received until March 18, 2009, 4:00 p.m. (Central Time), Department of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

RFP Number: 08/RFP-18/ES, must be marked on outside of submittal package. The University will not be responsible for unopened submittals at the proposal opening when the package is not properly identified. Proposals must be submitted in full and in accordance with the requirements of all terms and conditions of the Request for Proposal.

View this solicitation and related information on UWF's Procurement and Contracts' website at: <http://uwf.edu/procurement>.

All questions and inquiries should be directed to Procurement and Contracts. Contact Elaine Smith at etsmith@uwf.edu.

CALL FOR QUALIFICATIONS

The University of West Florida Board of Trustees is soliciting sealed proposals for the following:

Construction Manager at Risk services for the College of Business multiple phase new construction and renovations. This project will include new construction of a 36,000 G.S.F. connector link between Bldgs. 74 and 76 as well as renovations to the existing buildings which will include conversion of classrooms to offices in Bldg. 76 and modest expansion of existing classrooms in Bldg. 76.

Programming for this project is currently underway. Therefore, typical pre-construction services will be required.

A Mandatory Pre-Submittal Conference will be held on February 24, 2009, 2:00 p.m. (Central Time), Bldg. 92, Room 110, University of West Florida, 11000 University Parkway, Pensacola, FL.

All potential respondents are required to attend the pre-solicitation conference.

Sealed proposals will be received until March 18, 2009, 4:00 p.m. (Central Time), Department of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

RFP Number: 08/RFP-19/ES, must be marked on outside of submittal package. The University will not be responsible for unopened submittals at the proposal opening when the package

is not properly identified. Proposals must be submitted in full and in accordance with the requirements of all terms and conditions of the Request for Proposal.

View this solicitation and related information on UWF's Procurement and Contracts' website at: <http://uwf.edu/procurement>.

All questions and inquiries should be directed to Procurement and Contracts. Contact Elaine Smith at etsmith@uwf.edu.

Invitation to Bid

ITB 09-28 – Restroom Renovations Bldg. 5, 6 & 8

The University of North Florida – Board of Trustees, a public body corporate, announces the need to renovate the restrooms in Buildings 5, 6 & 8 – University of North Florida, Jacksonville, FL.

This project consist of the following scope of work: Complete remodeling of eight restrooms in Buildings 5, 6, and 8. Remodeling to consist of the demolition and replacement of existing plumbing fixtures, toilet partitions, ceilings, lighting, equipment, finishes, doors and hardware plus the new construction of the restroom interiors per construction documents.

Successful contractors must have demonstrable previous experience with the described systems and technical requirements. All bidders must be qualified to perform the work as specified at the time of bid opening in accordance with the ITB 09-28 Bid documents. No submittal material will be returned.

The preliminary schedule for this ITB:

Advertisement	February 13, 2009
Mandatory Pre-Bid	February 25, 2009, 10:00 a.m.
Submissions due	March 17, 2009, 2:00 p.m.
Award	March 2009

Minority Business participation is strongly recommended and supported by the University of North Florida.

The University requires a Bid Bond of five percent (5%) of the bid amount and a Performance Bond for 100% of the amount of the bid. The bid bond is required with the submitted bid.

As required by Section 287.133, Florida Statutes, a consultant 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 consultant 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.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information, including qualification requirements may be obtained electronically online at the UNF Purchasing department website: <http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Darrin Parker	AND	Angela Dyal
dparker@unf.edu		angela.dyal@unf.edu
(904) 620-1739		(904) 620-1733
University of North Florida		
Florida		
Purchasing Dept.		
Bldg. 53, Room 2950		
1 UNF Drive		
Jacksonville, FL 32224		

PRINTED DOCUMENTS: Full sets of bid documents may be obtained from: Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, (904)388-7686. Copies may be purchased for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

Submit five (5) complete copies of bids in full and in accordance with the requirements of the drawings and Project Manual to the above referenced UNF address. Bids must be received no later than 2:00 p.m. (Local Time), March 4, 2009. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

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."

REGIONAL PLANNING COUNCILS

**REQUEST FOR PROPOSALS
"ANNUAL CONTRACT FOR TRANSPORTATION
PLANNING CONSULTANT SERVICES"
LEE COUNTY METROPOLITAN PLANNING
ORGANIZATION**

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, March 27, 2009. Lee County MPO reserves the right to reject any or all proposals.

SCOPE OF SERVICES: The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one or more consulting firms to be retained under a two-year contract, with two one-year renewal

options. The firms shall be responsible for knowledge of the compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing some or all of the types of transportation planning and engineering services described in the scope of services. The transportation planning work may include, but not be limited to, financial resource forecasting and revenue projections, public involvement, corridor and small area studies, goods movement studies, traffic engineering studies, ITS needs assessment, project cost estimation, land use modeling, GOS assistance, long range transit system planning and modeling, transit authority formation studies, and other miscellaneous studies as directed. Proposals must specify which of the services identified in the scope of services the firm or team is proposing to provide and which it is not.

INVITATION TO PROPOSE: The program hereby solicits proposals for selection as on-call consultant for planning services to the Lee County MPO. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:

(HOW TO APPLY): A Request for Proposals document may be obtained by contacting, in writing: Ms. Meghan Marion, Lee MPO Designee, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550 ext. 219, Fax: (239)338-2560 or by email: mmarion@swfrpc.org. Materials will be sent by regular mail to the requester within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m., March 13, 2009. Proposals must then be received by the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 3:00 p.m. (Local Time), Friday, March 27, 2009.

This public notice was posted in the lobby of the offices of: Southwest Florida Regional Planning Council and the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, Friday, February 13, 2009. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

EXPRESSWAY AUTHORITIES

**REQUEST FOR PROPOSALS
PERSONNEL SERVICES CONTRACTOR
CONTRACT NO. 000593**

The Orlando-Orange County Expressway Authority (Authority) requires the services of a Personnel Services Contractor to provide all of the personnel required to operate the Authority's E-PASS Customer Service Centers (CSC), and the Violations Enforcement Section (VES). E-PASS is the registered trademark name for the Authority's Automatic Vehicle Identification (AVI) System. Consideration will be given to only those Proposers who are qualified to perform the work as determined by the Authority. The selected contractor must be able to accommodate and partner with the Authority in implementing changes to the system and operations as the contract continues into the future. Any firm wanting to be considered by the Authority should contact: Robert Johnson at (407)690-5372, (johnsonr@oocea.com) for a Request for Proposal (RFP) package.

DESCRIPTION OF SERVICES:

The services required under this contract will be to provide all the qualified and trained personnel necessary to operate a responsive customer friendly CSC, and an efficient and responsive VES. The Authority currently operates the E-PASS Operations Center which includes a Phone Center and VES. VES processing includes image review, noticing, issuing of citations, correspondence, and whatever back office support is necessary. In addition, there are two Front Counter locations to provide customer access to Customer Service Representatives for convenience and personal interaction. One Service Center is located on the east side of Orlando just off S.R. 408 on Goldenrod Road. The other is located on the west side of Orlando just off of S.R. 408 on S.R. 50 and Good Homes Road. The E-PASS Operations Center is located within the Authority's Administration and Operations Building located on the east side of Orlando just off of Lake Underhill Road and Andes Avenue. The Authority's Toll Collection System (System) has 307,000 accounts and 508,000 Transponders and processed approximately 315 million revenue transactions in FY 2008. The VES system annually processes approximately 9.9 million images, 215,721 notices, and 46,752 UTCs.

The Authority's current ETC System has been in operation since 1994 and includes 13 mainline plazas and 51 ramp plazas. There are currently 280 toll-equipped lanes. This system covers all facilities on the Authority system, which includes S.R. 408 (East-West Expressway); S.R. 417 (Central Florida GreeneWay); S.R. 528 (Bee Line Expressway); S.R. 429 (Western Expressway) and S.R. 414 (John Land Apopka Expressway) in Orange County, Florida and the Authority's Administration and Operations Building.

QUALIFICATION REQUIREMENTS AND RESPONSE EVALUATION: Proposer shall have a minimum of five (5) years experience in providing personnel for CSC and VES type

operations. Proposers must show they have the ability to provide the personnel necessary throughout the duration of the contract and are willing to meet the requirements of the Authority in personnel, performance, training and all other areas mentioned in the RFP.

Proposers that are corporations must be registered to do business in Florida, prior to the submittal of the Proposal. The Authority will evaluate and determine the relative ability of each Proposer to perform the required services based upon the information provided by the Proposer in response to the RFP.

NON-SOLICITATION PROVISION:

From the first date of publication of this Notice, no person may contact any Authority Member, Officer, Employee, or any selection committee member, with respect to this Notice or the services to be provided, except as related to the submittal requirements detailed in the RFP. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

PROPOSAL DUE DATE: Proposals will be received by the Authority until 3:00 p.m. (Orlando Local Time), on March 19, 2009. Proposals delivered or received after that time and date will be disqualified.

SCOPE OF SERVICES MEETING AND SITE VISIT: The Authority will convene a Scope of Services meeting for interested firms on March 5, 2009. The meeting will begin at 9:30 a.m. (Orlando Local Time), at the Authority's Headquarters office located at 4974 ORL Tower Road, Orlando, Florida. Attendance at the meeting is mandatory for prime contractors in order to submit a proposal for the project. A mandatory site visit will also be conducted immediately after the scope of services meeting is over.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all Proposers and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority hereby notifies all Proposers and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

**REQUEST FOR PROPOSALS
BANKING SERVICES CONTRACTOR
CONTRACT NO. 000601**

The Orlando-Orange County Expressway Authority (Authority) requires the services of a Banking Services Contractor to provide comprehensive banking services including deposit processing, deposit verification, toll revenue

collection services, return item processing, electronic reporting, wire transfers, transaction research, disaster recovery and control, image processing, stop payments, overnight investments, courier service and armored car service. Consideration will be given to only those Proposers who are qualified to perform the work as determined by the Authority. Any firm wanting to be considered by the Authority should contact: Robert Johnson at (407)690-5372, (johnsonr@oocea.com) for a Request for Proposal (RFP) package.

DESCRIPTION OF SERVICES: Services to be provided under the Contract include: establishing demand deposit accounts as may be necessary to meet the Authority's banking requirements; providing zero balance accounts (ZBA); disbursing funds via repetitive wire transfer upon on-line request of an authorized Authority person; accepting and sending ACH transactions on-line, and providing on-line notification of ACH deposits same day; processing direct deposit of employee payroll semi-monthly; providing automated balance reporting services for all Authority accounts; providing on-line access to information on cleared and stop payment checks; sweeping any excess cash balances into an approved overnight investment vehicle; providing check reconciliation services; providing monthly activity statements and reports for all accounts; providing the ability to place on-line stop pays; providing the capability to receive check images on CD-ROM and on-line; providing on-line balance reporting information; providing a Positive Pay program for Authority accounts and providing this information on-line; providing overdraft protection services; providing bonded and insured armored car pickup of money for deposit and provide change as ordered by the Authority's Toll Operations Contractor.

QUALIFICATION REQUIREMENTS: Proposer shall be a qualified public depository under Chapter 280, Florida Statutes. Proposers must demonstrate they have the ability to provide the services necessary throughout the duration of the contract and are willing to meet the requirements of the Authority as stated in the Scope of Services.

Proposers that are corporations must be registered to do business in Florida, prior to the submittal of the Proposal. The Authority will evaluate and determine the relative ability of each Proposer to perform the required services based upon the information provided by the Proposer in response to the RFP.

NON-SOLICITATION PROVISION: From the first date of publication of this Notice, no person may contact any Authority Member, Officer, Employee, or any selection committee member, with respect to this Notice or the services to be provided, except as related to the submittal requirements detailed in the RFP. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

PROPOSAL DUE DATE: Proposals will be received by the Authority until 3:00 p.m. (Orlando Local Time), on March 19, 2009. Proposals delivered or received after that time and date will be disqualified.

SCOPE OF SERVICES MEETING: The Authority will convene a Scope of Services meeting for interested firms on March 4, 2009. The meeting will begin at 9:30 a.m. (Orlando Local Time), at the Authority's Headquarters office located at 4974 ORL Tower Road, Orlando, Florida. Attendance at the meeting is mandatory in order to submit a proposal for the project.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all Proposers and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority hereby notifies all Proposers and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

REQUEST FOR PROPOSALS (RFP)

MDX PROCUREMENT/CONTRACT NO.: RFP-09-05
MDX WORK PROGRAM NO(S).: 92405.030, 87412.030,
 87801.030

MDX PROJECT/SERVICE TITLE: DESIGN-BUILD
 PROJECT FOR STATE ROAD 924 (GRATIGNY
 PARKWAY), STATE ROAD 874 (DON SHULA
 EXPRESSWAY), AND STATE ROAD 878 (SNAPPER
 CREEK EXPRESSWAY) INFRASTRUCTURE
 MODIFICATIONS FOR OPEN ROAD TOLLING

The Miami-Dade Expressway Authority requires the services of a qualified Design-Build Firm for the design and construction of Open Road Tolling ("ORT") infrastructure modifications, including gantries, shelters, signage and pavement, required to convert State Road 924 (Gratigny Parkway), State Road 874 (Don Shula Expressway), and State Road 878 (Snapper Creek Expressway) to Open Road Tolling facilities as well as toll plaza removal, roadway reconstruction, milling, resurfacing and miscellaneous upgrades on SR 924. The general scope of services signage necessary to provide warning, guidance, and to notify users of regulations for using the three (3) newly converted MDX ORT facilities; ORT gantry structures, equipment shelters, roadway and shoulder pavement needed for installing the ORT Toll System (by others). MDX notifies all Proposers and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any

Solicitation Document issued by MDX. In accordance with its Small Business Participation Policy, available on MDX's website, MDX requires satisfaction of fifteen percent (15%) small business participation requirement in this procurement. For copies of the RFP with complete information on pre-qualification requirements, the scope of services as well as submittal requirements, please log onto our web site at: www.mdx-way.com or call: MDX Procurement Office at (305)637-3277. Please note: In order to download any MDX solicitations, you must register as a Vendor. The Vendor Registration can only be done through MDX's website. The deadline for submitting a Technical Proposal is March 24, 2009, 2:00 p.m. (Eastern Time). A Mandatory Pre-Proposal Conference is scheduled for February 17, 2009, 10:00 a.m., at the MDX Headquarters Building. Attendance by Proposers at this meeting is mandatory in order to be considered a responsive Proposer.

Notice to Professional Consultants – Request for Letter of Response – Project Development and Environment (PD&E) Study – Downtown Viaduct State Environmental Impact Report (SEIR)

The Tampa-Hillsborough County Expressway Authority (Authority) anticipates seeking Letter of Responses from professional consultant services for environmental, planning and engineering services associated with the Project Development and Environment (PD&E) study for capacity improvements to the Selmon Expressway Downtown Viaduct in Tampa, Florida (Project), from West of Florida Avenue to West of 22nd Street, a distance of approximately 1.7 miles. Consideration will be given to only those firms that are qualified pursuant to law and prequalified by the Florida Department of Transportation (FDOT) to perform the indicated Major and Minor Types(s) of Work.

SELECTION PROCEDURE: This project is covered by the Authority's selection process pursuant to Section 287.055 Florida Statutes. Each firm must submit a Letter of Response. Some or all of the responding firms may be requested to provide written or oral technical proposals, or both for evaluation and ranking purposes. This Notice will be posted on the Authority's website www.tampa-xway.com (under Public Notice/Bids, RFPs). All public meetings will be held at the Authority's offices at 1104 East Twiggs Street, Suite 300, Tampa, FL 33602, unless otherwise noted.

In order to ensure a fair, competitive, and open process, once this project is advertised for Letters of Response, all communications or contact between interested firms and the Authority Board, its consultants or staff is prohibited pursuant

to Section 520.06, F.S., Authority Procedures. Questions or comments on the Project must be directed in writing: Authority contact: Vicki Melone by email: vicki@tampa-xway.com or by Fax: (813)273-3730.

This project is subject to the Authority's Small Business Enterprise (SBE) Policy, which strongly encourages the solicitations and utilization of SBE firms and includes a policy of nondiscrimination on the basis of race, color, gender and national origin in its employment and contracting practices. All firms contracting with the Authority are required to have or adopt a similar policy. A copy of the Authority's SBE Policy is available at the Authority's website.

RESPONSE PROCEDURE: Prequalified consultants are encouraged to submit a Letter of Response to the Authority by 5:00 p.m. (Eastern Time), February 27, 2009. Letters of Response must be submitted as attached files by E-Mail to vicki@tampa-xway.com and will be composed of a single file, not to exceed 1 MB in size, in Adobe PDF format (unzipped), and will not exceed two (2) pages in length. Consultants will be provided an e-mailed Return Receipt acknowledgement of the Letter of Response. If such acknowledgement is not received by the Consultant, please call the Authority contact at (813)272-6740. Letters of Response should not contain links to other Web Pages and will, at a minimum, include the following information:

- a. Project Name / Authority Project Number
- b. Consultant's name and address
- c. Proposed responsible office for consultant
- d. Contact person, phone number and Internet E-mail Address
- e. Statement regarding prequalification of consultant or proposed subconsultants in advertised type of work
- f. Proposed key personnel and their proposed roles (do not include resumes)
- g. Subconsultant(s) that may be used for the project
- h. Indication as to whether the prime firm and/or subconsultants are a Small Business Enterprise.

Major Types of Work:

- 2.0 Project Development & Environment (PD&E) Studies
- 3.3 Controlled Access Highway Design
 - 4.2.1 Major Bridge Design – Concrete
 - 4.2.2 Major Bridge Design – Steel
 - 4.2.3 Major Bridge Design – Segmental

Minor Types of Work:

- 3.1 Minor Highway Design
 - 7.1 Signing, Pavement Marking & Channelization
 - 7.2 Lighting

Proposed Scope of Services: www.tampa-xway.com (Under Public Notice/Bids, RFPs)

Schedule

Advertisement Date: February 13, 2009

Response Submittal Deadline: February 27, 2009, 5:00 p.m.

Respond to: vicki@tampa-xway.com

Standard Notes

1. This Project is subject to Authority Board funding approval.
2. The Authority reserves the right to:
 - waive any informalities or irregularities in the process.
 - request additional information or clarification of any information submitted or omitted from the response or proposal.
 - To cancel or readvertise this process or change or modify the Schedule at any time.

Protest Rights

Failure to file a protest with the time prescribed in the Authority's Protest Policy is a waiver of any objection based on the solicitation, selection or award process.

DEPARTMENT OF MANAGEMENT SERVICES

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR ARCHITECTURE
AND ENGINEERING SERVICES**

The Department of Management Services (DMS), Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: FDVA-27028000

PROJECT NAME: Phase II Renovations, Emory L. Bennett Veterans Nursing Home

PROJECT LOCATION: Daytona Beach, Florida

ESTIMATED CONSTRUCTION BUDGET: \$4,250,000.00

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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 XII
Miscellaneous**

DEPARTMENT OF STATE

**GUIDELINES AND APPLICATIONS AVAILABLE FOR
LIBRARY COOPERATIVE GRANTS**

Grant applications and guidelines are available for the following program administered by the Florida Department of State, State Library and Archives of Florida:

Library Cooperative Grant – Applications must be postmarked by April 15, 2009.

Grant guidelines and application packets for Library Cooperative Grants are available on the State Library and Archives' Web page at: <http://dlis.dos.state.fl.us/bld/grants/forms/Cooperativeforms.html>. The guidelines and application packet may also be requested by mail: Grants Office, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, by e-mail: gantsoffice@dos.state.fl.us, by phone at (850)245-6620, or by Fax: (850)245-6643.

The completed application must be mailed to the address indicated above, postmarked on or before the April 15, 2009 application date.

**GUIDELINES AND APPLICATIONS AVAILABLE FOR
PUBLIC LIBRARY CONSTRUCTION GRANTS**

Grant applications and guidelines are available for the following program administered by the Florida Department of State, State Library and Archives of Florida:

Public Library Construction Grant – Applications must be postmarked by April 1, 2009.

Grant guidelines and application packets for Public Library Construction Grants are available on the State Library and Archives' Web page at: <http://dlis.dos.state.fl.us/bld/grants/forms/Constructionforms.html>. The guidelines and application packet may also be requested by mail: Grants Office, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, by e-mail at grantsoffice@dos.state.fl.us, by phone at (850)245-6620, or by Fax at (850)245-6643.

The completed application must be mailed to the address indicated above, postmarked on or before the April 1, 2009 application date.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 56-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the St. Lucie County School Board and St. Lucie County, 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 St. Lucie County Growth Management, 2300 Virginia Avenue, Fort Pierce, Florida 34982-5652.

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 the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to St. Lucie County School Board and St. Lucie County. 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 32399-1550. 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

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 05-07

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Brevard County School Board and the Town of Malabar, 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 Town of Malabar, 2725, Malabar Road, Malabar, Florida 32950.

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 the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Brevard County School Board and the Town of Malabar. 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 32399-1550. 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

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 13-28**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Miami-Dade County School Board and the Village of Key Biscayne, 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 Village of Key Biscayne, Building, Zoning and Planning Department, 88 W. McIntyre Street, Key Biscayne, Florida 33149.

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 the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Miami-Dade County School Board and the Village of Key Biscayne. 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 32399-1550. 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

Final DCA Order No.: DCA09-OR-028
In re: LAKE COUNTY LAND DEVELOPMENT
REGULATIONS APPROVED BY
LAKE COUNTY ORDINANCE

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Florida Statutes, (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. Section 380.0551(1), Florida Statutes (2008).
2. On December 17, 2008, the Department received for review Lake County Ordinance 2008-54 (“Ord. No. 2008-54”) adopted by the Lake County Board of County Commissioners on August 19, 2008.
3. Ord. No. 2008-54 amends Section 9.03.06, Lake County Code, Appendix E, Land Development Regulations, entitled Parking Requirements; changing wholesale and warehousing requirements from one space per 10,000

square feet of lot area plus one employee, to one space per 10,000 square feet of gross leasable area plus one employee.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Florida Statutes. (2008).
5. Lake County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Section 380.05(6), 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 for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2008-54 promotes and furthers the following Principles: consistent with the Principles in subsection 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved:
 - (a) Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood-retention areas.
 - (b) Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
 - (c) Protect the water available for aquifer recharge.
9. Ord. No. 2008-54 is not inconsistent with the remaining Principles. Ord. No. 2008-54 is consistent with the Principles for Guiding Development as a whole.
10. Ord. No. 2008-541 is consistent with Lake County Comprehensive Plan Policy 1-13.6: Consistency with Performance Standards.

WHEREFORE, IT IS ORDERED that the above identified Polk County Ord. No. 2008-54 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

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 PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S 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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 2nd day of February, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Sanford A. Minkoff
County Attorney
Lake County
P. O. Box 7800
Tavares, FL 32778-7800

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 Global Power Sports Marketing, intends to allow the establishment of A & G Auto Sale, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1813 Seeds Avenue, Sarasota (Sarasota County), Florida 34234, on or after January 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of A & G Auto Sale, Inc. are dealer operator(s): Eric Szalay, 1813 Seeds Avenue, Sarasota, Florida 34234; principal investor(s): Eric Szalay, 1813 Seeds Avenue, Sarasota, Florida 34234.

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: Carol Crowell, Global Power Sports Marketing, 2231 Dogwood Industrial Circle, Conyers, Georgia 30013.

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 Global Power Sports Marketing, intends to allow the establishment of A & G Auto Sale, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Huawin

Motorcycle Co. Ltd. (POPC) at 1813 Seeds Avenue, Sarasota (Sarasota County), Florida 34234, on or after February 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of A & G Auto Sale, Inc. are dealer operator(s): Eric Szalay, 1813 Seeds Avenue, Sarasota, Florida 34234; principal investor(s): Eric Szalay, 1813 Seeds Avenue, Sarasota, Florida 34234.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Carol Crowell, Global Power Sports Marketing, 2231 Dogwood Industrial Circle, Conyers, Georgia 30013.

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 Hidria USA, Inc., intends to allow the establishment of Acme Scooter, Inc., as a dealership for the sale of motorcycles manufactured by Xiamen Xiashing Motorcycle Co. Ltd. (XIXI) at 358-A Cypres Drive, Tequesta (Palm Beach County), Florida 33469, on or after March 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Acme Scooter, Inc. are dealer operator(s): David Wakefield, 11595 165th Road, North, Jupiter, Florida 33478; principal investor(s): David Wakefield, 11595 165th Road, North, Jupiter, Florida 33478.

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: Douglas V. Joseph, Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

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 Pacific Rim International West, Inc., intends to allow the establishment of Fast Trixx Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Yongkang Haili Industrial Co. Ltd. (HAIL) at 2386 Allen Road, Tallahassee (Leon County), Florida 32312, on or after January 27, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fast Trixx Powersports, Inc. are dealer operator(s): Daniel Maddox, 2386 Allen Road, Tallahassee, Florida 32312; principal investor(s): Daniel Maddox, 2386 Allen Road, Tallahassee, Florida 32312.

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: Wendy Yu, Pacific Rim International West, Inc., 2260 South Archibald Avenue, Unit E, Ontario, California 91761.

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 JMSTAR, Inc., intends to allow the establishment of Matthew M. Wells d/b/a Matts Auto Sales, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 4475 Country Road 218 West, Middleburg, (Clay County), Florida 32068, on or after January 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Matthew M. Wells d/b/a Matts Auto Sales are dealer operator(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068; principal investor(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068.

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: Emily Huang, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

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

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The name and address of the dealer operator(s) and principal investor(s) of Matthew M. Wells d/b/a Matts Auto Sales are dealer operator(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068; principal investor(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Emily Huang, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

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 JMSTAR, Inc., intends to allow the establishment of Matthew M. Wells d/b/a Matts Auto Sales, as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 4475 Country Road 218 West, Middleburg (Clay County), Florida 32068, on or after January 30, 2009.

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Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR, Inc., intends to allow the establishment of Matthew M. Wells d/b/a Matts Auto Sales, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 4475 Country Road 218 West, Middleburg (Clay County), Florida 32068, on or after January 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Matthew M. Wells d/b/a Matts Auto Sales are dealer operator(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068; principal investor(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Emily Huang, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

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 JMSTAR, Inc., intends to allow the establishment of Matthew M. Wells d/b/a Matts Auto Sales, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 4475 Country Road 218 West, Middleburg (Clay County), Florida 32068, on or after January 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Matthew M. Wells d/b/a Matts Auto Sales are dealer operator(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068; principal investor(s): Matthew M. Wells, 4475 Country Road 218 West, Middleburg, Florida 32068.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Emily Huang, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

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 Automobili Lamborghini America, LLC, intends to allow the establishment of Sarasota Management, LLC, as a dealership for the sale of Lamborghini automobiles (LAMO) at 5145 Clark Road, Sarasota (Sarasota County), Florida 34233, on or after March 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Sarasota Management, LLC are dealer operator(s): Victor Young, 5145 Clark Road, Sarasota, Florida 34233; principal investor(s): Victor Young, 5145 Clark Road, Sarasota, Florida 34233.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Pietro Frigerio, Automobili Lamborghini America, LLC, 3800 Hamlin Road, Auburn Hills, Michigan 48326.

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 JMSTAR, Inc., intends to allow the establishment of Stephanie's Designs Corporation d/b/a Stephanie's Designs Motors, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 2488 Northwest 20th Street, Miami (Dade County), Florida 33142, on or after January 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stephanie's Designs Corporation d/b/a Stephanie's Designs Motors are dealer operator(s): Ernesto Noceda, 2488 Northwest 20th Street, Miami, Florida 33142; principal investor(s): Ernesto Noceda, 2488 Northwest 20th Street, Miami, Florida 33142.

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.

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The name and address of the dealer operator(s) and principal investor(s) of Stephanie's Designs Corporation d/b/a Stephanie's Designs Motors are dealer operator(s): Ernesto Noceda, 2488 Northwest 20th Street, Miami, Florida 33142; principal investor(s): Ernesto Noceda, 2488 Northwest 20th Street, Miami, Florida 33142.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Emily Huang, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

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The name and address of the dealer operator(s) and principal investor(s) of Stephanie's Designs Corporation d/b/a Stephanie's Designs Motors are dealer operator(s): Ernesto Noceda, 2488 Northwest 20th Street, Miami, Florida 33142; principal investor(s): Ernesto Noceda, 2488 Northwest 20th Street, Miami, Florida 33142.

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the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for an emergency service exemption from Oak Hill Hospital located at 11375 Cortez Blvd., Brooksville, FL 34613 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 and Oral/Maxillo-Facial 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: 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.

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 Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for color pursuant to Rule 62-520.500, F.A.C., as part of the Class V underground injection control construction Permit Number 247165-001-UC for the City of Cape Coral, P. O. Box 1500207, Cape Coral, Florida 33915-0027. The exemption is for the aquifer storage and recovery (ASR) project injecting treated surface water from the nearby canal into Class G-II ground water. The ASR facility is located near the intersection of N. E. 5th Avenue and N. E. 4th Terrace at Canal Pump Station NSTS, Cape Coral, Lee County. The exemption is granted for the duration of the City of Cape Coral's underground injection control construction permit number 247165-001-UC for ASR-1 and subsequent renewals of said permit, and is made a part of the permit. The applicant,

in conjunction with the Permit Number 247165-001-UC, must petition for any future exemptions for any additional ASR wells or an operation permit for any ASR project at the facility.

A person whose substantial interests are affected by the Department's proposed exemption 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) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, the City of Cape Coral, Mr. George Reilly, P.E., Utilities Manager, P. O. Box 1500207, Cape Coral, Florida 33915-0027, at the time of filing. The failure of any person to file a petition 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, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;
- (b) A statement of when and how each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

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 contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department 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 on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application 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: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400; telephone: Joe Haberfeld at (850)245-8655.

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for color pursuant to Rule 62-520.500, F.A.C., as part of the Class V underground injection control construction Permit Number 247165-003-UC for the City of Cape Coral, P. O. Box 1500207, Cape Coral, Florida 33915-0027. The exemption is for the aquifer storage and recovery (ASR) project injecting treated surface water from the nearby canal into Class G-II ground water. The ASR facility is located at Canal Pump Station 4, near the intersection of Veteran's Parkway and Retunda Parkway, Cape Coral, Lee County. The exemption is granted for the duration of the City of Cape Coral's underground injection control construction permit number 247165-003-UC for ASR-1 and subsequent renewals of said permit, and is made a part of the permit. The applicant, in conjunction with the Permit Number 247165-003-UC, must petition for any future exemptions for any additional ASR wells or an operation permit for any ASR project at the facility.

A person whose substantial interests are affected by the Department's proposed exemption 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) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, the City of Cape Coral, Mr. George Reilly, P.E., Utilities Manager, P. O. Box 1500207, Cape Coral, Florida 33915-0027, at the time of filing. The failure of any person to file a petition 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, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;
- (b) A statement of when and how each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

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 contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department 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 on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application 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: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400; telephone: Joe Haberfeld at (850)245-8655.

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Department of Environmental Protection has determined that the City of Bonifay's proposed two phase project for the rehabilitation/replacement of portions of the wastewater

collection system and modification of the existing treatment plant will not have a significant adverse affect on the environment. The first phase cost, which consists of the rehabilitation/replacement of the wastewater collection system, is estimated at \$6,318,100. Phase two of the project is anticipated to be implemented after five years. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8380.

**NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Jacksonville Electric Authority's St. Johns River Power Park, Power Plant Siting Application No. PA81-13N, OGC Case No. 09-0166. Pursuant to Section 403.516(1)(c), Florida Statutes, the Department proposes to modify the Conditions of Certification for St. Johns River Power Park power plant site to utilize reclaimed water at the St. Johns River Power Park for irrigation and in the flue gas desulfurization system. A copy of the proposed modification may be obtained by contacting: Jill Stoyshich, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2007. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant

may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FLORIDA REAFFIRMATION NOTICE

The Department of Environmental Protection has determined that the City of Hollywood's proposed project for the replacement of RO Train B will not have a significant adverse impact on the environment. The project cost is estimated at \$3,870,084.

A full copy of the Florida Reaffirmation Notice can be obtained by writing: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8366.

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.

DEPARTMENT OF HEALTH

On February 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Greg E. Johnson, L.M.T. license number MA 36764. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 30, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Yong Am Park, M.D. license number LL 0000528. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections

456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Colleen Betty Greenway, L.P.N. license number LPN 784631. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 3, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Christopher J. Kruse, R.N. license number RN 3364382. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Tammy Lashley, R.N. license number RN 9226885. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 30, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Tonya Lee Baughman Smith, R.N. license number RN 2123292. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious

danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 3, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Joan Marie Yager, R.N. license number RN 9204151. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street,

Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 6, 2009):

APPLICATION TO ACQUIRE CONTROL

Financial Institutions to be Acquired: Salem Trust Company
Proposed Purchaser: U.S. Fiduciary Services, Inc. (Employees Stock Ownership Plan), Lisle, Illinois

Received: February 2, 2009

APPLICATION TO ACQUIRE CONTROL

Financial Institutions to be Acquired: Intercontinental Bank, West Miami, Florida

Proposed Purchaser: Intercontinental Bankshares, LLC, Coral Gables, Florida

Received: February 2, 2009

APPLICATION TO MERGE

Constituent Institutions: Florida Traditions Bank, Dade City, Florida and Providence Bank, Winter Haven, Florida

Resulting Institution: Florida Traditions Bank

Received: February 2, 2009

APPLICATION TO MERGE

Constituent Institutions: Florida Bank, Tampa, Florida, Florida Bank of Jacksonville, Ponte Vedra Beach, Florida and The Bank of Tallahassee, Tallahassee, Florida

Resulting Institution: Florida Bank

Received: February 4, 2009

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN January 26, 2009
 and January 30, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

9B-3.047	1/28/09	2/17/09	34/46	34/52
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DEPARTMENT OF TRANSPORTATION

14-43.001	1/29/09	2/18/09	34/51	
14-116.002	1/29/09	2/18/09	34/51	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-285.400	1/26/09	2/15/09	34/35	34/50
62-620.100	1/28/09	2/17/09	34/43	34/52
62-621.300	1/28/09	2/17/09	34/43	34/51

DEPARTMENT HEALTH

Board of Medicine

64B8-8.001	1/29/09	2/18/09	34/51	
64B8-52.004	1/29/09	2/18/09	34/51	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.603	1/28/09	2/17/09	34/50	
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**Section XIV
List of Rules Affected**

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w – Signifies Withdrawal of Proposed Rule(s)
- c – Rule Challenge Filed
- v – Rule Declared Valid
- x – Rule Declared Invalid
- d – Rule Challenge Dismissed
- dw – Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1A-31	34/49c		
1A-31.0012	34/39		
1A-31.0015	34/39		
1A-31.0022	34/39		
1A-31.0027	34/39		
1A-31.0032	34/39		
1A-31.0035	34/39		
1A-31.0042	34/39		
1A-31.0045	34/39		
1A-31.0052	34/39		
1A-31.0055	34/39		
1A-31.0062	34/39		
1A-31.0065	34/39		
1A-31.0072	34/39		
1A-31.0082	34/39		
1A-31.0092	34/39		
1A-31.010	34/39		
1A-31.011	34/39		
1A-31.020	34/39		
1A-31.025	34/39		
1A-31.030	34/39		
1A-31.035	34/39		
1A-31.040	34/39		
1A-31.045	34/39		
1A-31.050	34/39		
1A-31.055	34/39		
1A-31.060	34/39		
1A-31.065	34/39		
1A-31.070	34/39		
1A-31.075	34/39		
1A-31.080	34/39		
1A-31.085	34/39		
1A-31.090	34/39		
1B-24.001	34/46		35/2
1B-24.003	34/46		35/2
1B-30.001	34/50		
1B-30.0015	34/50		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
1B-30.002	34/50	35/3	
1B-30.003	34/50	35/3	
1B-30.004	34/50		
1B-30.005	34/50	35/3	
1S-2.042	34/51		
1S-2.046	35/6		
1S-2.047	35/6		
IT-1.001	35/1		
IT-1.031	35/1		
IT-1.032	35/1		

LEGAL AFFAIRS

2A-8.005	34/22		
2B-1.002	35/2c		
	35/2c		

BANKING AND FINANCE

3E-48.005	28/42		
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INSURANCE

4-138.047	28/41		
4-154.525	29/16	29/25	
4-211.031	27/44		
4-228.055	26/35		
4A-62.001	29/44	29/46	
4A-62.002	29/44	29/46	

AGRICULTURE AND CONSUMER SERVICES

5B-58.001	27/29		
5E-14.106	33/7		
5E-14.117	33/7		
	34/14	34/51	
5E-14.142	34/29	34/46	34/53
5E-14.1421	34/14	34/51	
5FER08-3			34/41
5F-11.001	34/27	34/27	35/4w
5F-11.022	34/6	34/27	35/4w
5F-11.026	34/6	34/27	35/4w
5F-11.029	34/27	34/27	35/4w
5F-11.047	34/6	34/27	35/4w
5F-11.080	34/6	34/27	35/4w
5F-11.081	34/6	34/27	35/4w
5F-11.082	34/6	34/27	35/4w
5F-11.083	34/6	34/27	35/4w
5F-11.084	34/6	34/27	35/4w
5F-11.085	34/6	34/27	35/4w
5F-11.086	34/6	34/27	35/4w
5F-11.087	34/6	34/27	35/4w
5F-11.088	34/6		35/4w
5G-6.007	35/3		
5G-6.009	35/3		
5I-4.002	32/49		
	34/51		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
5I-4.006	32/49 34/51			6A-6.0909	35/5		
5K-4.002	34/51			6A-6.09091	35/5		
5K-4.020	34/51			6A-10.0342	34/38		34/51w
5K-4.021	34/51			6A-14.092	34/51		
5K-4.027	34/50		35/5w	6A-22.001	35/6		
5K-4.028	34/50		35/5w	6A-22.002	35/6		
5K-4.029	34/51			6A-22.003	35/6		
5M-10.001	34/33	34/48	35/4	6A-22.004	35/6		
5M-10.002	34/33	34/48	35/4	6A-22.006	35/6		
5M-10.003	34/33	34/48	35/4	6A-22.008	35/6		
5M-10.004	34/33	34/48	35/4	6A-22.009	35/6		
	EDUCATION			6A-22.010	35/6		
				6A-22.011	35/6		
				6A-22.012	35/6		
6A-1.012	34/51			6B-4.010	33/10		
6A-1.039	35/6			6B-11.007	35/2		
6A-1.044	34/51			6L-1.001	28/12		
6A-1.04514	34/51			6L-1.002	28/12		
6A-1.06421	33/45			6L-1.004	28/12		
6A-1.09401	34/45	34/51	35/4	6L-1.005	28/12		
6A-1.09421	34/51			6L-1.006	28/12		
6A-1.09422	34/51			6L-1.007	28/12		
6A-1.094221	34/29	34/34	35/4	6L-1.008	28/12		
	34/29	34/34	35/4	6L-1.009	28/12		
		34/51		6L-1.010	28/12		
6A-1.09432	35/5			6L-1.011	28/12		
6A-1.09441	34/44		34/53	6L-1.012	28/12		
6A-1.099	35/6			6L-1.013	28/12		
6A-1.0995	34/45	34/47	34/53	6M-7.0055	30/26		
6A-1.099821	34/44		34/53				
6A-4.01792	34/51			COMMUNITY AFFAIRS			
6A-4.0244	35/5			9B-3.004	35/2c		
6A-4.02451	35/5			9B-3.047	34/46	34/52	35/6
6A-4.0251	32/3	32/5			35/2c		
6A-6.03011	34/38		34/53		35/2c		
6A-6.03018	34/38	35/5		9B-3.050	35/2c		
6A-6.03028	34/21		34/51	9B-13.0041	34/15	34/31	35/1
6A-6.030281	34/21		34/51			34/46	35/1
6A-6.0331	34/21		34/51	9B-13.0061	34/15		35/1
6A-6.03311	34/21		34/51	9B-70.002	34/46		
6A-6.03312	34/21		34/51	9B-72.090	35/3		
6A-6.03314	34/21		34/51	9B-72.180	35/3		
6A-6.03315	34/44		34/53	9J-5	32/32c		
6A-6.0333	34/21		34/51	9J-5.026	34/42	34/51	35/4w
6A-6.0334	34/21		34/51	9J-11.009	34/47		35/1w
6A-6.03411	34/21		34/51	9J-11.023	34/42	34/51	35/4w
6A-6.05271	35/5			9J-36.001	34/47		35/1w
6A-6.0571	35/6			9J-36.002	34/47		35/1w
6A-6.0900	35/5						
6A-6.0901	35/5			LAW ENFORCEMENT			
6A-6.0904	35/5			11-1.0041	35/1		
6A-6.0905	35/5			11B-27.0011	35/1		
6A-6.0906	35/5			11B-27.00212	35/1		
6A-6.0907	35/5			11C-7.008	35/1		
6A-6.0908	35/5						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
14-15.0081	34/42			19-8.013	35/5		
14-40.003	34/25	34/45	34/51	19-8.029	35/5		
14-40.020	34/25	34/45	34/51	19-8.030	35/5		
14-40.022	34/25	34/45	34/51	19B-4.001	34/41		35/3
14-40.023	34/25	34/45	34/51		35/5		
14-40.030	34/25	34/45	34/51	19B-5.003	34/41		35/3
14-43.001	34/51		35/6	19B-5.004	34/41		35/3
14-86.001	34/18	34/47	35/2	19B-8.001	34/41		35/3
14-86.002	34/18	34/47	35/2	19B-9.004	34/41		35/3
14-86.003	34/18	34/47	35/2	19B-10.002	34/41		35/3
14-86.004	34/18	34/47	35/2	19B-11.001	34/41		35/3
14-86.005	34/18	34/47	35/2	19B-11.005	34/41		35/3
14-86.006	34/18	34/47	35/2	19B-11.007	34/41		35/3
14-86.007	34/10	34/47	35/2	19B-16.002	34/41		35/3
14-98.005	34/51	35/5			35/5		
14-98.008	34/51			19B-16.004	34/41		35/3
14-100.004	35/2c			19B-16.006	34/41		35/3
14-116.002	34/51		35/6	19B-16.007	34/41		35/3
				19B-16.008	34/41		35/3
				19B-16.009	34/41		35/3
				19B-16.010	34/41		35/3
				19B-16.011	34/41		35/3
HIGHWAY SAFETY AND MOTOR VEHICLES							
15A-7.001	34/41						
15A-7.002	34/41						
15A-7.0025	34/41						
15A-7.003	34/41						
15A-7.004	34/41			20ER08-7			34/45
15A-7.005	34/41			20-39.003	34/46		35/2
15A-7.006	34/41	34/52					
15A-7.007	34/41						
15A-7.008	34/41						
15A-7.009	34/41	34/52		23-21.007	34/44		34/52
15A-7.010	34/41	34/52					
15A-7.011	34/41						
15A-7.012	34/41			25-4.002	35/3		
15A-7.013	34/41			25-4.017	34/39		
15A-7.014	34/41			25-4.0185	35/3		
15A-7.015	34/41			25-4.019	34/48		35/3
15A-7.016	34/41			25-4.020	34/48		35/3
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62-520.500	34/26			62S-5.001	34/38	34/50	35/3
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JUVENILE JUSTICE

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64B20-2.003	34/15	34/48			32/2c		
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64E-9.006	34/43			65C-5.005	32/29	32/37	
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64E-9.010	34/43			65C-5.009	32/29	32/37	
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64E-11.013	34/46	35/5		65C-24.003	34/46		35/3
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64F-12.012	35/1			65C-24.006	34/46		35/3
64F-12.013	35/1			65C-24.007	34/46		35/3
64F-12.018	34/47			65C-24.008	34/46		35/3
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65C-33.005	34/46			68A-15.062	34/53		
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65C-33.008	34/46			68A-15.064	34/53		
65C-33.009	34/46			68A-15.065	34/53		
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65C-33.011	34/46			68A-17.005	34/25c		
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66B-1.004	34/53			68A-25.031	34/53		
66B-1.005	34/53			68A-25.042	34/53		
66B-1.008	34/53			68B-8.002	34/53		
66B-2.004	34/53			68B-8.003	34/53		
66B-2.005	34/53			68B-8.006	34/53		
66B-2.008	34/53			68B-8.007	34/53		
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68B-42.009	34/53			69L-56.002	34/51		
68B-45.0045	34/53			69L-56.100	34/51		
68B-45.006	34/53			69L-56.110	34/51		
68D-24.011	34/44		35/2	69L-56.200	34/51		
68D-24.143	34/44		35/2	69L-56.205	34/51		
68D-36.107	34/53			69L-56.210	34/51		
68D-36.109	34/53			69L-56.300	34/51		
				69L-56.301	34/51		
				69L-56.3012	34/51		
				69L-56.3013	34/51		
				69L-56.304	34/51		
				69L-56.3045	34/51		
				69L-56.307	34/51		
				69L-56.310	34/51		
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				69O-1	31/37c		
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				69O-137.001	34/43		
				69O-138.001	34/43		
				69O-138.005	34/40	34/53	
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				69O-149.041	34/25	34/36	
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				69O-157.302	34/43	35/2	
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				69O-170.006	31/32c		
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				69O-171.009	32/8	32/32	
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				69O-175.001	31/2c		
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				69O-186.003	33/25		35/6w
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69A-37.039	34/34	34/52	
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69A-37.054	34/34	34/52	
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69O-204.030	33/50	34/10		69V-560.504	34/39	34/48	35/1
		34/15		69V-560.505	34/39	34/48	35/1
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69O-204.040	33/50	34/10		69V-560.602	34/39	34/48	35/1
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69O-204.050	33/50			69V-560.609	34/39	34/48	35/1
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69O-204.060	33/50			69V-560.701	34/39	34/48	35/1
69O-204.070	33/50	34/10		69V-560.702	34/39	34/48	35/1
		34/15		69V-560.703	34/39	34/48	35/1
69O-204.101	33/48	34/7	35/6w	69V-560.704	34/39	34/48	35/1
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69V-40.002	34/39		34/51	69V-560.706	34/39	34/48	35/1
69V-40.025	34/45			69V-560.707	34/39	34/48	35/1
69V-40.031	34/39		34/51	69V-560.801	34/39	34/48	35/1
	34/45			69V-560.804	34/39	34/48	35/1
69V-40.051	34/39		34/51	69V-560.805	34/39	34/48	35/1
69V-40.100	34/39		34/51	69V-560.902	34/39	34/48	35/1
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69V-40.200	34/39		34/51	69V-560.904	34/39	34/48	35/1
	34/45			69V-560.905	34/39	34/48	35/1
69V-40.220	34/39		34/51	69V-560.906	34/39	34/48	35/1
	34/45			69V-560.908	34/39	34/48	35/1
69V-40.242	34/45			69V-560.913	34/39	34/48	35/1
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69V-560.105	34/39	34/48	35/1				
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