

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.05281
 RULE TITLE: Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs

PURPOSE AND EFFECT: The purpose of the rule development is to develop curricular flexibility options without compromising students' educational needs. The effect will be a rule that addresses curricular flexibility for youth in the Department of Juvenile Justice Detention, Commitment, Day Treatment or Early Delinquency Intervention Programs.

SUBJECT AREA TO BE ADDRESSED: Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment or Early Delinquency Intervention Programs.

RULEMAKING AUTHORITY: 1003.51, 1003.52 FS.

LAW IMPLEMENTED: 1003.51, 1003.52 FS.

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

DATE AND TIME: April 30, 2009, 10:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 605, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, FL 32399

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0573
 RULE TITLE: Industry Certification Process

PURPOSE AND EFFECT: The purpose of the rule development is to amend definitions and clarify the process relative to the Industry Certification Funding List.

SUBJECT AREA TO BE ADDRESSED: Career and Technical Education and Industry Certification Funding List.

RULEMAKING AUTHORITY: 1003.492(2) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493 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: Ms. Elsie J. Rogers, Division of Workforce Education, 325 West Gaines Street, Suite 720, Tallahassee, FL 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

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 NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: Amendments proposed to Rule 40D-1.659, F.A.C., are part of a larger rule package, the purpose of which is to adopt revised and updated Water Use Permit application and supplemental information forms. The revised forms will coordinate with ongoing refinements in the information-gathering capabilities of the District's Water Management Information System, or WMIS, which is being expanded to allow electronic submittal of a greater range of permit applications. The effect will be to elicit through the permit application forms all of the specific information and supporting documentation normally required to determine that a requested water use meets the conditions for permit issuance.

SUBJECT AREA TO BE ADDRESSED: Forms and Instructions.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.331	Modification of Permits

PURPOSE AND EFFECT: Amendments are proposed to Rules 40D-2.091, 40D-2.101, 40D-2.331, F.A.C., to adopt revised and updated Water Use Permit application and supplemental information forms. The revised forms will coordinate with ongoing refinements in the information-gathering capabilities of the District’s Water Management Information System, or WMIS, which is being expanded to allow electronic submittal of a greater range of permit applications. The effect will be to elicit through the permit application forms all of the specific information and supporting documentation normally required to determine that a requested water use meets the conditions for permit issuance. SUBJECT AREA TO BE ADDRESSED: 40D-2.091 – Publications incorporated by reference; 40D-2.101 – Content of Application; 40D-2.331 – Modification of Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 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.

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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899; (352)796-7211, extension 4660

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 NOS.:	RULE TITLES:
40E-2.010	Review of Consumptive Use Permit Applications
40E-2.011	Policy and Purpose
40E-2.031	Implementation
40E-2.041	Permits Required
40E-2.051	Exemptions
40E-2.061	No-Notice General Permit by Rule
40E-2.091	Publications Incorporated by Reference
40E-2.101	Content of Application
40E-2.301	Conditions for Issuance of Permits
40E-2.321	Duration of Permit
40E-2.331	Modification of Permits
40E-2.341	Revocation of Permits
40E-2.351	Transfer of Permits
40E-2.381	Limiting Conditions
40E-2.441	Temporary Permits
40E-2.451	Emergency Authorization
40E-2.501	Permit Classification

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the St. Lucie Estuary as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon – South Project.

SUBJECT AREA TO BE ADDRESSED: Water reservation for the St. Lucie Estuary in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife.

RULEMAKING AUTHORITY: 373.044, 373.103(1), 373.106, 373.113, 373.171, 373.216, 373.219, 373.223, 373.229, 373.233 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.233, 373.239, 373.249 FS.

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

DATE AND TIME: April 30, 2009, 1:30 p.m.

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, St. Lucie Estuary Conference Room, 780 S. E. Indian Street, Stuart, FL 34997

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 days before the workshop/meeting by contacting: South Florida Water Management District Clerk; (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West

Palm Beach, FL 33416-4680; (800)432-2045, ext. 4224 or (561)682-4224; email: sburns@sfwmd.gov; Beth Lewis, Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6343 or (561)682-6343; email: belewis@sfwmd.gov; Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6536 or (561)682-6536; email: bmills@sfwmd.gov. For procedural questions, contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6299 or (561)682-6299; email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.011	Purpose and General Provisions
40E-10.021	Definitions
40E-10.031	Water Reservations
40E-10.061	Water Reservation Areas: St. Lucie Estuary/Indian River Lagoon – South

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the St. Lucie Estuary as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon – South Project.

SUBJECT AREA TO BE ADDRESSED: Water reservation for the St. Lucie Estuary in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife.

RULEMAKING AUTHORITY: 373.044, 373.103(1), 373.106, 373.113, 373.171, 373.216, 373.219, 373.223, 373.229, 373.233 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.233, 373.239, 373.249 FS.

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

DATE AND TIME: April 30, 2009, 1:30 p.m.

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, St. Lucie Estuary Conference Room, 780 S. E. Indian Street, Stuart, FL 34997

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 4224 or (561)682-4224; email: sburns@sfwmd.gov; Beth Lewis, Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6343 or (561)682-6343; email: belewis@sfwmd.gov; Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6536 or (561)682-6536; email: bmills@sfwmd.gov. For procedural questions, contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6299 or (561)682-6299; email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.010	Review of General Water Use Permit Applications
40E-20.011	Policy and Purpose
40E-20.061	Delegation of Authority Pertaining to General Water Use Permits
40E-20.091	Publications Incorporated by Reference
40E-20.101	Content of General Water Use Permit Applications
40E-20.141	Request for Additional Information
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.321	Duration of General Water Use Permits
40E-20.331	Modification of General Water Use Permits
40E-20.341	Revocation of General Water Use Permits
40E-20.351	Transfer of General Water Use Permits
40E-20.381	Limiting Conditions
40E-20.391	Publication

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the St. Lucie Estuary as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon – South Project.

SUBJECT AREA TO BE ADDRESSED: Water reservation for the St. Lucie Estuary in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife.

RULEMAKING AUTHORITY: 373.044, 373.103(1), 373.106, 373.113, 373.171, 373.216, 373.219, 373.223, 373.229, 373.233 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.233, 373.239, 373.249 FS.

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

DATE AND TIME: April 30, 2009, 1:30 p.m.

PLACE: South Florida Water Management District, Martin/St. Lucie Service Center, St. Lucie Estuary Conference Room, 780 S. E. Indian Street, Stuart, FL 34997

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 4224 or (561)682-4224; email: sburns@sfwmd.gov; Beth Lewis, Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6343 or (561)682-6343, email: belewis@sfwmd.gov; Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6536 or (561)682-6536; email: bmills@sfwmd.gov. For procedural questions, contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680; (800)432-2045, ext. 6299 or (561)682-6299; email: jsluth@sfwmd.gov.

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 NOS.:	RULE TITLES:
62-704.400	Procedure for the Preliminary Examination of Resource Recovery Equipment
62-704.410	Procedure for the Final Examination and Certification of Resource Recovery Equipment
62-704.420	Criteria for Preliminary Examination and Certification of Resource Recovery Equipment
62-704.600	Recycling Equipment List

PURPOSE AND EFFECT: The rule is being amended to include additional equipment on the list of recycling equipment. Several minor changes are also being made to update cross-references and correct grammar.

SUBJECT AREA TO BE ADDRESSED: Solid Waste Management.

RULEMAKING AUTHORITY: 403.704 FS.

LAW IMPLEMENTED: 403.715, 212.08(7)(q) 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: Jan Rae Clark, Department of Environmental Protection, 2600 Blair Stone Road, MS #4565, Tallahassee, Florida 32399-2400; telephone (850)245-8744; email: jan.rae.clark@dep.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NO.:	RULE TITLE:
63E-7.002	Definitions

PURPOSE AND EFFECT: In January 2009, the rule chapter was amended to incorporate specialized programs such as serious habitual offender and intensive residential treatment programs. Specific language excluding these programs from the scope of the rule chapter was deleted at that time. However, language in a single definition, which repeated the exclusion, was inadvertently retained, and now must be deleted.

SUBJECT AREA TO BE ADDRESSED: An amendment is made to the definition of "residential commitment program," deleting language that purports to exclude specialized programs from the scope of the rule chapter.

RULEMAKING AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.601(3)(a) FS.

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

DATE AND TIME: Monday, April 27, 2009, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. To arrange for participation by telephone, contact: John Milla, (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-42.003	Definitions
69A-42.004	Discretionary Powers of the Authority Having Jurisdiction
69A-42.0041	Fire Separation Requirements
69A-42.005	Standards of the National Fire Protection Association Adopted

PURPOSE AND EFFECT: The purpose of the proposed change is to preserve the separation distances that existed in prior editions of the National Fire Protection Standards.

SUBJECT AREA TO BE ADDRESSED: Separation distances between mobile homes and between mobile homes and community buildings in mobile home parks, and separation distances between recreational vehicles and between recreational vehicles and community buildings in recreational vehicle parks.

RULEMAKING AUTHORITY: 633.01(1), 633.022(1)(b) FS.
 LAW IMPLEMENTED: 633.01(4), 633.022(1)(b), 633.022(2)(b) 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: Wednesday, April 29, 2009, 10:00 a.m.
 PLACE: Conference Room at the Atrium, 325 John Knox Road, Tallahassee, Florida 32308

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: Lesley Mendelson; (850)413-3604, Lesley.Mendelson@myfloridacfo.com If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lesley Mendelson; (850)413-3604, Lesley.Mendelson@myfloridacfo.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
 Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-3.0472	Carbon Monoxide Detection
9B-3.0475	Mitigation Retrofits Required
9B-3.0477	Electrical Bonding of Pools

PURPOSE AND EFFECT: As anticipated by the statutory authority for these rules, the context has been integrated in the 2007 Florida Building Code.

SUMMARY: To repeal the above-referenced rules.

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

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

RULEMAKING AUTHORITY: 553.844(3), 553.885(2) FS., s. 1, Chapter 2007-187, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3), 553.885(2) FS., s. 1, Chapter 2007-187, Laws of Florida.

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

DATE AND TIME: June 10, 2009, 8:30 a.m. or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100; (850)921-2247. 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 RULES IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100; (850)921-2247

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-3.0472 Carbon Monoxide Protection.

Rulemaking Specific Authority 553.885(2) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS. History–New 11-18-07, Repealed.

9B-3.0475 Mitigation Retrofits Required.

Rulemaking Specific Authority 553.844(3) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS. History–New 11-14-07, Amended 4-6-08, Repealed.

9B-3.0477 Electrical Bonding of Pools.

Rulemaking Specific Authority s. 1, Chapter 2007-187, Laws of Florida Law Implemented 553.72 FS. 553.73(2), 553.73(3), 553.73(7), 553.73(9) FS., s. 1, Chapter 2007-187, Laws of Florida History–New 10-18-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100; (850)921-2247

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2009

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

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.003
 RULE TITLE: Participation Agreement
 PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.
 SUMMARY: This rule change is being made to update the Florida College Investment Plan Participation Agreement Form.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.81(2) 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: May 4, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; (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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB ~~2009-4~~ ~~2008-4~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History–New 11-27-02, Amended 12-28-04, 6-2-05, 7-17-06, 12-4-07, 5-29-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2009

DEPARTMENT OF CITRUS

RULE NO.: 20-13.011
 RULE TITLE: Ambersweet: Classification and Standards

PURPOSE AND EFFECT: Amending maturity standards for Ambersweet oranges, requested by the Florida Citrus Packers Association

SUMMARY: Amending maturity standards for Ambersweet oranges.

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

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

RULEMAKING AUTHORITY: 601.10(1), (7), 601.11, 601.9910(3) FS.

LAW IMPLEMENTED: 601.11, 601.9910 FS.

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

DATE AND TIME: May 20, 2009, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.011 Ambersweet: Classification and Standards.

(1) Classification: The market classification of the citrus hybrid generally known as “Ambersweet” shall be “Orange,” a hybrid between orange (*C. sinensis*), mandarin (*C. reticulata*), and grapefruit (*C. paradisi*).

(2) Identification: The proper identification of this citrus fruit shall be “Ambersweet Orange” or “Orange” whenever this fruit is identified.

(3) Standards: All state laws and rules applicable to the maturity of oranges shall be applicable to this fruit, except as provided below:-

Orange Standards

<u>Minimum Total Solids %</u>	<u>Solids to Acid Min. Ratio</u>
<u>8.4 to (not including) 8.5</u>	<u>10.20 to 1</u>
<u>*8.5 to (not including) 8.6</u>	<u>10.25 to 1</u>
<u>8.6 to (not including) 8.7</u>	<u>10.20 to 1</u>
<u>**8.7 to (not including) 8.8</u>	<u>10.15 to 1</u>
<u>8.8 to (not including) 8.9</u>	<u>10.10 to 1</u>
<u>8.9 to (not including) 9.0</u>	<u>10.05 to 1</u>
<u>***9.0 to (not including) 9.1</u>	<u>10.00 to 1</u>
<u>9.1 to (not including) 9.2</u>	<u>9.95 to 1</u>
<u>9.2 to (not including) 9.3</u>	<u>9.90 to 1</u>

*Ambersweet oranges Oct 16 thru July 31

**Ambersweet oranges Oct 1 thru Oct 15

***Ambersweet oranges Aug 1 thru Sept 30

Rulemaking Specific Authority 601.10(1), (7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.9910 FS. History--New 8-16-90, Amended 8-22-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.406
 RULE TITLE: Third Party Mailing Services

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule.

SUMMARY: Rule 33-602.406, F.A.C., will be repealed, as the subject matter in the rule is being moved to Rule 33-210.101, F.A.C.

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

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.406 Third Party Mailing Services.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 3-2-99, Formerly 33-3.030, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Redd, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.107
RULE TITLE: Basins

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments to Rule 40D-1.107, F.A.C., is to adopt a revised legal description of the District’s Hillsborough River Basin. The Hillsborough River Basin will be re-defined to include the area formerly within the Northwest Hillsborough River Basin.

SUMMARY: The Southwest Florida Water Management District (District) is subdivided into hydrologic basins. On December 16, 2008, the District’s Governing Board adopted a resolution that merged the Northwest Hillsborough Basin and the Hillsborough River Basin pursuant to its authority as provided in Section 373.0693(1)(a), F.S. This action followed management studies of the District that concluded by combining the Northwest Hillsborough and the Hillsborough River Basins the District could reduce agency expenditures and eliminate unnecessary duplication of work. This rule amendment will revise the current legal description of the basin boundaries to reflect the Board’s action.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.0693 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: Barbara Martinez, Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899; (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.107 Basins.

Pursuant to Section 5 of Chapter 61-691, Laws of Florida, the area of the District is divided into watershed basins to include each major stream and its tributary streams and all lands draining therein except the area known as the Green Swamp Watershed Basin.

(1) through (3) No change.

(4) The area of the Hillsborough River Basin is located in parts of Hillsborough, Polk, Pasco, and Hernando Counties.

(a) That portion of the Hillsborough River Basin located within Hillsborough County is described as follows:

Begin at the point on the Hillsborough-Pinellas County line one mile south of Road 60 in Old Tampa Bay;

Thence continue east and south along Hillsborough-Polk County line to southeast corner of Section 24, Township 28 South, Range 22 East;

Thence west to northwest corner of Section 27, Township 28 South, Range 22 East;

Thence south to southeast corner of Section 33, Township 28 South, Range 22 East;

Thence west to southwest corner of Section 32, Township 28 South, Range 22 East;

Thence south to southeast corner of Section 6, Township 29 South, Range 22 East;

Thence west to southwest corner of Section 6, Township 29 South, Range 22 East;

Thence north to northeast corner of Section 1, Township 29 South, Range 21 East;

Thence west to northeast corner of Section 4, Township 29 South, Range 21 East;

Thence south to southeast corner of Section 9, Township 29 South, Range 21 East;

Thence west to northwest corner of Section 17, Township 29 South, Range 21 East;

Thence south to southwest corner of Section 17, Township 29 South, Range 21 East;

Thence west to southeast corner of Section 14, Township 29 South, Range 20 East;

Thence south to southwest corner of Section 24, Township 29 South, Range 20 East;

Thence west to McKay Bay and section line between Sections 21 and 28, Township 29 South, Range 19 East;

Thence southerly and westerly through McKay, Hillsborough and Tampa Bays, to the Hillsborough-Pinellas County line;thence northerly and westerly in Tampa Bay along the Hillsborough-Pinellas County line to Point of Beginning.

(b) That portion of the Hillsborough River Basin located within Polk County is described as follows:

Begin at southeast corner of Section 36, Township 26 South, Range 22 East;

Thence west along Polk-Hillsborough County line to intersection with Polk-Pasco County line;

Thence north and east along Polk-Pasco County line to northeast corner of Section 1, Township 26 South, Range 22 East;

Thence north along the range line between Ranges 22 and 23 East and the Polk-Pasco County line to the northwest corner of Section 31, Township 25 South, Range 23 East;

Thence east to the northeast corner of Section 31, Township 25 South, Range 23 East;

Thence south to the southeast corner of Section 31, Township 25 South, Range 23 East;

Thence east along the township line between Townships 25 and 26 South to the northeast corner of Section 5, Township 26 South, Range 23 East;

Thence south along the sections to the southeast corner of Section 8, Township 26 South, Range 23 East;

Thence east to the northeast corner of Section 16, Township 26 South, Range 23 East;

Thence south along the sections to the southeast corner of Section 28, Township 26 South, Range 23 East;

Thence east to the northeast corner of Section 34, Township 26 South, Range 23 East;

Thence south to the southeast corner of Section 34, Township 26 South, Range 23 East;

Thence east along the township line between Townships 26 and 27 South to the northeast corner of Section 2, Township 27 South, Range 23 East;

Thence south along the sections to the northeast corner of Section 14, Township 27 South, Range 23 East;

Thence east to the northeast corner of Section 13, Township 27 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 13, Township 27 South, Range 23 East;

Thence west to the southwest corner of Section 13, Township 27 South, Range 23 East;

Thence south along the sections to the northwest corner of Section 13, Township 28 South, Range 23 East;

Thence east to the northeast corner of Section 13, Township 28 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 28 South, Range 23 East;

Thence west along the township line between Townships 28 and 29 south to the southwest corner of Section 35, Township 28 South, Range 23, East;

Thence north to the southwest corner of Section 26, Township 28 South, Range 23 East;

Thence west along the sections to the southwest corner of Section 29, Township 28 South, Range 23, East;

Thence north to the northwest corner of Section 29, Township 28, South, Range 23 East;

Thence west to the southwest corner of Section 19, Township 28 South, Range 23 East;

Thence north along the range line between Ranges 22 and 23 East to the southeast corner of Section 36, Township 26 South, Range 22 East to Point of Beginning.

(c) That portion of the Hillsborough River Basin Located within Pasco County is described as follows:

Begin at southwest corner of Section 36, Township 26 South, Range 18 East;

Thence north to northwest corner of Section 13, Township 25 South, Range 18 East;

Thence east to southeast corner of Section 12, Township 25 South, Range 18 East;

Thence north to northwest corner of Section 7, Township 25 South, Range 19 East;

Thence east to southeast corner of Section 6, Township 25 South, Range 19 East;

Thence north to northwest corner of Section 5, Township 25 South, Range 19 East;

Thence east to southeast corner of Section 33, Township 24 South, Range 19 East;

Thence north to northwest corner of Section 34, Township 24 South, Range 19 East;

Thence east to southeast corner of Section 27, Township 24 South, Range 19 East;

Thence north to northwest corner of Section 26, Township 24 South, Range 19 East;

Thence east to southeast corner of Section 23, Township 24 South, Range 19 East;

Thence north along the sections to Pasco-Hernando County line;

Thence east along the township line between Townships 23 and 24 South and the Pasco-Hernando County line to northeast corner of Section 2, Township 24 South, Range 20 East;

Thence south to southwest corner of Section 1, Township 25 South, Range 20 East;

Thence east to northeast corner of Section 7, Township 25 South, Range 21 East;

Thence north to northwest corner of Section 5, Township 25 South, Range 21 East;

Thence east to northeast corner of Section 5, Township 25 South, Range 21 East;

Thence south to southeast corner of Section 5, Township 25 South, Range 21 East;

Thence east to northeast corner of Section 10, Township 25 South, Range 21 East;

Thence south to southwest corner of Section 11, Township 25 South, Range 21 East;

Thence east to the northeast corner of Section 14, Township 25 South, Range 21 East;

Thence south to the northwest corner of Section 36, Township 25 South, Range 21 East;

Thence east to northeast corner of Section 36, Township 25 South, Range 21 East;

Thence south to southwest corner of Section 31, Township 25 South, Range 22 East;
Thence east to northeast corner of Section 4, Township 26 South, Range 22 East;
Thence south along the sections and the Pasco-Polk County line to intersection with Pasco-Hillsborough County line;
Thence west along the township line between Townships 26 and 27 South and the Pasco-Hillsborough County line to Point of Beginning.
 Begin at intersection of section line between Sections 33 and 34, Township 30 South, Range 18 East, with Tampa Bay;
 Thence north to northwest corner of Section 27, Township 28 South, Range 18 East;
 Thence east to southeast corner of Section 22, Township 28 South, Range 18 East;
 Thence north to northwest corner of Section 23, Township 28 South, Range 18 East;
 Thence east to southeast corner of SW 1/4 of Section 14, Township 28 South, Range 18 East;
 Thence north to northwest corner of NE 1/4 of Section 2, Township 28 South, Range 18 East;
 Thence east to southeast corner of SW 1/4 of Section 36, Township 27 South, Range 18 East;
 Thence north to northeast corner of NW 1/4 of Section 25, Township 27 South, Range 18 East;
 Thence west to southeast corner of SW 1/4 of SW 1/4 of Section 24, Township 27 South, Range 18 East;
 Thence north to northeast corner of NW 1/4 of NW 1/4 of Section 13, Township 27 South, Range 18 East;
 Thence east to southeast corner of SW 1/4 of Section 12, Township 27 South, Range 18 East;
 Thence north to Hillsborough-Pasco County line;
~~Thence east along Hillsborough-Pasco County line to intersection with Pasco-Polk County line;~~
 Thence continue east and south along Hillsborough-Polk County line to southeast corner of Section 24, Township 28 South, Range 22 East;
 Thence west to northwest corner of Section 27, Township 28 South, Range 22 East;
 Thence south to southeast corner of Section 33, Township 28 South, Range 22 East;
 Thence west to southwest corner of Section 32, Township 28 South, Range 22 East;
 Thence south to southeast corner of Section 6, Township 29 South, Range 22 East;
 Thence west to southwest corner of Section 6, Township 29 South, Range 22 East;
 Thence north to northeast corner of Section 1, Township 29 South, Range 21 East;
 Thence west to northeast corner of Section 4, Township 29 South, Range 21 East;
 Thence south to southeast corner of Section 9, Township 29 South, Range 21 East;

~~Thence west to northwest corner of Section 17, Township 29 South, Range 21 East;~~
~~Thence south to southwest corner of Section 17, Township 29 South, Range 21 East;~~
~~Thence west to southeast corner of Section 14, Township 29 South, Range 20 East;~~
~~Thence south to southwest corner of Section 24, Township 29 South, Range 20 East;~~
~~Thence west to McKay Bay and section line between Sections 21 and 28, Township 29 South, Range 19 East;~~
~~Thence southerly and westerly through McKay, Hillsborough and Tampa Bays to Point of Beginning.~~
 (b) That portion of the Hillsborough River Basin located within Polk County is described as follows:
 Begin at southeast corner of Section 36, Township 26 South, Range 22 East;
~~Thence west along Polk-Hillsborough County line to intersection with Polk-Pasco County line;~~
~~Thence north and east along Polk-Pasco County line to northeast corner of Section 1, Township 26 South, Range 22 East;~~
~~Thence north along the range line between Ranges 22 and 23 East and the Polk-Pasco County line to the northwest corner of Section 31, Township 25 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 31, Township 25 South, Range 23 East;~~
~~Thence south to the southeast corner of Section 31, Township 25 South, Range 23 East;~~
~~Thence east along the township line between Townships 25 and 26 South to the northeast corner of Section 5, Township 26 South, Range 23 East;~~
~~Thence south along the sections to the southeast corner of Section 8, Township 26 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 16, Township 26 South, Range 23 East;~~
~~Thence south along the sections to the southeast corner of Section 28, Township 26 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 34, Township 26 South, Range 23 East;~~
~~Thence south to the southeast corner of Section 34, Township 26 South, Range 23 East;~~
~~Thence east along the township line between Townships 26 and 27 South to the northeast corner of Section 2, Township 27 South, Range 23 East;~~
~~Thence south along the sections to the northeast corner of Section 14, Township 27 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 13, Township 27 South, Range 23 East;~~
~~Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 13, Township 27 South, Range 23, East;~~
~~Thence west to the southwest corner of Section 13, Township 27 South, Range 23 East;~~

Thence south along the sections to the northwest corner of Section 13, Township 28 South, Range 23 East;
 Thence east to the northeast corner of Section 13, Township 28 South, Range 23 East;
 Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 28 South, Range 23 East;
 Thence west along the township line between Townships 28 and 29 south to the southwest corner of Section 35, Township 28 South, Range 23, East;
 Thence north to the southwest corner of Section 26, Township 28 South, Range 23 East;
 Thence west along the sections to the southwest corner of Section 29, Township 28 South, Range 23, East;
 Thence north to the northwest corner of Section 29, Township 28, South, Range 23 East;
 Thence west to the southwest corner of Section 19, Township 28 South, Range 23 East;
 Thence north along the range line between Ranges 22 and 23 East to the southeast corner of Section 36, Township 26 South, Range 22 East to Point of Beginning.

(c) That portion of the Hillsborough River Basin Located within Pasco County is described as follows:

Begin at southwest corner of Section 36, Township 26 South, Range 18 East;
 Thence north to northwest corner of Section 13, Township 25 South, Range 18 East;
 Thence east to southeast corner of Section 12, Township 25 South, Range 18 East;
 Thence north to northwest corner of Section 7, Township 25 South, Range 19 East;
 Thence east to southeast corner of Section 6, Township 25 South, Range 19 East;
 Thence north to northwest corner of Section 5, Township 25 South, Range 19 East;
 Thence east to southeast corner of Section 33, Township 24 South, Range 19 East;
 Thence north to northwest corner of Section 34, Township 24 South, Range 19 East;
 Thence east to southeast corner of Section 27, Township 24 South, Range 19 East;
 Thence north to northwest corner of Section 26, Township 24 South, Range 19 East;
 Thence east to southeast corner of Section 23, Township 24 South, Range 19 East;
 Thence north along the sections to Pasco Hernando County line;
 Thence east along the township line between Townships 23 and 24 South and the Pasco Hernando County line to northeast corner of Section 2, Township 24 South, Range 20 East;
 Thence south to southwest corner of Section 1, Township 25 South, Range 20 East;

Thence east to northeast corner of Section 7, Township 25 South, Range 21 East;
 Thence north to northwest corner of Section 5, Township 25 South, Range 21 East;
 Thence east to northeast corner of Section 5, Township 25 South, Range 21 East;
 Thence south to southeast corner of Section 5, Township 25 South, Range 21 East;
 Thence east to northeast corner of Section 10, Township 25 South, Range 21 East;
 Thence south to southwest corner of Section 11, Township 25 South, Range 21 East;
 Thence east to the northeast corner of Section 14, Township 25 South, Range 21 East;
 Thence south to the northwest corner of Section 36, Township 25 South, Range 21 East;
 Thence east to northeast corner of Section 36, Township 25 South, Range 21 East;
 Thence south to southwest corner of Section 31, Township 25 South, Range 22 East;
 Thence east to northeast corner of Section 4, Township 26 South, Range 22 East;
 Thence south along the sections and the Pasco Polk County line to intersection with Pasco Hillsborough County line;
 Thence west along the township line between Townships 26 and 27 South and the Pasco Hillsborough County line to Point of Beginning.

(5) The area of the Northwest Hillsborough Basin is located entirely within Hillsborough County and is described as follows:

Begin at the point on the Hillsborough Pinellas County line one mile south of Road 60 in Old Tampa Bay;
 Thence north along Hillsborough Pinellas County line to northwest corner of Section 6, Township 27 South, Range 17 East;
 Thence east along Hillsborough Pasco County line to northeast corner of NW 1/4 of Section 1, Township 27 South, Range 18 East;
 Thence south to southeast corner of SW 1/4 of Section 12, Township 27 South, Range 18 East;
 Thence west to northwest corner of NE 1/4 of NW 1/4 of Section 13, Township 27 South, Range 18 East;
 Thence south to northeast corner of NW 1/4 of NW 1/4 of Section 25, Township 27 South, Range 18 East;
 Thence east to northwest corner of NE 1/4 of Section 25, Township 27 South, Range 18 East;
 Thence south to southeast corner of SW 1/4 of Section 36, Township 27 South, Range 18 East;
 Thence west to northeast corner of NW 1/4 of Section 2, Township 28 South, Range 18 East;
 Thence south to southeast corner of SW 1/4 of Section 14, Township 28 South, Range 18 East;

~~Thence west to northeast corner of Section 22, Township 28 South, Range 18 East;~~
~~Thence south to southeast corner of Section 22, Township 28 South, Range 18 East;~~
~~Thence west to northwest corner of Section 27, Township 28 South, Range 18 East;~~
~~Thence south to intersection of section line between Sections 33 and 34, Township 30 South, Range 18 East with Tampa Bay;~~
~~Thence westerly in Tampa Bay to Hillsborough-Pinellas County line;~~
~~Thence northerly and westerly in Tampa Bay along Hillsborough-Pinellas County line to Point of Beginning.~~

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.0693 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-5-77, 10-16-78, 4-27-80, 3-30-81, 1-10-83, 10-9-85, Formerly 16J-0.03, 40D-0.061, Amended 3-11-04, 6-16-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen West, Deputy General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.105	Freestanding Dialysis Center Services
59G-4.106	Freestanding Dialysis Center Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Rule 59G-4.105, F.A.C., is to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009. The revised handbook includes updated policy for billing for dialysis treatments and injectable medications and updated references to the new Medicaid fiscal agent's Web Portal. The effect will be to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009.

The purpose of Rule 59G-4.106, F.A.C., is to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, May 2009. The effect will be to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, May 2009.

In the Notice of Rule Development we stated the effective dates of the handbook and fee schedule were January 2009. We changed these dates to May 2009.

SUMMARY: The purpose of the rule amendment to Rule 59G-4.105, F.A.C., is to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009. The purpose of Rule 59G-4.106, F.A.C., is to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, May 2009.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Wednesday, May 6, 2009, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Simpson, Program Analyst, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. #20, Tallahassee, Florida 32308; (850)922-7308; simpsonj@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.105 Freestanding Dialysis Center Services.

(1) No change.

(2) All freestanding dialysis center service providers enrolled in the Medicaid Program must comply with the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, ~~May 2009~~ ~~November 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, ~~UB-04 92~~, which is incorporated by reference in Rule ~~59G-4.003~~ ~~59G-4.160~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History-New 8-24-99, Amended _____.

59G-4.106 Freestanding Dialysis Center Fee Schedule.

(1) This rule applies to all freestanding dialysis center services providers enrolled in the Medicaid Program.

(2) All freestanding dialysis center services providers enrolled in the Medicaid Program must be in compliance with the Freestanding Dialysis Center Fee Schedule, May 2009, which is incorporated by reference. The Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jamie Simpson
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.300 RULE TITLE: Medicaid Case Management
 PURPOSE AND EFFECT: The purpose is to repeal Rule 59G-8.300, F.A.C., Medicaid Case Management, because it is obsolete. Case management policy is in the Home and Community-Based Services Coverage and Limitations Handbooks, which are incorporated by reference in Rule Chapter 59G-13, F.A.C. Case Management policy is also in the general Home and Community-Based Services Waivers Rule, 59G-13.080, F.A.C. Case management is defined in the general Medicaid Definitions Rule, 59G-1.010, F.A.C. Mental Health Targeted Case Management is in Rule 59G-4.199, F.A.C. The effect will be to repeal Rule 59G-6.050, F.A.C.
 SUMMARY: The purpose is to repeal Rule 59G-8.300, F.A.C., Medicaid Case Management, because it is obsolete.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 RULEMAKING AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.906(11), 409.912(7) 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: Wednesday, May 6, 2009, 3:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Medicaid Conference Room 2316, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407; (850)488-9711; girardk@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.300 Medicaid Case Management.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.906(11), 409.912(7) FS. History—New 9-20-88, Formerly 10C-7.0381, Amended 2-13-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen Girard
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.005 RULE TITLE: Disciplinary Guidelines
 PURPOSE AND EFFECT: The purpose of the proposed rule is to codify guidelines for determining penalties in disciplinary actions against the division's public food service and lodging licensees. The effect of the proposed rule will be to provide licensees with standardized penalties that will be imposed on public food service and lodging establishments licensed by the division for failing to comply with the law. The proposed rule implements the requirement in Section 455.2273, Florida Statutes, for the division to adopt rules addressing disciplinary guidelines.
 SUMMARY: The proposed rule codifies guidelines and standard penalties assessed in disciplinary actions taken against the division's public food service and public lodging licensees.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 RULEMAKING AUTHORITY: 455.2273, 509.032 FS.
 LAW IMPLEMENTED: 386.207, 509.032, 509.261, 509.281, 509.292 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012; telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.005 Disciplinary Guidelines.

(1) This rule sets out the disciplinary guidelines for imposing penalties upon public lodging establishments and public food service establishments under the jurisdiction of the Division of Hotels and Restaurants (division) in administrative actions. The purpose of this rule is to notify licensees of the standard range of penalties routinely imposed unless the division finds it necessary to deviate from the standard penalties for the reasons stated within this rule.

(2) These disciplinary guidelines are descriptive in nature and do not use the language used to formally allege a violation in a specific case. This rule is not intended to specifically describe all possible violations of law that may be committed by a public lodging establishment or public food service establishment and that may be subject to penalty imposed by the division.

(3) The division may impose penalties against a public lodging establishment or public food service establishment for a specific violation not included in the language of this rule. If a specific violation is not included in the language of this rule, the division shall impose a penalty corresponding to the most similar violation listed in this rule.

(4) These disciplinary guidelines do not limit the division's authority to order a public lodging establishment or public food service establishment to cease and desist from any unlawful practice, or other action authorized by law.

(5) Definitions.

(a) "Critical violation" means a violation determined by the division to pose a significant threat to the public health, safety, or welfare and which is identified as a food borne illness risk factor, a public health intervention, or critical in DBPR Form HR-5022-014 Lodging Inspection Report or DBPR Form HR-5022-015 Food Service Inspection Report Lodging Inspection Report, incorporated by reference in subsection 61C-1.002(8), F.A.C., and not otherwise identified in this rule.

(b) "Non-critical violation" means a violation not meeting the definition of critical violation and not otherwise identified in this rule.

(c) "First offense" means a violation of any law subject to penalty under Chapter 509, F.S., when no disciplinary Final Orders involving the same licensee have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued.

(d) "Second offense," and "second and any subsequent offense" means a violation of any law subject to penalty under Chapter 509, F.S., after one disciplinary Final Order involving the same licensee has been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued, even if the current violation is not the same as the previous violation.

(e) "Third and any subsequent offense" means a violation of any law subject to penalty under Chapter 509, F.S., after two or more disciplinary Final Orders involving the same licensee have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued, even if the current violation is not the same as the previous violation.

(6) Standard penalties. This section specifies the penalties routinely imposed against licensees and applies to all violations of law subject to a penalty under Chapter 509, F.S. Any violation requiring an emergency suspension or closure, as authorized by Chapter 509, F.S., shall be assessed at the highest allowable fine amount.

(a) Non-critical violation. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program.

1. 1st offense – Administrative fine of \$150 to \$300.

2. 2nd offense – Administrative fine of \$250 to \$500.

3. 3rd and any subsequent offense – Administrative fine of \$350 to \$1000, license suspension, or both.

(b) Critical violation. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$250 to \$500.

2. 2nd offense – Administrative fine of \$500 to \$1,000.

3. 3rd and any subsequent offense – Administrative fine of \$750 to \$1,000, license suspension, or both.

(c) Misrepresenting food or food product. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$500 or license suspension.

2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.

3. 3rd and any subsequent offense – Administrative fine of \$1,000, license suspension, or license revocation or any combination thereof.

(d) Obstruction of division personnel. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$500 or license suspension.

2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.

3. 3rd and any subsequent offense – Administrative fine of \$1,000, license revocation, or both.

(e) Operating a public lodging establishment or public food service establishment without a license or with a license expired for more than 60 days. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$250 to \$500.

2. 2nd offense – Administrative fine of \$500 to \$1,000 or an order to close.

3. 3rd and any subsequent offense – Administrative fine of \$750 to \$1,000 or an administrative fine of \$750 to \$1,000 and an order to close.

(f) Operating a public lodging establishment or public food service establishment without a license after an order to close has been issued by the division. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$500 to \$1,000.

2. 2nd and any subsequent offense – Administrative fine of \$1,000.

(g) Operating a public lodging establishment or public food service establishment in violation of an Emergency Order of Suspension, Emergency Order of Closure, administrative suspension, order to close, or other administrative action which prohibits operation of the establishment. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program. Fines shall be imposed for each day or portion of a day that an establishment operates in violation of the order or administrative action.

1. 1st offense – Administrative fine of \$500 to \$1,000.

2. 2nd and any subsequent offense – Administrative fine of \$1,000.

(h) Failure to comply with the requirements of a Final Order.

1. 1st offense – Administrative fine of \$500 and license suspension.

2. 2nd offense – Administrative fine of \$1,000 and license suspension.

3. 3rd offense – License revocation.

(i) Violation of the Florida Clean Indoor Air Act, Chapter 386, F.S.

1. 1st offense – Administrative fine of \$250 to \$750.

2. 2nd and any subsequent offense – Administrative fine of \$500 to \$2,000.

(7) Aggravating or mitigating factors.

The division may deviate from the standard penalties in paragraphs (a) through (h) of subsection (6) above, based upon the consideration of aggravating or mitigating factors present in a specific case. The division shall consider the following aggravating and mitigating factors in determining the appropriate disciplinary action to be imposed and in deviating from the standard penalties:

(a) Aggravating factors.

1. Possible danger to the public.

2. Length of time since the violation occurred.

3. Number of violations in the current administrative complaint.

4. Severity of violations in the current administrative complaint.

5. Disciplinary history of the licensee within the 60 months preceding the date the current administrative complaint was issued.

6. Number of Emergency Orders of Suspension or Closure against the same licensee filed with the Agency Clerk by the division within the 12 months preceding the date the current administrative complaint was issued.

7. The current administrative complaint alleges a violation for obstruction of division personnel.

8. The licensee was prosecuted by another authority having jurisdiction resulting in a violation of Chapter 509, F.S., including but not limited to cases based on discrimination, civil rights violations, and criminal violations.

9. Actual physical damage or bodily harm caused to persons or property by the violation.

10. Any other aggravating factors, as relevant under the circumstances.

(b) Mitigating factors.

1. Violation resulted from an act of God or nature.

2. Length of time since the violation occurred.

3. Length of time the licensee has been in operation.

4. Effect of the penalty upon the licensee's livelihood.

5. Attempts by the licensee to correct the violation.

6. Number of previous inspections without violations of Chapter 509, F.S., and the rules adopted pursuant thereto.

7. Disciplinary history of the licensee within the 60 months preceding the date the current administrative complaint was issued.

8. Any other mitigating factors, as relevant under the circumstances.

(8) The following critical violations are considered non-critical violations for the purpose of determining the administrative penalty:

(a) The license is current, but not properly posted.

(b) The waste receptacle in the restroom for women is lacking a cover.

(9) Absent any mitigating circumstances, a license may be suspended for no less than two days. Terms of license suspensions resulting from multiple violations or Final Orders shall be applied consecutively, not concurrently.

(10) Fines resulting from multiple violations or Final Orders shall be assessed cumulatively.

(11) License revocation may be recommended in any case or for any violation when the aggravating circumstances, licensee's compliance history, and conditions of the public lodging establishment or public food service establishment present a significant threat to the public health, safety, and welfare.

Rulemaking Authority 455.2273, 509.032 FS. Law Implemented 386.207, 509.032, 509.261, 509.281, 509.292 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill L. Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-15.004 RULE TITLE: Boarding and Disembarking

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule related to boarding and disembarking for Fort Pierce and Port St. Joe pilots.

SUMMARY: The existing language in this rule related to boarding and disembarking for Fort Pierce and Port St. Joe pilots is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.002, 310.141 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.004 Boarding and Disembarking.

(1) Except when subsection (2) applies, pilots shall board inbound vessels before or at the time they cross the Territorial Sea Line of Demarcation and disembark from outbound vessels at or after the time they cross such line; or, board and disembark vessels at the traditional pilot station, as approved by the Board and specifically listed below:

(a) through (c) No change.

(d) Fort Pierce: Pilots board and disembark off the sea buoy in the vicinity of 27° ~~28.6'~~ ~~28.5'~~ N 80° ~~15.4'~~ ~~16.2'~~ W.

(e) through (k) No change.

(l) Port St. Joe: Pilots board inbound vessels 2 miles offshore of Buoy 2, about 1 mile outside St. Joseph Bay Entrance Lighted Whistle Buoy "SJ" in the vicinity of 29° ~~51.5'~~ ~~52.0'~~ N 85° ~~30.7'~~ ~~29.5'~~ W. The pilot will leave outbound vessels in the vicinity of between lighted Buoy #2 ~~and St. Joseph Bay Entrance Buoy~~. At time the Port St. Joe Pilot may not be available and vessels will be required to proceed to the Panama City pilot station to embark or disembark the pilot.

(m) through (n) No change.

(2) No change.

Rulemaking Specific Authority 310.185 FS. Law Implemented 310.002, 310.141 FS. History--New 7-2-89, Amended 11-28-90, Formerly 21SS-8.012, 21SS-15.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.009
 RULE TITLE: Endorsement

PURPOSE AND EFFECT: This rule is being repealed because it is duplicated by Rule 61G15-20.0015, F.A.C., and it is therefore redundant.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.015(3), (5) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.009 Endorsement.

Rulemaking Specific Authority 471.008 FS. Law Implemented 471.015(3), (5) FS. History--New 8-23-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-5.002
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect is to raise all fines to maximum of \$5,000 in all disciplinary instances.

SUMMARY: All fines are raised to maximum of \$5,000 in all disciplinary instances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.002 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.2273, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XII, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given in Rule 61G19-5.003, F.A.C. The ranges of penalties provided below include the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.569, 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(a) Violating or failing to comply with any provision of this part, Chapter 455 or a valid rule or lawful order of the board or department, or subpoena of the department. (468.621(1)(a), F.S., 455.227(1)(b) and (q), F.S.)

(b) Obtaining certificate through fraud, deceit, or perjury.

(468.621(1)(b), 455.227(1)(h), F.S.)

(c) Knowingly assisting any person to unlawfully practice building code administration, inspecting, or plans examination contrary to the provisions of this part or the building code adopted by the enforcement authority governing that person.

(468.621(1)(c), 455.227(1)(j), F.S.)

(d) Having been convicted of a felony.

(468.621(1)(d), F.S.)

(e) Guilt of or nolo plea entered to a crime directly related to building code administration or inspection.

(468.621(1)(e), 455.227(1)(c), F.S.)

RECOMMENDED RANGE OF PENALTY

(a)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ 1,500.

(a)2. After the first offense, a minimum of one year's probation to revocation or denial of licensure, and a fine of up to \$5,000 depending on the underlying offense and the magnitude of the violation.

The usual action of the Board shall be to impose a penalty of revocation and a fine of up to ~~\$5,000~~ 1,500.

(c)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to ~~\$5,000~~ 1,500.

(c)2. After the first offense, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000.

(d)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to ~~\$5,000~~ 1,500.

(d)2. For a second offense in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and suspension of at least 30 days followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation with conditions to revocation and a fine of up to ~~\$5,000~~ 4,000.

(d)3. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

(e)1. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to ~~\$5,000~~ 1,500.

(f) Knowingly making or filing a false report or failing to file a report as required. (468.621(1)(f), 455.227(1)(l), F.S.)

(g) Committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property. (468.621(1)(g), F.S.)

1. Negligence

2. Gross or repeated negligence, or gross misconduct.

3. Willful misconduct.

(h) Making misleading, deceptive or fraudulent representations. (455.227(1)(a), and (m), F.S.)

(e)2. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(f)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and 30-day suspension followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a period of suspension to be followed by probation and a fine of up to ~~\$5,000~~ 1,500.

(f)2. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be revocation and a fine of up to \$5,000.

1.a. In the case of an applicant, the usual action of the Board shall be from licensure with probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to ~~\$5,000~~ 1,500.

1.b. For a second offense in the case of an applicant, the usual action of the Board shall be from probation to denial and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation and a fine of up to ~~\$5,000~~ 4,000.

1.c. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to ~~\$5,000~~ 1,500.

2.b. After the first offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

3.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and fine of up to ~~\$5,000~~ 1,500.

3.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

1. Misleading or deceptive.

1.a. In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ \$1,500.

1.b. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual penalty shall be suspension to revocation and a fine of up to \$5,000.

2. Fraudulent.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation, a fine of up to ~~\$5,000~~ \$1,500.

2.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(i) through (m) No change.

(n) Practicing as a building code administrator, plans examiner, or inspector without a valid active certificate. (468.607, 468.621(1)(a), F.S.)

(n)1. In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action by the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ \$1,500.

(n)2. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. For a licensee, the penalty shall be revocation and a fine of up to \$5,000.

(o) Having the authority to practice revoked or acted against, including the denial of licensure. (455.227(1)(f), F.S.)

(o)1. Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension or licensure with an administrative fine and probation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine up to ~~\$5,000~~ ranging from \$250 to \$1,500.

(o)2. After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to revocation or for an applicant from probation to denial of license and an administrative fine ~~up from~~ \$1,000 to \$5,000.

(p) Failing to report to the department any person who the licensee knows is in violation of Chapter 468, Part XII, Chapter 455, or the rules of the Board or Department. (455.277(1)(I), F.S.)

(p)1. In case of an applicant, the usual action of the Board shall be denial or licensure with probation and an administrative fine. In case of the licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(q) Failing to perform any statutory or legal obligations.
(455.227(1)(k), F.S.)

(r) through (u) No change.

(3) through (5) No change.

~~Rulemaking Specific~~ Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History—New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00, 4-10-06, 1-10-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.016
RULE TITLE: Voluntary Certification Categories
PURPOSE AND EFFECT: The purpose and effect is to require passage of pertinent exam as other certificate holder categories had to do.

SUMMARY: Passage of pertinent exam as other certificate holder categories had to do is made a requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

(p)2. After the first offense, in the case of an applicant the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation to revocation and a fine of up to \$5,000.

(q)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ 4,500.

(q)2. After the first offense unless otherwise specified in this rule, the usual action of the Board shall be denial in the case of an applicant; in the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to revocation and a fine of up to \$5,000.

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

RULEMAKING AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

(1) through (3) No change.

(4) Modular Inspector. This license is required for inspection of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Inspector means a person who is authorized to inspect any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part I, Chapter 553, F.S.; in order to obtain this voluntary certification, the Board will require the applicant to pass the standardized modular inspectors' examination and the applicant must have ~~and has~~ three (3) years experience as an inspector with local government and/or state government or three years experience as an inspector with an independent inspection/plans review

agency under contract with a state agency or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) No change.

(5) Modular Plans Examiner. This license is required for plans reviews of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Plans Examiner means a person who is authorized to review plans for any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part 1, Chapter 553, F.S.; In order to obtain this voluntary certification, the Board will require the applicant to pass the standardized modular plans inspectors' examination and the applicant must have ~~and has~~ three (3) years experience as a plans examiner with local and/or state government. As an alternative, the applicant must have three (3) years experience as a plans examiner with an independent inspection/plans review agency under contract with a state department or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) No change.

(6) No change.

Rulemaking Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03, 3-7-06, 6-13-07, 11-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

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 Recreation and Parks

RULE NO.: 62D-2.015
RULE TITLE: Civil Penalties

PURPOSE AND EFFECT: The purpose of this new rule section is to implement the provisions of Senate Bill 192 (2008) which was effective July 1, 2008. Once signed into law, the Senate Bill became, in part, Section 258.008, Florida Statutes. Section 258.008, Florida Statutes, changed Florida law to allow for relatively minor violations of state park rules to be punishable by civil fines. Prior to this change, these offenses were punishable as second degree misdemeanors, thereby creating a criminal record for an individual violating a state park rule. This rulemaking is an effort to provide notice to the public of the change in law and to outline the civil fine schedule.

SUMMARY: The new proposed Rule 62D-2.015, Florida Administrative Code, provides a fine schedule broken out into three fine categories of noncriminal infractions for offenses committed within state park boundaries. Level One fines identify most minor rule violations. Level Two fines identify more serious rule violations. Level Three fines identify the most serious rule violations. The remainder of violations not specifically addressed by this rule section but enumerated in Section 258.008, Florida Statutes, will continue to be punishable as constituting criminal conduct either under the misdemeanor or felony criminal codes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and is available to the public upon request. Rule 62D-2.015, Florida Administrative Code, is being created to implement the statutory change enacted in the 2008 legislative session, effective July 1, 2008. As amended in Senate Bill 192, Section 258.007, Florida Statutes, now grants the division the authority to impose penalties for the violation of division rules; and, Section 258.008, Florida Statutes, was created to decriminalize violations of division rules and directs the Agency to create a civil fine schedule pursuant to the criteria set by the legislature. The former statutory language for the penalty for violation of a division rule stated: "the violation of any rule authorized by this section shall be a misdemeanor and punishable accordingly." The revised statutory language provides for "any person who violates or otherwise fails to comply with the rules adopted under this chapter commits a noncriminal infraction for which ejection from all property managed by the Division of Recreation and Parks and a fine of up to \$500 may be imposed by the Division." Impacts to small

businesses, counties, and cities are likely to be minimal. Any effects will stem from changes in use patterns associated with the incidence of financial penalty for rule violations. The net effect of these changes is unclear with currently available data; however, the department believes that this impact will be at least net neutral, if not net positive.

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

RULEMAKING AUTHORITY: 258.007, 258.008 FS.

LAW IMPLEMENTED: 258.008 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:

DATE AND TIME: Wednesday, May 6, 2009, 6:30 p.m. – 8:30 p.m.

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Conference Room A, 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: Mr. Robert Wilhelm at (850)245-3076. 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: Mr. Robert Wilhelm, Division of Recreation and Parks, Bureau of Operational Services, MS 535, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; (850)245-3076

THE FULL TEXT OF THE PROPOSED RULE IS:

62D-2.015 Civil Penalties.

(1) Intent. This section provides civil penalty schedules for violations of the provisions in Rules 62D-2.013 and 62D-2.014, F.A.C., as authorized by Sections 258.007, 258.008, 316.212, 316.2125 and 316.2126, F.S.

(2) Level One Violations.

(a) A person commits a Level One violation if he or she violates any of the provisions, rules, regulations, or orders relating to:

1. Feeding or petting wildlife;
2. Admission to state park property;
3. Traffic control and speed of vehicles;
4. Parking;
5. Swimming;
6. Launching or removal of watercraft from park waters;

7. Mooring, anchoring, or tying up watercraft in waters within or contiguous to park areas;

8. Fishing;

9. Alcoholic beverages;

10. Pets;

11. Merchandising;

12. Aircraft;

13. Operating Hours; and

14. Photography.

(b) A person who commits a Level One violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c) The civil penalty for a person who commits a Level One violation is \$75 per violation, unless paragraph (d) or (e) applies.

(d) The civil penalty for a person who commits a Level One violation is \$150 per violation if the person cited has previously committed the same Level One violation within the preceding 36 months.

(e) The civil penalty for a person who commits a Level One violation is \$500 per violation if the person cited has twice previously committed the same Level One violation within the preceding 60 months.

(3) Level Two Violations.

(a) A person commits a Level Two violation if he or she violates any of the provisions, rules, regulations, or orders relating to:

1. Damaging plant life, disturbing grass areas or impairing the natural condition of any area or placing debris or material of any kind on or about any plant.

2. The transplantation or removal of any plant life.

3. The introduction of any plant or animal species.

4. Unpermitted or uncontracted construction activities.

5. The failure or refusal to comply with any directions, instructions, or orders issued by park personnel.

6. The operation of watercraft in closed areas.

(b) A person who commits a Level Two violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c) The civil penalty for a person who commits a Level Two violation is \$100 per violation unless paragraph (d) or (e) applies.

(d) The civil penalty for a person who commits a Level Two violation is \$200 per violation if the person cited has previously committed the same Level Two violation within the preceding 36 months.

(e) The civil penalty for a person who commits a Level Two violation is \$500 per violation if the person cited has twice previously committed the same Level Two violation within the preceding 60 months.

(4) Level Three Violations.

(a) A person commits a Level Three violation if he or she violates any of the provisions, rules, regulations or orders relating to:

- 1. The removal or destruction of park property and resources.
- 2. Fires.
- 3. The rent or hire of watercraft in any park waters or permits needed pertaining to same.
- 4. Excursion boats for rent or hire carrying passengers for money.
- 5. Firearms or weapons.

(b) A person who commits a Level Three violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c) The civil penalty for a person who commits a Level Three violation is \$150 per violation, unless paragraph (d) or (e) applies.

(d) The civil penalty for a person who commits a Level Three violation is \$300 per violation if the person cited has previously committed the same Level Three violation within the preceding 36 months.

(e) The civil penalty for a person who commits a Level Three violation is \$500 per violation if the person cited has twice previously committed the same Level Three violation within the preceding 60 months.

(4) A person cited for a violation shall sign and accept a citation to appear before the county court. The issuing officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(5) A person cited for a violation may pay the civil penalty by mail or in person within 30 days after receipt of the citation. If the civil penalty is paid, the person shall be deemed to have admitted committing the violation and to have waived his or her right to a hearing before the county court. Such admission may not be used as evidence in any other proceedings except to determine the appropriate fine for any subsequent violations.

(6) A person who refuses to accept a citation, who fails to pay the civil penalty for a violation, or who fails to appear before the county court, as required, commits a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.

(7) A person who elects to appear before the county court or who is required to appear before the county court shall be deemed to have waived the limitations of civil penalties under subsections (1), (2), (3) and (4). After a hearing, the county court shall determine if a violation has been committed, and if so, may impose a civil penalty of not less than \$75 for each first-time Level One violation, \$100 for each first-time Level Two violation or \$150 for each first-time Level Three violation and not more than \$500 for each subsequent Level One, Level Two or Level Three violation.

(8) The provisions set forth above for civil penalties are in addition to any action or actions brought to enforce the criminal penalty provisions of Section 258.008, F.S.

(9) Multiple cases, civil or criminal, may arise out of the same alleged facts or incident, and the pendency of result for one case shall not stay or control the result of the other or others.

Rulemaking Authority 258.007, 258.008 FS. Law Implemented 258.008 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mike Bullock, Director, Division of Recreation and Parks
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.013	Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to include “Class III Composite” to the Practical or Clinical Examination.

SUMMARY: The rule amendment will add language to include “Class III Composite” to the Practical or Clinical Examination.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.013 Dental Examination Requirements and Grading.

(1) through (2) No change.

(3) PRACTICAL OR CLINICAL EXAMINATION:

(a) through (c) No change.

(d) The Practical or Clinical Examination shall include the following parts and procedures and be graded on criteria as described below each examination part or procedure. Listed criteria are to be accorded equal importance in grading. Equal importance does not mean that each criterion has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the part or procedure.

1. Class II Amalgam and Class III Composite on Patients. This part of the Practical or Clinical Examination shall consist of a preparation procedure and a restoration procedure. The following areas will be assessed in determining a grade for each procedure:

1.a. through 4.(j) No change.

(4) No change.

Rulemaking Specific Authority 456.017(1)(b), 466.004(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2008

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:

64B5-2.0146

RULE TITLE:

Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to adopt new language setting forth new supplemental dental education requirements for dental licensure applicants that graduated from unaccredited dental schools or from dental schools not approved by the Board.

SUMMARY: The rule amendment will delete unnecessary language and to adopt new language setting forth new supplemental dental education requirements for dental licensure applicants that graduated from unaccredited dental schools or from dental schools not approved by the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small business would not be affected by this rule.

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

RULEMAKING AUTHORITY: 466.004, 466.006(3) FS.

LAW IMPLEMENTED: 456.033(6), 466.006, 466.075 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

(1) No change.

(2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:

(a) Complete a full-time, matriculated, American Dental Association recognized dental specialty education program accredited by the Commission on Dental Accreditation of the American Dental Association or a Commission on Dental Accreditation of the American Dental Association accredited supplemental general dentistry programs, which provides didactic and clinical education to the level of an accredited D.D.S. or D.M.D. program, either of which have a duration of at least two consecutive resident program offered by an accredited dental school which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.

(b) through (c) No change.

(3) No change.

Rulemaking Specific Authority 466.004, 466.006(3) FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History—New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01, 6-7-05, 12-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 19, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.001
RULE TITLE: Definitions
PURPOSE AND EFFECT: The Board proposes the rule amendment to conform the Board’s continuing education standards to the national standards of the American Nurses Credentialing Center.

SUMMARY: To conform to the Board’s continuing education standards to the national standards of the American Nurses Credentialing Center.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.013(3) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-5.001 Definitions.
- (1) through (3) No change.
- (4) Contact Hour. One (1) contact hour equals sixty (60) a minimum of fifty (50) minutes. One half (1/2 or .5) contact hour equals thirty (30) a minimum of twenty-five (25) minutes.
- (5) through (9) No change.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History—New 9-12-79, Amended 10-6-82, Formerly 210-13.08, Amended 3-3-87, Formerly 210-13.008, Amended 9-28-93, Formerly 61F7-5.001, Amended 5-2-95, 1-1-96, Formerly 59S-5.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NOS.: 65D-31.001
RULE TITLES: Applicability
65D-31.002 Definitions
65D-31.003 Managing Entity Qualifications
65D-31.004 Functions of Managing Entities
65D-31.005 Managing Entity Policies Requiring Departmental Approval
65D-31.006 Department’s Responsibilities

PURPOSE AND EFFECT: The purpose of this chapter is to implement the provisions of Section 394.9082, F.S., by setting forth uniform standards and procedures for the qualifications, essential functions and operation of behavioral managing entities with regard to the development of an integrated community-based system of care.

SUMMARY: This rule addresses the management of the delivery of behavioral health services to persons who have mental health or substance abuse disorders. Areas addressed include development and oversight of comprehensive provider networks, uniform behavioral health services standards, continuous quality improvement and cost effective treatment to prevent unnecessary expenditures.

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

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

RULEMAKING AUTHORITY: 394.9082(10) FS.

LAW IMPLEMENTED: 394.9082 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: Gloria Henderson, Department of Children and Families, Mental Health Program, 1317 Winewood Boulevard, Building 6 Room 271, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65D-31.001 Applicability.

The purpose of this chapter is to implement the provisions of Section 394.9082, F.S., by setting forth uniform standards and procedures for the qualifications, essential functions and operation of behavioral managing entities with regard to the development of an integrated community-based system of care. This rule addresses the management of the delivery of behavioral health services to persons who have mental health, substance abuse or co-occurring disorders, the development and oversight of comprehensive provider networks, uniform behavioral health services standards, continuous quality improvement, best practices guidance and ensure quality, cost effective treatment, and prevent unnecessary expenditures.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

65D-31.002 Definitions.

(1) “Behavioral Health Services” means mental health services and substance abuse prevention and treatment services are provided using state and federal funds as defined by Chapters 394 and 397, F.S.

(2) “Evidence-Based Practice” means substance abuse and mental health treatment practices that have been validated and supported by scientific evidence.

(3) “Geographic Area” means a county, circuit, region, or multi-regional area in the state. The area designated by the Department to be covered by managing entities and its provider service network.

(4) “Managing Entity” means a corporation that is organized in this state, is designated or filed as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Service, and is under contract to the Department to manage the day-to-day operational delivery of behavioral health services through an organized system of care.

(5) “Provider Networks” means direct service agencies that are under contract with a managing entity and that together constitute a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services.

(6) “Readiness Assessment” means a formal review by the Department to determine the capability of a contractor to meet the responsibilities and administrative requirements of managing a provider network and a system of behavioral health services.

(7) “Stakeholder” means individuals served, family members, community agencies, the courts, law enforcement health agencies, local government, and others who have a demonstrated interest in the community’s substance abuse and mental health services.

(8) “System of Care” means substance abuse and mental health services that are coordinated and developed into a comprehensive and community-based network of services accessible and responsive to persons in need of substance

abuse and mental health services, their families and to local stakeholders such as the courts, local government, law enforcement, health, and community agencies.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

65D-31.003 Managing Entity Qualifications.

(1) A managing entity must be a corporation organized in the state of Florida.

(2) Designated as a non-profit organization under s. 501(c)(3) of the Internal Revenue Service.

(3) Demonstrate the capability and administrative capacity to effectively develop and manage a comprehensive service delivery system.

(4) Have a Board of Directors which shall, at a minimum, include individuals served, family members, appropriate community stakeholders, and organizations. Board membership shall include providers of substance abuse and mental health services. The Board shall have one representative of a private receiving facility as an ex officio member so long as there is a private receiving facility within the managing entity’s geographic area.

(5) Board members must be residents of the geographic area in which the managing entity operates.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

65D-31.004 Functions of Managing Entities.

(1) System of care development and management.

(a) Must ensure that substance abuse and mental health services within their respective geographic areas are coordinated and developed into an integrated network of assessable services and is responsive to the needs of persons in need of service and their families.

(b) Must ensure that substance abuse and mental health services are responsive to the needs of the community and community stakeholders including the courts, community agencies, law enforcement, child welfare agencies and others who are reliant on mental health and substance abuse services as essential to their success.

(c) Must ensure the application of evidence-based practices by network providers through contracting requirements, program development and design, and the provision of training, technical assistance, and quality improvement activities.

(d) Develop effective and formal mechanisms for care management, continuity of care, and service coordination.

(e) Must develop Memorandum of Understanding or Interagency Agreement that address managing entity roles, relationship, and collaboration with the courts, law enforcement, health, and state and community agencies.

(2) Provider network management.

(a) The managing entity is responsible for the development of a provider service network composed of direct service agencies under contract with a managing entity and that together provide a comprehensive array of emergency, acute care, residential, outpatient, recovery, consumer support and prevention services.

(b) The managing entity when contracting with providers are to ensure that agencies are qualified and capable of providing quality client services. The managing entity will develop policies, procedures, and practices that assure that network providers are complying with applicable laws, rules, regulations, and contract requirements.

(c) The managing entity will ensure that, within available resources, a comprehensive system of care is available within their respective geographic area that is accessible, co-occurring competent, and consists of a range of services that is responsive to the needs of persons receiving services and is responsive to the needs of the community.

(3) Financial Management.

(a) The Managing Entity is responsible for the management, accountability, and efficient use of public funds by:

(b) Developing and negotiating rates with its network providers within the parameter established by the Department. Subject to approval by the Department, the managing entity may propose alternate payment methodologies such as case rates, capitation or other forms that demonstrate both accountability and efficiencies.

(c) Allocation of funds to providers consistent with departmentally approved allocation methodologies.

(d) Verifying the accuracy of provider invoices and ensuring timely payment of providers.

(e) Managing Department funding allocations to ensure that state and Federal requirements are met.

(f) Achieving efficiencies by the consolidation of provider operational functions including, but not limited to, data collection and analysis, administrative efficiencies, and group purchasing. Reinvesting funds gained by efficiencies into the system of care after achieving departmentally approved reserves and necessary infrastructure development.

(4) Planning.

(a) The managing entity will participate in the departmental planning process of the state, regional, and circuit levels.

(b) A transition plan is required prior to a managing entity assuming responsibility for behavioral health services within a geographic area. The transition plan guidance will be provided by the Department.

(c) A three (3) year managing entity strategic plan is required to be submitted on a schedule that corresponds to the departmental statutorily required Substance Abuse and Mental Health Plan.

1. The Department will establish both the content requirements and due date of the Managing Entity Strategic Plan.

2. The Strategic Plan will be submitted by each managing entity and will address the strategic direction, goals, objectives, and activities to be accomplished during the three (3) year strategic planning cycle.

a. An annual business or operational plan is required to delineate progress in meeting the managing entity's goals, objectives, and needs.

b. The Department will establish plan requirements and timeframes for the submission of the annual business plan.

c. All plans referenced in this section will be approved by the Managing Entity Board of Directors and include opportunities for public and stakeholder input.

d. All plans referenced in this section are subject to review and approval by the Department.

e. Approved managing entity plans will be provided to each of the County Commissioners of the counties served by the managing entity, as well as to any local government or agency that provides funding in support of behavioral health services within the managing entities geographic area.

(5) Data Collection, Analysis, and Reporting.

(a) The managing entity shall have the capability and capacity to submit all the required data electronically into the Substance Abuse and Mental Health Information System (SAMHIS). The contractor shall submit these data based on policies and procedures outlined in the most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data – DCF Pamphlet 155-2, effective date September 1, 2008, 9th version (available on the department's website, www.dcf.state.fl.us/mentalhealth/publications/index.shtml).

(b) The managing entity shall have the capability to ensure that all the data submitted into the SAMHIS database by the contractor or by the network providers under contract with the managing entity not only are complete, accurate, and timely as specified in the *Mental Health and Substance Abuse Measurement and Data – DCF Pamphlet 155-2* (available on the department's website, www.dcf.state.fl.us/mentalhealth/publications/index.shtml) but also are consistent with the data maintained locally by the contractor or by the network providers in their client's files.

(c) The managing entity shall establish procedures for documenting and reporting service events in such manner as to provide a clear and distinguishable audit trail of each service event submitted into the SAMHIS database. At a minimum, the audit trail documentation shall include the following: the HIPAA procedure code description; service data and duration; the recipient names and identification number; and the staff names and identification number. Such procedures shall ensure that the Department is not billed for unallowable or more service event units than are eligible for payment.

(d) To be paid by the Department, the managing entity shall use the service event data submitted into the SAMHIS database as the main source for verifying and justifying the service units provided by the contractor and the amount billed to or paid by the Department. The Department may deny all or part of the payment if the managing entity fails to comply with this data submission requirement.

(6) Continuous Quality Improvement.

(a) The managing entity will establish a clearly delineated continuous improvement program that provides for the meaningful involvement of managing entity personnel, provider organizations, consumers, and stakeholders. The program will:

1. Establish measurable goals and objectives.
2. Develop valid and reliable performance measures and client outcome measures.
3. Measure the overall performance of the managing entity, the system of care, and the performance of participating provider agencies.
4. Measure the managing entities performance in relation to measures established by Federal and state funders.
5. Insure that there are mechanisms that identify performance issues, conduct analysis of performance issues, develop appropriate interventions, and measure the effects of those interventions.
6. Review the results of quality assurance reviews, external monitoring, critical incidents, consumer complaints and grievances, and take steps to initiate improvement.
7. Identify service delivery problems and opportunities for improvement.
8. Measure consumer, community, and provider satisfaction.

(b) The managing entity will establish a Quality Assurance Program that, at a minimum, addresses the following area:

1. Monitor contracted agencies to insure that the managing entity contract requirements are met.
2. Monitor provider invoices for accuracy and allowability of the services billed.
3. Monitor data submitted by contracted providers to insure completeness and accuracy.
4. Establish an Incident Reporting and notification system that provides timely reporting of adverse incidents.
5. The Quality Assurance Program will include specifications for the monitoring of each contractor to insure quality of client services.

(7) Peer Review.

(a) The managing entity continuous quality improvement program will include a peer review process that involves the review of staff member's professional work by comparing trained and qualified individuals who perform similar tasks.

(b) The managing entity will insure that all participating agencies has a peer review process in place.

(c) The managing entity may establish a peer review process that reviews agency clinical practices and provides technical assistance to individuals and agencies in the adoption and use of evidence-based practices.

(8) Utilization Management.

(a) The managing entity will develop a utilization management program that at a minimum:

1. Measures the cost effectiveness and appropriateness of treatment services.
2. Establishes agency procedures for the elimination of waiting lists, maximizing the utilization and appropriateness of treatment services.
3. Utilization management practices may include preauthorization of service, retrospective reviews of service utilization, as well as, specialized provider reviews of service utilization.

(9) Technical Assistance and Training.

(a) The managing entity will provide technical assistance and training in a minimum of two areas:

1. Provide technical assistance and training to network providers in network functions such as contract management and invoice submission; data reporting and analysis, and quality improvement functions.
2. Provide training and technical assistance in the adoption and implementation of evidence-based practices.
3. The managing entity may either provide training and technical assistance directly or arrange for the provision of technical assistance and training.

(10) Board Development and Governance.

(a) The managing entity will provide board development activities:

1. Orient Board members to their respective obligations as Board members.
2. Orient Board members to the activities of the managing entity and its provider agencies.
3. Insure that the Board is fully informed on policies which they will be voting.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History—New _____.

65D-31.005 Managing Entity Policies Requiring Departmental Approval.

(1) The managing entity will ensure provider compliance with all applicable Federal and state statues, rules, and Departmental procedures. Managing entities will submit critical policies and procedures to the Department for review and approval. At a minimum, the policies addressing the following will be submitted to the Department for approval:

- (a) Contract administration, management, and monitoring.
- (b) Standards for client records.

(c) Continuity of care and case management of persons civilly committed to state mental health treatment facilities and for those persons on involuntary outpatient status.

(d) The assessment of service and treatment needs of individuals in state mental health treatment facilities who are ready to return to the community. The procedure will address the identification of services individuals will need upon return to the community, procedures for obtaining identified services and ensuring an array of services is provided to meet individual needs.

(e) Forensic services – continuity of care, case management, community-based competence, restoration, and coordination of conditional release for individuals committed pursuant to Chapter 916, F.S.

(f) A policy that delineates the managing entities activities in monitoring emergency and acute care services and the effective utilization of those services. The policy must also address relationships with public and private receiving facilities, any local transportation plans or protocols required to ensure timely client access to services.

(g) Incident reporting.

(h) Quality assurance – provider monitoring to insure compliance with client care requirements, contacting and financial specifications of statute, rule, and policies and contract requirements.

(i) Data collection, reporting, and analysis.

(j) Provider selection, retention, and provider relation.

(k) Utilization management.

(l) Continuous quality improvement.

(m) Financial management, accountability, and allocation of funds.

(n) Consumer and family involvement and consumer relations.

(o) Cultural competency.

(p) Client rights.

(q) Board member recruitment, activities, and retention.

(r) Disaster planning and response.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

65D-31.006 Department’s Responsibilities.

(1) Notwithstanding the Department’s responsibilities as authorized in Chapters 394 and 397, F.S.; upon contracting with a comprehensive managing entity, the Department will:

(a) Conduct on-site readiness reviews of the managing entity to assess its operational capacity and capabilities and determine its ability to satisfactorily perform the duties to be contracted.

(b) The Department in collaboration with community stakeholders, including providers and managing entities will develop objective standards to measure the competence of managing entities to assume the responsibilities described in Section 394.9082, F.S.

(c) Monitor the performance of managing entities to ensure compliance with applicable statutes, rules, policies, and contract requirements.

(d) The Department will retain the responsibilities for licensing of Substance Abuse Prevention and Treatment Providers, the designation of both private and public Baker Act receiving facilities, and the designation of Addictions Receiving Facilities.

(e) The Department will negotiate annually with the managing entity to determine performance measures, quality improvement goals, and the quality assurance activities of the managing entity.

(f) The Department will provide guidelines for both the managing entity’s strategic and annual business or operational plan.

1. Plan guidelines will reflect the Department’s strategic goals, objectives, and initiatives established by the Legislature and Department.

2. The Department is responsible for the timely review of the managing entity and for identifying needed amendments or modifications to the plan.

(g) The Department will provide minimum specifications for those managing entity policies requiring departmental approval.

1. The Department is responsible for the timely review of the required policies and for identifying required amendments or modifications necessary to gain departmental approval.

(h) The Department is responsible for providing the specifications to the managing entity for a disaster continuity of operation plan and disaster response requirements.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John N. Bryant, Substance Abuse Program Office, 1317
Winewood Boulevard, Building 6, Suite 300, Tallahassee,
Florida 32399-0700

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Stephenie W. Colston, Director, 1317
Winewood Boulevard, Building 6 Suite 300, Tallahassee,
Florida 32399-0700

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 5, 2008, Vol. 34, No. 49

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-149.205
RULE TITLE: Indemnity Standard Risk Rate
PURPOSE AND EFFECT: To comply with the statutory mandates of Section 627.6675(3), F.S., relating to the creation of standard risk rates.

SUMMARY: The Office is required by Section 627.6675(3)(c), F.S., to conduct an annual survey of the individual market (as contrasted with the group market) and determine “standard risk rates”. These standard risk rates are the average rates charged in the individual market for health insurance. The standard risk rates are used by the health insurers in setting their conversion rates, because pursuant to Section 627.6675(3)(a), F.S., the maximum a health insurer can charge for a conversion policy is 200% of the standard risk rate. The annual survey is conducted for PPO/EPO, Indemnity and HMO separately.

The rates for indemnity benefit plans set out in the existing rule have been determined by the Office to be unreasonably high, due to the inclusion in the survey of an out of state company that is no longer writing insurance in this state. The Office does not regulate the rates of out of state companies. Because inclusion of this company’s rates have skewed the results of the survey, the rates in this rule amendment have been recalculated without this company’s rates. The standard risk rates for indemnity plans in this amended rule are more reasonable.

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

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

RULEMAKING AUTHORITY: 624.308, 627.6675(3)(c) FS.
LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) 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: May 13, 2009, 9:30 a.m.
PLACE: 143 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: Dan Keating, Office of Insurance Regulation; E-mail: Dan.Keating@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 RULES IS: Dan Keating, Office of Insurance Regulation, E-mail: Dan.Keating@flor.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-149.205 Indemnity Standard Risk Rate.
 (1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN			County	Area Factor
Age	Male	Female		
0-17	\$1,407.85	\$1,407.85	Alachua	0.70
18	\$1,796.44	\$2,599.81	Baker	0.78
19	\$1,796.44	\$2,599.81	Bay	0.80
20	\$1,796.44	\$2,599.81	Bradford	0.82
21	\$1,796.44	\$2,599.81	Brevard	0.93
22	\$1,796.44	\$2,599.81	Broward	1.41
23	\$1,796.44	\$2,599.81	Calhoun	0.75
24	\$1,796.44	\$2,599.81	Charlotte	0.95
25	\$1,796.44	\$2,599.81	Citrus	0.72
26	\$1,965.21	\$2,760.44	Clay	0.80
27	\$2,105.71	\$2,915.99	Collier	0.93
28	\$2,219.57	\$3,067.27	Columbia	0.80
29	\$2,311.89	\$3,214.48	Dade	1.30
30	\$2,385.29	\$3,358.84	De Soto	0.74
31	\$2,443.44	\$3,499.75	Dixie	0.69
32	\$2,490.21	\$3,639.65	Duval	0.94

<u>33</u>	<u>\$2,528.84</u>	<u>\$3,777.51</u>
<u>34</u>	<u>\$2,562.39</u>	<u>\$3,914.75</u>
<u>35</u>	<u>\$2,581.30</u>	<u>\$4,072.95</u>
<u>36</u>	<u>\$2,600.42</u>	<u>\$4,173.39</u>
<u>37</u>	<u>\$2,619.33</u>	<u>\$4,291.12</u>
<u>38</u>	<u>\$2,637.02</u>	<u>\$4,423.90</u>
<u>39</u>	<u>\$2,707.98</u>	<u>\$4,571.31</u>
<u>40</u>	<u>\$2,809.03</u>	<u>\$4,759.80</u>
<u>41</u>	<u>\$2,940.59</u>	<u>\$4,927.55</u>
<u>42</u>	<u>\$3,101.43</u>	<u>\$5,100.79</u>
<u>43</u>	<u>\$3,297.44</u>	<u>\$5,260.81</u>
<u>44</u>	<u>\$3,516.83</u>	<u>\$5,434.66</u>
<u>45</u>	<u>\$3,749.65</u>	<u>\$5,605.46</u>
<u>46</u>	<u>\$3,985.51</u>	<u>\$5,774.43</u>
<u>47</u>	<u>\$4,217.72</u>	<u>\$5,925.51</u>
<u>48</u>	<u>\$4,327.72</u>	<u>\$5,976.75</u>
<u>49</u>	<u>\$4,484.69</u>	<u>\$6,040.80</u>
<u>50</u>	<u>\$4,687.01</u>	<u>\$6,149.58</u>
<u>51</u>	<u>\$4,933.86</u>	<u>\$6,225.42</u>
<u>52</u>	<u>\$5,219.74</u>	<u>\$6,299.43</u>
<u>53</u>	<u>\$5,426.53</u>	<u>\$6,311.43</u>
<u>54</u>	<u>\$5,720.55</u>	<u>\$6,336.64</u>
<u>55</u>	<u>\$6,090.61</u>	<u>\$6,370.19</u>
<u>56</u>	<u>\$6,517.61</u>	<u>\$6,440.55</u>
<u>57</u>	<u>\$6,973.07</u>	<u>\$6,541.60</u>
<u>58</u>	<u>\$7,420.81</u>	<u>\$6,678.85</u>
<u>59</u>	<u>\$7,820.77</u>	<u>\$6,853.51</u>
<u>60</u>	<u>\$8,133.69</u>	<u>\$7,038.14</u>
<u>61</u>	<u>\$8,327.27</u>	<u>\$7,276.65</u>
<u>62</u>	<u>\$8,372.81</u>	<u>\$7,528.98</u>
<u>63</u>	<u>\$8,372.81</u>	<u>\$7,769.53</u>
<u>64</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>65</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>66</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>67</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>68</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>69</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>70</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>71</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>72</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>73</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>74</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>75</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>

<u>Escambia</u>	<u>0.77</u>
<u>Flagler</u>	<u>0.86</u>
<u>Franklin</u>	<u>0.75</u>
<u>Gadsden</u>	<u>0.75</u>
<u>Gilchrist</u>	<u>0.75</u>
<u>Glades</u>	<u>0.98</u>
<u>Gulf</u>	<u>0.76</u>
<u>Hamilton</u>	<u>0.77</u>
<u>Hardee</u>	<u>0.80</u>
<u>Hendry</u>	<u>0.97</u>
<u>Hernando</u>	<u>0.85</u>
<u>Highlands</u>	<u>0.71</u>
<u>Hillsborough</u>	<u>0.82</u>
<u>Holmes</u>	<u>0.75</u>
<u>Indian River</u>	<u>0.92</u>
<u>Jackson</u>	<u>0.77</u>
<u>Jefferson</u>	<u>0.75</u>
<u>Lafayette</u>	<u>0.78</u>
<u>Lake</u>	<u>0.90</u>
<u>Lee</u>	<u>0.97</u>
<u>Leon</u>	<u>0.79</u>
<u>Levy</u>	<u>0.80</u>
<u>Liberty</u>	<u>0.75</u>
<u>Madison</u>	<u>0.79</u>
<u>Manatee</u>	<u>0.91</u>
<u>Marion</u>	<u>0.77</u>
<u>Martin</u>	<u>0.94</u>
<u>Monroe</u>	<u>1.30</u>
<u>Nassau</u>	<u>0.85</u>
<u>Okaloosa</u>	<u>0.76</u>
<u>Okeechobee</u>	<u>0.97</u>
<u>Orange</u>	<u>0.90</u>
<u>Osceola</u>	<u>0.91</u>
<u>Palm Beach</u>	<u>1.00</u>
<u>Pasco</u>	<u>0.90</u>
<u>Pinellas</u>	<u>0.87</u>
<u>Polk</u>	<u>0.84</u>
<u>Putnam</u>	<u>0.81</u>
<u>St. Johns</u>	<u>0.77</u>
<u>St. Lucie</u>	<u>0.99</u>
<u>Santa Rosa</u>	<u>0.77</u>
<u>Sarasota</u>	<u>0.76</u>
<u>Seminole</u>	<u>0.92</u>

76	<u>\$8,372.81</u>	<u>\$7,960.46</u>
77	<u>\$8,372.81</u>	<u>\$7,960.46</u>
78	<u>\$8,372.81</u>	<u>\$7,960.46</u>
79	<u>\$8,372.81</u>	<u>\$7,960.46</u>
0-17	\$1,382.09	\$1,382.09
18	\$2,321.95	\$2,825.51
19	\$2,321.95	\$2,825.51
20	\$2,321.95	\$2,825.51
21	\$2,321.95	\$2,825.51
22	\$2,321.95	\$2,825.51
23	\$2,321.95	\$2,825.51
24	\$2,321.95	\$2,825.51
25	\$2,321.95	\$2,825.51
26	\$2,402.43	\$2,939.73
27	\$2,485.69	\$3,058.57
28	\$2,571.85	\$3,182.21
29	\$2,660.98	\$3,310.85
30	\$2,753.21	\$3,444.68
31	\$2,848.63	\$3,583.93
32	\$2,947.37	\$3,728.81
33	\$3,049.52	\$3,879.55
34	\$3,155.21	\$4,036.38
35	\$3,264.57	\$4,199.55
36	\$3,384.66	\$4,340.95
37	\$3,509.17	\$4,487.12
38	\$3,638.25	\$4,638.21
39	\$3,772.09	\$4,794.39
40	\$3,910.85	\$4,955.83
41	\$4,054.71	\$5,122.70
42	\$4,203.87	\$5,295.20
43	\$4,358.51	\$5,473.50
44	\$4,518.84	\$5,657.80
45	\$4,685.07	\$5,848.31
46	\$4,902.63	\$5,999.73

Sumter	<u>0.81</u>
Suwannee	<u>0.82</u>
Taylor	<u>0.79</u>
Union	<u>0.79</u>
Volusia	<u>0.92</u>
Wakulla	<u>0.75</u>
Walton	<u>0.76</u>
Washington	<u>0.76</u>
Alachua	0.70
Baker	0.78
Bay	0.80
Bradford	0.82
Brevard	0.93
Broward	1.41
Calhoun	0.75
Charlotte	0.95
Citrus	0.72
Clay	0.80
Collier	0.93
Columbia	0.80
Dade	1.30
DeSoto	0.74
Dixie	0.69
Duval	0.94
Escambia	0.77
Flagler	0.86
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	0.97
Hernando	0.85
Highlands	0.71
Hillsborough	0.82
Holmes	0.75

47	\$5,130.30	\$6,155.08
48	\$5,368.54	\$6,314.45
49	\$5,617.84	\$6,477.94
50	\$5,878.72	\$6,645.67
51	\$6,151.72	\$6,817.74
52	\$6,437.39	\$6,994.26
53	\$6,736.33	\$7,175.36
54	\$7,049.15	\$7,361.14
55	\$7,376.49	\$7,551.74
56	\$7,579.54	\$7,720.48
57	\$7,788.18	\$7,893.00
58	\$8,002.56	\$8,069.37
59	\$8,222.84	\$8,249.69
60	\$8,449.19	\$8,434.03
61	\$8,681.76	\$8,622.49
62	\$8,920.74	\$8,815.16
63	\$9,166.29	\$9,012.14
64	\$9,418.61	\$9,213.52
65	\$9,677.87	\$9,419.40
66	\$9,677.87	\$9,419.40
67	\$9,677.87	\$9,419.40
68	\$9,677.87	\$9,419.40
69	\$9,677.87	\$9,419.40
70	\$9,677.87	\$9,419.40
71	\$9,677.87	\$9,419.40
72	\$9,677.87	\$9,419.40
73	\$9,677.87	\$9,419.40
74	\$9,677.87	\$9,419.40
75	\$9,677.87	\$9,419.40
76	\$9,677.87	\$9,419.40
77	\$9,677.87	\$9,419.40
78	\$9,677.87	\$9,419.40
79	\$9,677.87	\$9,419.40

Indian River	0.92
Jackson	0.77
Jefferson	0.75
Lafayette	0.78
Lake	0.90
Lee	0.97
Leon	0.79
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.91
Marion	0.77
Martin	0.94
Monroe	1.30
Nassau	0.85
Okaloosa	0.76
Okeechobee	0.97
Orange	0.90
Osceola	0.91
Palm Beach	1.00
Pasco	0.90
Pinellas	0.87
Polk	0.84
Putnam	0.81
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.92
Wakulla	0.75
Walton	0.76
Washington	0.76

Rulemaking Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, 5-22-05, 6-1-06, 8-23-07, 10-29-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Keating, Office of Insurance Regulation, e-mail Dan.Keating@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

RULE NO.: 71-1.001
 RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed new Rule 71-1.001, F.A.C., is to grant delegation of authority to the Executive Director of the Agency for Enterprise Information Technology (AEIT) from the Governor and Cabinet for the general day-to-day administrative duties of the Agency, for those duties and responsibilities relating to enterprise IT services and information security, and for those duties and responsibilities relating to the state data center system. The effect of this rule is a decrease in the day-to-day responsibilities of the Governor and Cabinet in regards to the statutory obligations of the AEIT, and an increase in the efficiency and ease of administration of the AEIT to perform its statutory obligations.

SUMMARY: Proposed Rule 71-1.001, F.A.C., enumerates the duties delegated from the head of the Agency, the Governor and Cabinet, to the Executive Director of the AEIT. Chapter 14.204, F.S. establishes the AEIT and outlines the responsibilities of the Agency in regards to enterprise IT services in the State of Florida; Section 282.201, F.S., outlines the duties and responsibilities of the AEIT concerning the State Data Center System; and Section 282.318, F.S., outlines the duties and responsibilities relating to enterprise information security. Duties which cannot be delegated, and which require approval of the Governor and Cabinet by statute, include (1) final approval of the Agency's Annual Operational Work Plan (Section 282.0056, F.S.); (2) Initiation of the rule-making process; and (3) Final approval of rules created by the Agency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 14.204(6) FS.

LAW IMPLEMENTED: 14.204, 282.201, 282.318 FS.

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

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: Dawn Creamer, (850)922-7502. 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: Dawn Creamer, Assistant to the Executive Director, Agency for Enterprise Information Technology, 4030 Esplanade Way, Suite 135, Tallahassee, FL 32399-0950; telephone (850)922-7502; e-mail: Dawn.Creamer@aeit.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

DELEGATION OF AUTHORITY71-1.001 Delegation of Authority.

In accordance with Section 20.05(1)(b), F.S., the Executive Director or the Executive Director's designee are authorized to take the following actions:

(1) To perform all administrative activities required to supervise, direct, conduct, and administer the day-to-day duties of the Agency as authorized by law, or by rules or in directives issued by the Governor and Cabinet acting as the head of the Agency.

(2) To take any action concerning planning and budgeting for the Agency, as authorized pursuant to Chapter 216, F.S., or other laws or rules adopted by the Governor and Cabinet, or in directives issued by the Governor and Cabinet acting as the head of the Agency.

(3)(a) To negotiate, enter into and execute purchases, contracts, leases, lease-purchases, licenses and agreements relating to real, personal and mixed property, services, commodities and capital outlay items with government agencies and persons as defined in Section 1.01(3), F.S., and carry out on a day-to-day basis, the operations of the Agency. The foregoing authority shall be within current appropriations and shall be in accordance with pertinent statutes and rules of the Department of Management Services and the Department of Financial Services. The Executive Director shall report all contracts, leases, lease-purchases, licenses, agreements and purchases involving the expenditure of more than \$100,000 to the Governor and Cabinet on a quarterly basis.

(b) To contract for consultant and professional services up to \$100,000. However, selection of consultant and professional services, other than sole sources, shall be by procedures set forth in the Consultants Competitive Negotiations Act (Section 287.055, F.S.) or other competitive selection process established by rule.

(4) To designate appropriate officials or employees to act as custodian of the records of the Agency, and to accept service of process on behalf of the Agency and Executive Director in accordance with the law.

(5) To bring suit in the name of the Agency and in consultation with the Attorney General, or to defend suit in the name of the Agency.

(6) To compromise and settle in the best interest of the Agency, subject to Section 45.062, F.S., all claims, actions, causes of action and legal proceedings that are brought against

the Agency or any of its employees acting within the scope of their employment. Such compromises and settlements shall be limited to cases where the total amount paid is less than \$100,000 and shall be reported to the Governor and Cabinet on at least a quarterly basis.

(7) To accept donations and gifts of property or grants of money on behalf of the Agency in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state. Any such donations shall be reported to the Governor and Cabinet on a quarterly basis.

(8) To act on behalf of the Agency in carrying out the provisions of Chapter 120, F.S., unless prohibited by law or by directives issued by the Governor and Cabinet acting as the head of the Agency. This delegation specifically includes, but is not limited to the following:

(a) To publish a notice of intended rulemaking, after approval of such proposed notice by the Governor and Cabinet pursuant to Section 120.54(1)(k), F.S.

(b) To certify that a proposed rule has been approved by the Governor and Cabinet pursuant to Section 120.54(3)(e)1., F.S.

(c) To file with the Department of State the approved rule pursuant to Section 120.54 (3)(e)1., F.S.

(d) To explain in writing when appropriate why a rule development workshop is unnecessary.

(e) To issue declaratory statements pursuant to Section 120.565, F.S.

(f) To provide methods for making available a description of the Agency's organization and general course of its operations, pursuant to Section 120.54(5)(b)7., F.S.

(g) To issue a written statement pursuant to Section 120.57(3)(c), F.S., explaining why a bid solicitation process or contract award process must be continued without delay due to an immediate and serious danger to the public health, safety or welfare.

(9) To perform all administrative activities required to supervise, direct, conduct, and administer the duties relating to enterprise information technology services set forth in Section 14.204(4), F.S., or in rules adopted thereunder relating to enterprise information technology issues.

(10) To perform all administrative activities required to supervise, direct, conduct and administer the duties set forth in Section 282.318, F.S., or in rules adopted thereunder relating to information security issues.

(11) To perform all administrative activities required to supervise, direct, conduct and administer the duties set forth in Section 282.201, F.S., or in rules adopted thereunder relating to the State Data System.

Rulemaking Authority 14.204(6) FS. Law Implemented 14.204, 282.201, 282.318 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David W. Taylor, Executive Director, Agency for Enterprise Information Technology, 4030 Esplanade Way, Suite 135, Tallahassee, Florida, 32399-0950; telephone (850)922-7502

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet, The Capitol, Tallahassee, Florida 32399-0001

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009. The notice of rule development for this rule stated that a workshop would not be held unless one was requested in writing. The Agency did not receive a written request to hold a workshop. Throughout this rulemaking process, copies have been made available upon request.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly.

Form SES 100 as incorporated by reference was amended as shown below:

I. APPLICATION INSTRUCTIONS AND REQUIREMENTS A. Submission Deadline Requirements

The submission deadline for the 2009-2010 academic school year is 11:59 p.m. Eastern Standard Time (EST) on May 25, 2009. For subsequent academic school years, the submission deadline is 11:59 p.m. EST on the first Friday in March. Applications submitted by means other than those set forth in the Request for Applications (RFA), and applications received after the deadline for submission, regardless of the cause or nature of the delay, will not be accepted or considered for approval by the Department.

~~Submission Deadline Requirements~~

~~This application process is for Supplemental Educational Services providers to become approved for the 2008-2009 academic school year and is for services provided to students by October 15, 2008. By March 3, 2008, each applicant must:~~

- ~~◆ Submit the on-line application~~

• Mail or hand deliver hard copy documentation of the following:

- Cover Page
- Checklist of Hard Copy Documentation Requirements
- Financial Soundness Documentation
- Original signed and properly executed assurances on Attachment A: General Assurances and Attachment B: Internet Statement of Assurances

The Florida Department of Education must receive all parts of the application by the stated deadline in order to be considered for review and approval. Failure to submit all parts by the deadline will result in the denial of approval of the application. No additional material beyond that which is requested will be considered.

1. On-line Application Requirements

This application must be SUBMITTED on-line at <http://www.fldoe.org/flbpso> no later than 11:59 p.m. EST on May 25, 2009. For subsequent academic school years, the submission deadline is 11:59 p.m. EST on the first Friday in March. It is the responsibility of the applicant to ensure that the on-line application is submitted by the stated deadline.

On-line Application Requirements

This application process is for the 2008-2009 academic school year and is for services provided to students by October 15, 2008. This application must be submitted on-line at <http://www.fldoe.org/flbpso> no later than 5:00 p.m. Eastern Standard Time on March 3, 2008. Applications received after this deadline will not be accepted.

2. Hard-Copy Documentation Requirements *Hard copy Documentation Requirements*

The financial soundness documentation and assurances must be RECEIVED by the Florida Department of Education (FLDOE) no later than 5:00 p.m. Eastern Standard Time on May 25, 2009. For subsequent academic school years, the submission deadline is 5:00 p.m. EST on the last Friday in March. Hard-copy documentation must be mailed or hand-delivered to the address listed below no later than 5:00 p.m. Eastern Standard Time on March 3, 2008. It is the responsibility of the sender to ensure that all hard-copy documentation is received by the stated deadline.

Hard-copy documentation should be MAILED or HAND-DELIVERED to:

Florida Department of Education
 Bureau of Student Assistance Public School Options
 325 West Gaines Street, Suite 348 346
 Tallahassee, FL 32399-0400

B. Technical Assistance *Technical Assistance*

Technical assistance regarding this RFA, review rubric, and the procedures for submitting a complete application will be posted on the FDOE website for SES at <http://www.fldoe.org/flbpso>.

C. Method of Review and Scoring Requirements *Method of Review and Scoring Requirements*

Each application is reviewed to ensure accurate completion of requested information and data, compliance with all provider eligibility requirements, and agreement with assurances set forth in the document. A minimum of three ~~five~~ reviewers will review the scored portion of the application narrative as follows: ~~the highest and lowest scores will be dropped and the remaining three scores will be averaged.~~ After averaging the remaining three scores, Ssuccessful applications require the following:

- 75% of the total possible points ~~A score of at least 70 points out of 100 points~~
- A score of at least two points for each question
- Submission of sufficient documentation of financial soundness
- Submission of all properly executed assurance pages

D. Method of Announcement *Method of Announcement*

All applicants will be notified by mail whether the application is approved or denied ~~not approved~~. Additionally, the list of the state-approved SES providers for the 2008-2009 school year will be posted on the FLDOE Web site ~~website~~ for SES at <http://www.fldoe.org/flbpso>. Information regarding approval or non-approval will not be provided via email or telephone.

Eligible Service Providers

The following entities are eligible to apply to provide SES in Florida:

- Individuals
- For-profit companies
- Non-profit organizations
- Community-based/faith-based organizations
- Institutions of higher education
- Local educational agency such as a Florida public school district, a university laboratory school, and Florida Virtual School, that is not identified as in need of improvement, corrective action, or restructuring
- Public schools not identified as in need of improvement, corrective action, or restructuring
- Charter schools that are not identified as in need of improvement, corrective action, or restructuring
- Private schools
- 21st Century Community Learning Centers that are not affiliated with school districts identified as in need of improvement, corrective action, or restructuring
- Public libraries
- Distance learning services including computer based instruction
- In-home tutoring services
- Family literacy programs
- Child care centers serving school-age students
- Regional educational consortia

~~• School districts that are in need of improvement and have obtained a United States Department of Education (USDE) waiver to be providers of SES.~~

II. APPLICATION PROPOSAL

Please consider each of the responses carefully as these responses will become part of the terms of the contract signed with the school district. In addition, FLDOE will monitor each provider to ensure that the implementation of the program is consistent with the approved application.

A. Contact Information (* means fields required)

- *Name of Agency Head _____
- *Federal Employer Identification Number (FEIN) or Federal Tax ID Number _____
- *Name of Contact Person _____ *Title _____
- *Mailing Address _____
- *City _____ *State _____ *Zip Code _____ *Telephone Number _____ Fax Number _____
- *E-mail Address _____ Organization Web site _____
- *Contact Person for SES _____ *Title _____

Contact Information (All fields required) _____

Name of Company or Agency: _____

Federal Employer Identification Number (FEIN) or Federal Tax Identification Number: _____

Name of Contact Person: _____

Title: _____

Mailing Address: _____

City/State/Zip Code: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Organization Website: _____

B. Applicant Status

Please complete the following information.

- Applying as a NEW provider
- Applying as a RENEWING provider

Applicants Submitting as Renewing Providers:

(1) For which year(s) has the applicant been approved to provide SES in Florida? Yes No

School year(s) _____

Under what business name(s) _____

Serving which school district(s) _____

If approved in Florida, identify the Florida SES Provider ID Number(s) _____

(2) Is the applicant an approved provider for SES in any

other state? Yes No

If yes, identify the state(s) _____

Under what business name(s) _____

(3) Has the applicant been removed as an approved provider in any state or district within a state, including Florida? Yes No

If yes, company Name(s) Used: _____

If yes, identify the state(s) _____

If yes, provide the school year(s) date(s), district(s), and the reason(s) for removal _____

(4) Has the applicant ever served as a provider in Florida under any business name and had a contract with a district terminated? Yes No

Identify the district(s) _____

If so, provide the school year and the reason(s) for termination _____

For which year(s) has the applicant been approved for providing SES in Florida? _____

Under what business name(s): _____

Serving which school district(s): _____

If approved in Florida, identify the Florida SES Provider ID: _____

Is the applicant an approved provider for SES in any other state? _____

Yes No

Identify the state(s): _____

Has the applicant been removed as an approved provider in any state or district within a state, including Florida? _____

Yes No

Identify the state(s): _____

If yes, provide the state(s), school year(s) date(s), district(s), and the reason(s) for removal: _____

Has the applicant ever served as a provider in Florida and had a contract with a district terminated? _____

Yes No

Identify the district(s): _____

If so, provide the school year and the reason(s) for termination: _____

Service History

Has the applicant conducted surveys of parents whose children received SES tutoring in the prior school year? Yes No

If yes, do these results show that at least 50% of parents of participating students are satisfied with the services? Yes No

Has the applicant's instructional program been subject to a state or self-administered evaluation? Yes No

Yes No

Yes No

If yes, do these results demonstrate that the provider's instructional program has improved student achievement?

- Yes No

C. School District(s) to be Served: Select all school districts in which the applicant requests approval and agrees to provide SES. School District(s) to be Served (select all school districts in which the applicant requests approval and agrees to provide SES):

Indicate the school district(s) for which the applicant will provide services. A list of Title I schools, by district, with the identified School In Need of Improvement (SINI) status may be accessed at <http://www.fldoe.org/bsa/title1/pdf/2007sinilist.pdf>.

*Applicants that select to serve students at Florida School for Deaf and Blind must be able to provide transcription of materials into large print and Braille. In addition, tutors serving deaf students must be fluent in American Sign Language.

(List of Districts – no change)

D. Applicant Classification of Eligible SES Providers: Check the category that best describes the applicant's organization. Applicant Classification of Eligible SES Providers (check the category that best describes the applicant's organization)

- Individual
- For-profit company
- Non-profit organization
- Community based/faith-based organization
- Institution of higher education
- Local educational agency such as a Florida public school district, a university laboratory school, and Florida Virtual School, that is not identified as in need of improvement, corrective action, or restructuring
- Public schools not identified as in need of improvement, corrective action, or restructuring
- Charter school not identified as in need of improvement, corrective action, or restructuring
- Private school
- 21st Century Community Learning Center that is not affiliated with a school district that is identified as in need of improvement, corrective action, or restructuring
- Public library
- Distance learning service including computer based instruction
- In-home tutoring service
- Family literacy program
- Child care center serving school-age students
- Regional educational consortium
- School districts that are in need of improvement and have obtained a United States Department of Education (US ED) waiver to be providers of SES.
- Other _____ Other (Describe):

E. Academic and Instructional Information **ACADEMIC AND INSTRUCTIONAL INFORMATION**

1. Subject Area(s): Check all that apply. Subject Area(s) (check all that apply):

- Reading/Language Arts
- Mathematics
- Science

2. Additional Staff Qualifications: Check all that apply. Additional Staff Qualifications (check all that apply):

****NOTE**:** All tutorial staff must meet the minimum standards for Title I paraprofessionals, as follows:

- Title I paraprofessionals must have a secondary school diploma or its recognized equivalent; and
- Title I paraprofessionals must have at least one of the following:
 - Completed two years of study at an institution of higher education (equivalent to 60 semester hours)
 - Obtained an associate's (or higher) degree
 - Met a rigorous standard of quality and be able to demonstrate, through a formal local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Indicate tutorial staff qualifications below:

- Meet the minimum standards as Title I paraprofessionals
- Are qualified with a reading certification or endorsement
- Current State of Florida certified teachers Are qualified as state certified or licensed teachers
- Ability to communicate languages other than English
 - Spanish
 - Haitian Creole
 - Other (Identify) _____

Have experience in teaching students with specified disabilities

Please specify disabilities:

- Have experience in teaching students who are English Language Learners (ELL)
- Have the ability to speak languages other than English
 - Spanish
 - Haitian Creole
 - Other (Identify):

Have experience in teaching students with visual impairments

Have experience in teaching students with hearing impairments

3. Type of Instruction: Check all that apply. Type of Instruction (check all that apply):

- Individual tutoring
- In-home tutoring. A parent or guardian must be present during and throughout all tutoring sessions.

- Distance learning instruction (on-line, internet-based, or computer-based instruction)
- Small group instruction (not to exceed a group size of five students per tutor)
- Large group instruction (not to exceed a group size of eight students per tutor)

4. Grade Levels to be Served: Check all grades level you will serve for each subject area (Note: The curriculum described in the application must be appropriate for the grade levels indicated):

Grade Levels to be Served (check all that apply):

Reading/Language Arts

K	1	2	3	4	5	6	7	8	9	10	11	12

Mathematics:

K	1	2	3	4	5	6	7	8	9	10	11	12

Science

K	1	2	3	4	5	6	7	8	9	10	11	12

F. SES Provisions

1. Student Capacity Student Capacity

- ___ Indicate the minimum number of students that the applicant would serve at each site
- ___ ~~Indicate the maximum number of students that the applicant would serve in each school district~~

- Yes No Capacity to serve students with disabilities or plans developed under section 504 of the Rehabilitation Act
- Yes No Capacity to serve students who are English language learners (ELL)

- Capacity to serve students with visual impairments
- Capacity to serve students with hearing impairments

2. Location of Services: Check all that apply. Location of Services (check all that apply)

- School campus
- Provider facility
- Faith-based center (for example, church, temple, or mosque.)
- Community-based center
- Student's home (on-line or computer-based)
- Student's home with tutor present
- ~~Child Care Center~~
- Public site such as public library (describe): _____
- Other (describe): _____

Transportation

~~Will the applicant provide transportation if services are provided at a site other than the student's school?~~

~~Yes, transportation will be provided for each student enrolled from the school to the SES site and back to the school or home. Describe transportation service to be provided:~~

~~No, transportation will not be provided to students.~~

G. Operations: Check all that apply. Operations (check all that apply)

1. Day(s) Services will be Provided:

- Weekday (Monday – Friday)
- Weekend (Saturday – Sunday)

Day(s) Services will be Provided:

- Monday Tuesday Wednesday Thursday Friday
- Saturday Sunday

Frequency of SES sessions for each student:

- Every Day Once a Week Twice a Week Three Times a Week
- Other (Describe): _____

2. Length of each service session: Cumulative sessions may not exceed two hours per day or six hours per week. Length of each service session (Cumulative sessions may not exceed two hours per day or six hours per week.):

- 2 Hours
- 1 Hour
- 30 Minutes
- Other (describe) _____

Can the applicant provide a minimum of 20 hours of tutoring per student?

- Yes, the applicant can provide a minimum of 20 hours per student.
- No, the applicant cannot provide a minimum of 20 hours per student.

3. Times of Service Times of Service:

- Before school
- After school
- Weekends
- Summer (Identify dates, such as June 1 – August 4, 2009): _____
- Other (Describe): _____

H. Cost of Service COST OF SERVICE

1. Rate for Provision of SES: Per Student, Per Hour, Per Type of Instruction Rate for Provision of SES: Per Student, Per Hour, Per Type of Instruction

Indicate the rate to serve SES for each student per hour and for each type of instruction offered ~~and indicated in this application under Type of Instruction. For the 2007-2008 school year, the statewide average cost per pupil for SES is \$1,120. More detailed information on the cost per pupil allocation for supplemental educational services may be found at <http://www.fldoc.org/flbpso/xls/perpupil-allocation0708.xls>.~~

~~**Note** The allowable range is between \$5 and up to \$70.80 per hour for each student, per hour, and per type of instruction.~~

RATE PER STUDENT PER HOUR:

\$ _____ Small group instruction (group size two to five students per tutor ~~not to exceed five students with one tutor~~)

- \$ _____ Large group instruction (group size six to eight students per tutor ~~not to exceed ten students with one tutor~~)
- \$ _____ Distance learning including computer-based instruction
- \$ _____ Individual tutoring
- \$ _____ In-home tutoring

III. APPLICATION NARRATIVE: To ensure an anonymous review of the application, the company name should not be included in this section.

~~THE FOLLOWING ITEM WILL NOT BE SCORED (0 points):~~

~~Summarize the overall proposed program in a narrative including services provided, diagnostic/prescription process, curriculum, type of instruction, mode of instruction, and major elements of the program.~~

THE FOLLOWING ITEMS WILL BE SCORED (0-5 points per question):

A. The provider must have a demonstrated record of effectiveness in increasing the student academic achievement toward meeting the state achievement standards [NCLB, 20 U.S.C. Section 6316(e)(12)(B)(i)].

1. ~~Provide the~~ Describe specific student achievement data that ~~document evidence~~ that the applicant's company or organization had a positive impact on increasing student achievement toward meeting state achievement standards. Include quantitative data that documents student learning gains.

~~2. Provide results of state evaluations and parent satisfaction surveys that attest to the program's effectiveness in raising student achievement, if any exist.~~

B. The provider must document that the instruction provided is high quality, based upon research, and designed to increase student academic achievement of eligible students and attain proficiency in meeting the state's academic achievement standards [NCLB, 20 U.S.C. Section 6316(e)(12)(C)(ii)].

~~2.3-~~ Identify the curriculum and key instructional strategies of the proposed program and quantitative research that documents its effectiveness in increasing student achievement.

~~3-~~ Identify the key instructional strategies of the proposed program and the quantitative research that documents the effectiveness of the instructional strategies in increasing student achievement. Examples of instructional strategies may include scaffolding, graphic organizers, use of manipulative resources, effective question and answer techniques, use of prior knowledge, direct instruction, directed practice, and mastery learning. For more information on effective instructional strategies, see <http://www.ept.fsu.edu/ESE/in/strmain.html>.

~~4-~~ Identify the major design elements of the proposed program and quantitative research that documents the effectiveness of the elements in increasing student achievement. Examples of major elements may include mode of instruction, time on task, or resource materials.

~~5-~~ Identify the delivery model of the proposed program and the quantitative research that documents the effectiveness in increasing student achievement. Include academic research with specific evidence the delivery model has positive impact on increasing student achievement. Examples of delivery models include group size for instruction, direct instruction, distance learning, computer-based, individual tutoring, in home tutoring. (NOTE: Homework assistance is not a form of SES.)

~~3.6-~~ Describe how instruction will be focused, intensive, and tailored to meet the needs of individual students, including students with disabilities, students with 504 plans, and English language learners.

C. The provider must ensure that supplemental educational services are consistent with the instructional program of the local educational agency and the academic standards set forth by the state (Sunshine State Standards) [NCLB, 20 U.S.C. Sections 6316(e)(5)(B) and 6316(e)(12)(B)(ii)].

~~4.7-~~ Describe the alignment of the process the applicant will use to ensure that the proposed curriculum with is correlated to the Sunshine State Standards for each grade level and content area you plan to serve. For information on Florida's Sunshine State Standards, see <http://www.fldoe.org/bii/curriculum/sss/>.

~~5.8-~~ Describe the process the applicant will use to ensure the proposed program aligns with the instructional program of the school district(s) in which the applicant intends to serve students. Cite at least one example of the correlation of the proposed program ~~and describe its integration~~ with at least one district that the applicant intends to serve.

~~6.9-~~ Describe how the process to ensure that the applicant will coordinate supplemental educational services with the classroom instructional program of the students receiving the services. Describe the specific methods, tools, and processes that will be used to execute this coordination.

D. The provider must set measurable achievement goals for each student in consultation with each student's parents and the school district and adhere to the timetable for improving the student's achievement in the student learning plan. The provider must measure the student's progress, and regularly inform the student's parents and teachers regarding the progress of the student in improving academic achievement as outlined in the student learning plan [NCLB, 20 U.S.C. Sections 6316(e)(3)(A) and (B)].

~~7.10-~~ Describe how diagnostic assessment data will be used to identify the student's knowledge and skills gaps and set measurable goals for the student learning plan.

~~8.41.~~ Identify the specific assessment to be administered if district student data are not available for developing the student learning plan. Describe the specific pre- and post-assessments that will be used and the alignment to the Sunshine State Standards.

~~11.~~ Describe the process and timelines for the development of the student learning plan.

~~9.42.~~ Describe the procedures and timelines to be used to evaluate, monitor, and report, at a minimum monthly, each student's progress toward meeting the goals as stated on the student learning plan. Address how applicant ensures that the progress reports are understandable to parents and in parents' native language, if feasible. Include frequency of progress reports to student's parents, teachers, and appropriate school district staff.

~~13.~~ Describe how student attendance and participation data will be collected, verified, and reported to the school district. Include strategies for improving attendance of students who are habitually absent.

~~14.~~ Describe the process and timelines the applicant will use to ensure that services begin no later than October 15th of each school year. Include steps and timelines the applicant will implement from approval of the application to the provision of services to students.

E. The provider must have the capacity and resources, including financial soundness and compliance with applicable federal, state, and local health, safety, and civil rights laws and regulations, to provide supplemental services to students [NCLB, 20 U.S.C. Sections 6316(e)(12)(B)(iii) and (e)(5)(C)].

~~10.45.~~ Describe the applicant's infrastructure, including resources such as personnel, buildings, or equipment, and capacity to ensure services begin no later than October 15th of each school year. Include roles and responsibilities of staff within the organization.

~~16.~~ Describe the process for recruiting, hiring, and initial training of staff.

~~11.17.~~ Describe the initial training, professional development, and ongoing support provided to tutors to ensure that the proposed program is implemented with fidelity.

~~12.18.~~ Describe procedures for supervising tutors to ensure the proposed program is implemented with fidelity and that all employees comply with ethical business practices pursuant to assurances found in the Request for Application, such as behavior at provider fairs, quality of tutoring services, and effectiveness of instruction.

~~13.49.~~ Describe the process and procedures for monitoring the program to ensure the proposed program is implemented with fidelity, such as tutor/student ratio, supervision of students, approved instructional materials, students on task, or beginning services on time.

~~20.~~ Describe procedures to be used to ensure that all staff providing direct services to students or having access to school grounds comply with fingerprint based background screening

~~pursuant to Section 1012.465, Florida Statutes (Background screening requirements for certain noninstructional school district employees and contractors). For more information, see the related Technical Assistance Paper at http://www.fldoe.org/flbpsi/pdf/tap_fingerprint.pdf.~~

IV. FINANCIAL SOUNDNESS – No change.

A. through F. No change.

G. Evidence of financial soundness:

If an applicant has been in business for two or more consecutive years submit:

Financial statements in the form of an income statement for the past two years

or

Financial audits signed by a certified public accountant for the past two years

If the applicant has been in business for less than two consecutive years submit:

Federal income tax returns of a member of the board of directors, a managing member, or chief officer for the past two years

AND

Documentation from a financial institution showing three months of operating expenses in the form of a line of credit, loan, or a pre-approved loan on behalf of the company

AND

List and submit on attached *Three Months Projected Expense Report* projected expenses to operate SES in Florida for three months. Expenses should include, but not be limited to, information on the resources to cover the costs of salaries, fingerprinting/background screening, insurance policies, instructional materials, marketing, professional development, and facility rental fees. The total projected expenses on the report should match, at a minimum, the amount of the line of credit, loan, or pre-approved loan secured from a financial institution

~~Cover Page~~

~~Financial Soundness~~

~~Copy of general liability insurance with the Department of Education listed as the certificate holder~~

~~Copy of evidence of fiscal soundness:~~

~~Annual financial statements or fiscal audits~~

or

~~Federal income tax returns and financial letter of credit~~

~~Evidence of legal qualification to do business in Florida~~

~~Verification of business or non-profit status~~

~~Signed notarized statements on agency letterhead regarding the organization's (each required):~~

~~Suspension or disbarment from receiving federal funding~~

- Any lawsuits filed against organization
- Denial of approval or removed from approval status from another state
- Unresolved complaints with the Better Business Bureau
- List of the Board of Directors or chief officers of the organization, and their titles
- Assurances with original signature
 - Attachment A
 - Attachment B

FINANCIAL SOUNDNESS

To prove financial soundness, applicants must mail or hand deliver a copy of the following documents to the Bureau of Public School Options at FDOE.

Note: Public schools and school districts need only submit supporting documentation for 1, 5, and 6.

1. Evidence of applicant’s current commercial general liability insurance in the form of a certificate of insurance with the Department of Education, Bureau of Public School Options listed as the certificate holder. The name of the applicant must match the name on the certificate.
2. Evidence of the applicant’s fiscal soundness. Submit:
 - annual financial statements or fiscal audits signed by a certified public accountant for the past two years, or
 - federal income tax returns for the past two years along with a letter of credit from a financial institution.
3. A copy of the most recent registration with the Florida Department of State (www.sunbiz.org), showing evidence that the applicant is legally qualified to do business in Florida.
4. Verification of business status or non profit status. For example, an Internal Revenue Service (IRS) letter with FEIN or certificate issued by government.
5. Signed notarized statements on applicant’s letterhead by the individual authorized to act on behalf of the organization attesting to the following:
 - The organization has not been suspended or disbarred from receiving federal funding. If yes, explain the circumstances for suspension or disbarment.
 - The organization has had no lawsuits filed against them for educational or fiscal mismanagement, civil rights violations, criminal acts, or other reasons. If yes, provide information and the outcome for each instance.
 - The organization has not been denied approval nor has its approval status as an SES provider been revoked. If the organization has been denied approval or its approval status as an SES provider has been revoked, identify such state(s) or district(s) and the reason(s) for such denial or revocation.
 - The organization does not have any unresolved complaints with the Better Business Bureau or FDOE. If the organization does have any known unresolved complaints, provide an explanation of the complaint(s) and results.

6. A complete list of the board of directors and chief officers of the organization and their titles.

Three Months Projected Expense Report – No change.

V. ATTACHMENT A: GENERAL ASSURANCES

Execution Requirements

The assurance pages must contain no revisions, additions, or deletions, and must bear an original signature of the agency head in blue ink to distinguish it from a copy or facsimile. The printed name and original signature must match.

Assurances signed by officials other than the head of the providing agency must have a letter signed by the agency head, or documentation citing action of the governing body delegating authority to the person to sign on behalf of said official.

As the duly authorized representative of this applicant, I certify agreement and compliance with all of the following assurances and conditions: (No Change items 1-23)

I, THE UNDERSIGNED, CERTIFY that I am an individual authorized to act on behalf of the organization in submitting this application and assurances and that all of the information provided herein is true and accurate, to the best of my knowledge. I understand that, if any of the information contained herein has been misrepresented, that may constitute grounds for denying the applicant’s request for approval to be placed on the list of approved supplemental educational services providers or for removal from that same list. I further certify that the organization will comply with all of the assurances set forth herein. Failure to comply with the assurances during the school year may result in removal from the state approved list and potential ineligibility to re apply during the following two year period.

_____	_____
Signature of Applicant	Date signed
_____	_____
Printed Name	Name of Agency/ Company/Group

Title of Signing Agent	

Note:

1. Printed name and original signature must match.
2. Use blue ink color for original signature.
3. “By”, “for,” or initials will not be accepted.
4. Rubber stamp signatures will not be accepted.
24. Applicant assures that it has not been removed and permanently barred from providing supplemental educational services in any state or district.
25. Applicants who selected to serve students at Florida School for Deaf and Blind and indicated a capacity to serve students with visual impairments assures that it will provide transcription of materials into large print and Braille.

26. Applicants who selected to serve students at Florida School for Deaf and Blind and indicated a capacity to serve students with hearing impairments assures that it will provide tutors fluent in American Sign Language.

27. Applicant assures that all tutorial staff meet the minimum standards for Title I paraprofessionals, as follows:

- Title I paraprofessionals must have a secondary school diploma or its recognized equivalent; and
- Title I paraprofessionals must have at least one of the following:
 - Completed two years of study at an institution of higher education (equivalent to 60 semester hours)
 - Obtained an associate's (or higher) degree
 - Met a rigorous standard of quality and be able to demonstrate, through a formal local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

28. Applicant assures that cumulative sessions shall not exceed two hours per day or six hours per week.

29. Applicant understands that the allowable range is between \$5 and up to \$70 per hour for each student, and per type of instruction.

~~ATTACHMENT B: INTERNET STATEMENT OF ASSURANCES~~

~~Execution Requirements~~

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The following guidelines define appropriate use of the Internet.

30. Applicant understands that t~~r~~ansmitting any material in violation of any U.S. or state regulation or school board policy is prohibited. This includes, but is not limited to, copyrighted material and threatening or obscene material.

31. Applicant understands that a~~a~~All content transmitted via e-mail or the Internet shall be secular, neutral, and non-ideological.

32. Applicants providing on-line instruction agree to ensure the safety of all students while accessing the internet. It is the responsibility of the applicant to block all unsafe web content.

33. Applicant understands that h~~h~~Hate mail, harassment, discriminatory remarks, and other antisocial behaviors are unacceptable in Internet and other network communication.

~~a~~All information accessible via the Internet should be assumed to be private property and subject to copyright protection. Internet sources should be credited appropriately, as with the use of any copyrighted material.

35. Applicant has a responsibility to respect the privacy and property of students. Applicant should not intentionally seek information about, obtain copies of, or modify, files, data, or passwords of other users.

36. For the safety of students, applicant must not request or provide any personal information, such as addresses, phone numbers, or photographs.

37. Applicant should not expect that files are private. State and school district representatives, including school administrators, as well as parents, may review files and communications at any time to ensure that the network is being used responsibly. Applicant must gain written parental permission before communicating with students under the age of 13 via e-mail or the Internet.

38. Applicant has a responsibility to protect the student users from marketing and Spam.

39. Applicants shall ensure that the primary purpose of a computer in the SES program is instructional ~~all computer equipment provided to~~. When a computer provided by the applicant is used for instructional purposes, the student is allowed to keep the computer is returned to the applicant upon completion of SES. If students will be using a school computer to access information from an applicant, the applicant must abide by all school and school district policies and procedures regarding computer/Internet use.

40. Applicant agrees to comply with all assurances set forth in this application.

I, THE UNDERSIGNED, CERTIFY that I am an individual authorized to act on behalf of the organization in submitting this application and assurances and that all of the information provided herein is true and accurate, to the best of my knowledge. All tutors/instructors employed by this organization will be notified of all guidelines regarding appropriate use of the Internet and that as a condition of employment with the provider, all employees who will provide SES shall agree to comply with the guidelines. I understand that, if any of the information contained herein has been misrepresented, that may constitute grounds for denying the applicant's request for approval to be placed on the list of approved supplemental educational services providers or for removal from that same list. I further certify that the organization will comply with all of the assurances set forth herein. Failure to comply with the assurances during the school year may result in removal from the state-approved list and potential ineligibility to re-apply during the following two-year period.

I, the undersigned, agree that all tutors/instructors employed by this organization will be notified of all guidelines regarding appropriate use of the Internet and that as a condition of employment with the provider, all employees who will provide SES shall agree to comply with the guidelines. Failure to comply with the assurances during the school year may result in removal from the state approved list and potential ineligibility to re-apply during the following two-year period.

Signature of Applicant _____ Date signed _____

Printed Name _____ Name of Agency/ Company/Group _____

Title of Signing Agent _____

- Note:
1. Printed name and original signature must match.
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Yes No
If yes, company Name(s) Used: _____

If yes, identify the state(s) _____
If yes, provide the school year(s) date(s), district(s), and the reason(s) for removal _____

(4) Has the applicant ever served as a provider in Florida under any business name and had a contract with a district terminated? Yes No

Identify the district(s) _____
If so, provide the school year and the reason(s) for termination _____

For which year(s) has the applicant been approved for providing SES in Florida? _____

Under what business name(s): _____

Serving which school district(s): _____

If approved in Florida, identify the Florida SES Provider ID: _____

Is the applicant an approved provider for SES in any other state? Yes No

Identify the state(s):- _____

Has the applicant been removed as an approved provider in any state or district within a state, including Florida? Yes No

Identify the state(s):- _____

If yes, provide the state(s), school year(s) date(s), district(s), and the reason(s) for removal: _____

Has the applicant ever served as a provider in Florida and had a contract with a district terminated? Yes No

Identify the district(s):- _____

If so, provide the school year and the reason(s) for termination: Service History

Has the applicant conducted surveys of parents whose children received SES tutoring in the prior school year?

Yes No

If yes, do these results show that at least 50% of parents of participating students are satisfied with the services?

Yes No

Has the applicant's instructional program been subject to a state or self-administered evaluation?

Yes No

If yes, do these results demonstrate that the provider's instructional program has improved student achievement?

Yes No

C. School District(s) to be Served: Select all school districts in which the applicant requests approval and agrees to provide SES. School District(s) to be Served (select all school districts in which the applicant requests approval and agrees to provide SES):

~~Indicate the school district(s) for which the applicant will provide services. A list of Title I schools, by district, with the identified School In Need of Improvement (SINI) status may be accessed at <http://www.fldoe.org/bsa/title1/pdf/2007similist.pdf>.~~

~~*Applicants that select to serve students at Florida School for Deaf and Blind must be able to provide transcription of materials into large print and Braille. In addition, tutors serving deaf students must be fluent in American Sign Language.~~

~~(List of Districts – No change)~~

D. Applicant Classification of Eligible SES Providers: Check the category that best describes the applicant's organization. Applicant Classification of Eligible SES Providers (check the category that best describes the applicant's organization).

- Individual
- For-profit company
- Non-profit organization
- Community based/faith-based organization
- Institution of higher education
- Local educational agency such as a Florida public school district, a university laboratory school, and Florida Virtual School, that is not identified as in need of improvement, corrective action, or restructuring
- Public schools not identified as in need of improvement, corrective action, or restructuring
- Charter school not identified as in need of improvement, corrective action, or restructuring
- Private school
- 21st Century Community Learning Center that is not affiliated with a school district that is identified as in need of improvement, corrective action, or restructuring

- Public library
- Distance learning service including computer based instruction
- In-home tutoring service
- Family literacy program
- Child care center serving school-age students
- Regional educational consortium
- School districts that are in need of improvement and have obtained a United States Department of Education (US ED) waiver to be providers of SES.

Other _____ Other (Describe):

E. Academic and Instructional Information ACADEMIC AND INSTRUCTIONAL INFORMATION

1. Subject Area(s): Check all that apply. Subject Area(s) (check all that apply):

- Reading/Language Arts
- Mathematics
- Science _____

2. Additional Staff Qualifications: Check all that apply. Additional Staff Qualifications (check all that apply):

****NOTE**:** All tutorial staff must meet the minimum standards for Title I paraprofessionals, as follows:

- Title I paraprofessionals must have a secondary school diploma or its recognized equivalent; and
- Title I paraprofessionals must have at least one of the following:

- Completed two years of study at an institution of higher education (equivalent to 60 semester hours)
- Obtained an associate's (or higher) degree
- Met a rigorous standard of quality and be able to demonstrate, through a formal local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Indicate tutorial staff qualifications below:

- Meet the minimum standards as Title I paraprofessionals
- Are qualified with a reading certification or endorsement
- Current State of Florida certified teachers Are qualified as state certified or licensed teachers
- Ability to communicate languages other than English
 - Spanish
 - Haitian Creole
 - Other (Identify) _____

Have experience in teaching students with specific disabilities

Please specify disabilities:

Have experience in teaching students who are English Language Learners (ELL)

Have the ability to speak languages other than English

- Spanish
- Haitian Creole

Other (Identify):

Have experience in teaching students with visual impairments

Have experience in teaching students with hearing impairments

3. Type of Instruction: Check all that apply. Type of Instruction (check all that apply):

- Individual tutoring
- In-home tutoring. A parent or guardian must be present during and throughout all tutoring sessions.
- Distance learning instruction (on-line, internet-based, or computer-based instruction)
- Small group instruction (not to exceed a group size of five students per tutor)
- Large group instruction (not to exceed a group size of eight students per tutor)

4. Grade Levels to be Served: Check all grades level you will serve for each subject area (Note: The curriculum described in the application must be appropriate for the grade levels indicated):

Grade Levels to be Served (check all that apply):

Reading/Language Arts

K	1	2	3	4	5	6	7	8	9	10	11	12

Mathematics:

K	1	2	3	4	5	6	7	8	9	10	11	12

Science

K	1	2	3	4	5	6	7	8	9	10	11	12

F. SES Provisions

1. Student Capacity Student Capacity

_____ Indicate the minimum number of students that the applicant would serve at each site

_____ Indicate the maximum number of students that the applicant would serve in each school district

Yes No Capacity to serve students with disabilities or plans developed under section 504 of the Rehabilitation Act

Yes No Capacity to serve students who are English language learners (ELL)

Capacity to serve students with visual impairments

Capacity to serve students with hearing impairments

2. Location of Services: Check all that apply. Location of Services (check all that apply)

- School campus
- Provider facility
- Faith-based center (for example, church, temple, or mosque.)
- Community-based center

- Student's home (on-line or computer-based)
- Student's home with tutor present
- Child Care Center
- Public site such as public library (describe): _____
- Other (describe): _____

Transportation

Will the applicant provide transportation if services are provided at a site other than the student's school?

Yes, transportation will be provided for each student enrolled from the school to the SES site and back to the school or home. Describe transportation service to be provided:

No, transportation will not be provided to students.

G. Operations: Check all that apply. Operations (check all that apply)

I. Day(s) Services will be Provided:

Weekday (Monday – Friday)

Weekend (Saturday – Sunday)

Day(s) Services will be Provided:

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

Frequency of SES sessions for each student:

Every Day Once a Week Twice a Week Three Times a Week

Other (Describe):

2. Length of each service session: Cumulative sessions may not exceed two hours per day or six hours per week. Length of each service session (Cumulative sessions may not exceed two hours per day or six hours per week.):

2 Hours

1 Hour

30 Minutes

Other (describe) _____

Can the applicant provide a minimum of 20 hours of tutoring per student?

Yes, the applicant can provide a minimum of 20 hours per student.

No, the applicant cannot provide a minimum of 20 hours per student.

3. Times of Service Times of Service:

Before school

After school

Weekends

Summer (Identify dates, such as June 1 – August 4, 2009):

Other (Describe):

H. Cost of Service COST OF SERVICE

I. Rate for Provision of SES: Per Student, Per Hour, Per Type of Instruction

Rate for Provision of SES: Per Student, Per Hour, Per Type of Instruction

Indicate the rate to serve SES for each student per hour and for each type of instruction offered and indicated in this application under Type of Instruction. For the 2007-2008

~~school year, the statewide average cost per pupil for SES is \$1,120. More detailed information on the cost per pupil allocation for supplemental educational services may be found at <http://www.fldoc.org/flbpso/xls/perpupil-allocation0708.xls>.~~

~~**Note** The allowable range is between \$5 and up to \$70.80 per hour for each student, per hour, and per type of instruction.~~

RATE PER STUDENT PER HOUR:

\$ _____ Small group instruction (group size two to five students per tutor ~~not to exceed five students with one tutor~~)

\$ _____ Large group instruction (group size six to eight students per tutor ~~not to exceed ten students with one tutor~~)

\$ _____ Distance learning including computer-based instruction

\$ _____ Individual tutoring

\$ _____ In-home tutoring

III. APPLICATION NARRATIVE: To ensure an anonymous review of the application, the company name should not be included in this section.

~~THE FOLLOWING ITEM WILL NOT BE SCORED (0 points):~~

~~Summarize the overall proposed program in a narrative including services provided, diagnostic/prescription process, curriculum, type of instruction, mode of instruction, and major elements of the program.~~

THE FOLLOWING ITEMS WILL BE SCORED (0-5 points per question):

A. The provider must have a demonstrated record of effectiveness in increasing the student academic achievement toward meeting the state achievement standards [NCLB, 20 U.S.C. Section 6316(e)(12)(B)(i)].

1. Provide the Describe specific student achievement data that document ~~evidence~~ that the applicant's company or organization had a positive impact on increasing student achievement toward meeting state achievement standards. Include quantitative data that documents student learning gains.

2. Provide results of state evaluations and parent satisfaction surveys that attest to the program's effectiveness in raising student achievement, if any exist.

B. The provider must document that the instruction provided is high quality, based upon research, and designed to increase student academic achievement of eligible students and attain proficiency in meeting the state's academic achievement standards [NCLB, 20 U.S.C. Section 6316(e)(12)(C)(ii)].

2.3- Identify the curriculum and key instructional strategies of the proposed program and quantitative research that documents its effectiveness in increasing student achievement.

3- Identify the key instructional strategies of the proposed program and the quantitative research that documents the effectiveness of the instructional strategies in increasing

student achievement. Examples of instructional strategies may include scaffolding, graphic organizers, use of manipulative resources, effective question and answer techniques, use of prior knowledge, direct instruction, directed practice, and mastery learning. For more information on effective instructional strategies, see <http://www.ept.fsu.edu/ESE/in/strmain.html>.

4. Identify the major design elements of the proposed program and quantitative research that documents the effectiveness of the elements in increasing student achievement. Examples of major elements may include mode of instruction, time on task, or resource materials.

5. Identify the delivery model of the proposed program and the quantitative research that documents the effectiveness in increasing student achievement. Include academic research with specific evidence the delivery model has positive impact on increasing student achievement. Examples of delivery models include group size for instruction, direct instruction, distance learning, computer based, individual tutoring, in-home tutoring. (NOTE: Homework assistance is not a form of SES.)

3.6. Describe how instruction will be focused, intensive, and tailored to meet the needs of individual students, including students with disabilities, students with 504 plans, and English language learners.

C. The provider must ensure that supplemental educational services are consistent with the instructional program of the local educational agency and the academic standards set forth by the state (Sunshine State Standards) [NCLB, 20 U.S.C. Sections 6316(e)(5)(B) and 6316(e)(12)(B)(ii)].

4.7. Describe the process the applicant will use to ensure that the alignment of the proposed curriculum with is correlated to the Sunshine State Standards for each grade level and content area you plan to serve. For information on Florida's Sunshine State Standards, see <http://www.fldoe.org/bii/curriculum/sss/>.

5.8. Describe the process the applicant will use to ensure the proposed program aligns with the instructional program of the school district(s) in which the applicant intends to serve students. Cite at least one example of the correlation of the proposed program and describe its integration with at least one district that the applicant intends to serve.

6.9. Describe how the process to ensure that the applicant will coordinate supplemental educational services with the classroom instructional program of the students receiving the services. Describe the specific methods, tools, and processes that will be used to execute this coordination.

D. The provider must set measurable achievement goals for each student in consultation with each student's parents and the school district and adhere to the timetable for improving the student's achievement in the student learning plan. The provider must measure the student's progress, and regularly inform the student's parents and teachers regarding the

progress of the student in improving academic achievement as outlined in the student learning plan [NCLB, 20 U.S.C. Sections 6316(e)(3)(A) and (B)].

7.10. Describe how diagnostic assessment data will be used to identify the student's knowledge and skills gaps and set measurable goals for the student learning plan.

8.11. Identify the specific assessment to be administered if district student data are not available for developing the student learning plan. Describe the specific pre- and post-assessments that will be used and the alignment to the Sunshine State Standards.

11. Describe the process and timelines for the development of the student learning plan.

9.12. Describe the procedures and timelines to be used to evaluate, monitor, and report, at a minimum monthly, each student's progress toward meeting the goals as stated on the student learning plan. Address how applicant ensures that the progress reports are understandable to parents and in parents' native language, if feasible. Include frequency of progress reports to student's parents, teachers, and appropriate school district staff.

13. Describe how student attendance and participation data will be collected, verified, and reported to the school district. Include strategies for improving attendance of students who are habitually absent.

14. Describe the process and timelines the applicant will use to ensure that services begin no later than October 15th of each school year. Include steps and timelines the applicant will implement from approval of the application to the provision of services to students.

E. The provider must have the capacity and resources, including financial soundness and compliance with applicable federal, state, and local health, safety, and civil rights laws and regulations, to provide supplemental services to students [NCLB, 20 U.S.C. Sections 6316(e)(12)(B)(iii) and (e)(5)(C)].

10.15. Describe the applicant's infrastructure, including resources such as personnel, buildings, or equipment, and capacity to ensure services begin no later than October 15th of each school year. Include roles and responsibilities of staff within the organization.

16. Describe the process for recruiting, hiring, and initial training of staff.

11.17. Describe the initial training, professional development, and ongoing support provided to tutors to ensure that the proposed program is implemented with fidelity.

12.18. Describe procedures for supervising tutors to ensure the proposed program is implemented with fidelity and that all employees comply with ethical business practices pursuant to assurances found in the Request for Application, such as behavior at provider fairs, quality of tutoring services, and effectiveness of instruction.

13.19. Describe the process and procedures for monitoring the program to ensure the proposed program is implemented with fidelity, such as tutor/student ratio, supervision of students, approved instructional materials, students on task, or beginning services on time.

~~20. Describe procedures to be used to ensure that all staff providing direct services to students or having access to school grounds comply with fingerprint based background screening pursuant to Section 1012.465, Florida Statutes (Background screening requirements for certain noninstructional school district employees and contractors). For more information, see the related Technical Assistance Paper at http://www.fldoe.org/flbpo/pdf/tap_fingerprint.pdf.~~

IV. FINANCIAL SOUNDNESS – No change.

A. through F. No change.

G. Evidence of financial soundness:

If an applicant has been in business for two or more consecutive years submit:

Financial statements in the form of an income statement for the past two years

OR

Financial audits signed by a certified public accountant for the past two years

If the applicant has been in business for less than two consecutive years submit:

Federal income tax returns of a member of the board of directors, a managing member, or chief officer for the past two years

AND

Documentation from a financial institution showing three months of operating expenses in the form of a line of credit, loan, or a pre-approved loan on behalf of the company

AND

List and submit on attached *Three Months Projected Expense Report* projected expenses to operate SES in Florida for three months. Expenses should include, but not be limited to, information on the resources to cover the costs of salaries, fingerprinting/background screening, insurance policies, instructional materials, marketing, professional development, and facility rental fees. The total projected expenses on the report should match, at a minimum, the amount of the line of credit, loan, or pre-approved loan secured from a financial institution.

Cover Page

Financial Soundness

Copy of general liability insurance with the Department of Education listed as the certificate holder

Copy of evidence of fiscal soundness:

Annual financial statements or fiscal audits

or

Federal income tax returns and financial letter of credit

Evidence of legal qualification to do business in Florida

Verification of business or non-profit status

Signed notarized statements on agency letterhead regarding the organization's (each required):

Suspension or disbarment from receiving federal funding

Any lawsuits filed against organization

Denial of approval or removed from approval status from another state

Unresolved complaints with the Better Business Bureau

List of the Board of Directors or chief officers of the organization, and their titles

Assurances with original signature

Attachment A

Attachment B

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To prove financial soundness, applicants must mail or hand deliver a copy of the following documents to the Bureau of Public School Options at FDOE:

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2. Evidence of the applicant's fiscal soundness. Submit:

- annual financial statements or fiscal audits signed by a certified public accountant for the past two years, or
- federal income tax returns for the past two years along with a letter of credit from a financial institution.

3. A copy of the most recent registration with the Florida Department of State (www.sunbiz.org), showing evidence that the applicant is legally qualified to do business in Florida.

4. Verification of business status or non profit status. For example, an Internal Revenue Service (IRS) letter with FEIN or certificate issued by government.

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6. A complete list of the board of directors and chief officers of the organization and their titles.

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_____	_____
Signature of Applicant	Date signed
_____	_____
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Title of Signing Agent

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- Title I paraprofessionals must have at least one of the following:
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~~Execution Requirements~~

~~The assurance pages must contain no revisions, additions, or deletions, and must bear an original signature of the agency head in blue ink to distinguish it from a copy or facsimile. The printed name and original signature must match.~~

~~Assurances signed by officials other than the head of the providing agency must have a letter signed by the agency head, or documentation citing action of the governing body delegating authority to the person to sign on behalf of said official.~~

The following guidelines define appropriate use of the Internet.

30. Applicant understands that transmitting any material in violation of any U.S. or state regulation or school board policy is prohibited. This includes, but is not limited to, copyrighted material and threatening or obscene material.
31. Applicant understands that aAll content transmitted via e-mail or the Internet shall be secular, neutral, and non-ideological.
32. Applicants providing on-line instruction agree to ensure the safety of all students while accessing the internet. It is the responsibility of the applicant to block all unsafe web content.

33. Applicant understands that hate mail, harassment, discriminatory remarks, and other antisocial behaviors are unacceptable in Internet and other network communication.

34. Applicant understands that all information accessible via the Internet should be assumed to be private property and subject to copyright protection. Internet sources should be credited appropriately, as with the use of any copyrighted material.

35. Applicant has a responsibility to respect the privacy and property of students. Applicant should not intentionally seek information about, obtain copies of, or modify, files, data, or passwords of other users.

36. For the safety of students, applicant must not request or provide any personal information, such as addresses, phone numbers, or photographs.

37. Applicant should not expect that files are private. State and school district representatives, including school administrators, as well as parents, may review files and communications at any time to ensure that the network is being used responsibly. Applicant must gain written parental permission before communicating with students under the age of 13 via e-mail or the Internet.

38. Applicant has a responsibility to protect the student users from marketing and Spam.

39. Applicants shall ensure that the primary purpose of a computer in the SES program is instructional. ~~all computer equipment provided to~~ When a computer provided by the applicant is used for instructional purposes, the student is allowed to keep the computer is returned to the applicant upon completion of SES. If students will be using a school computer to access information from an applicant, the applicant must abide by all school and school district policies and procedures regarding computer/Internet use.

40. Applicant agrees to comply with all assurances set forth in this application.

I, THE UNDERSIGNED, CERTIFY that I am an individual authorized to act on behalf of the organization in submitting this application and assurances and that all of the information provided herein is true and accurate, to the best of my knowledge. All tutors/instructors employed by this organization will be notified of all guidelines regarding appropriate use of the Internet and that as a condition of employment with the provider, all employees who will provide SES shall agree to comply with the guidelines. I understand that, if any of the information contained herein has been misrepresented, that may constitute grounds for denying the applicant's request for approval to be placed on the list of approved supplemental educational services providers or for removal from that same list. I further certify that the organization will comply with all of the assurances set forth herein. Failure to comply with the assurances during the

school year may result in removal from the state-approved list and potential ineligibility to re-apply during the following two-year period.

~~*I, the undersigned, agree that all tutors/instructors employed by this organization will be notified of all guidelines regarding appropriate use of the Internet and that as a condition of employment with the provider, all employees who will provide SES shall agree to comply with the guidelines. Failure to comply with the assurances during the school year may result in removal from the state-approved list and potential ineligibility to re-apply during the following two-year period.*~~

Signature of Applicant

Date signed

Printed Name

Name of Agency/
Company/Group

Title of Signing Agent

Note:

1. Printed name and original signature must match.
2. Use blue ink for original signature.
3. "By", "for," or initials will not be accepted.
4. Rubber stamp signatures will not be accepted.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:

RULE TITLES:

12B-5.121

Temporary Licenses Issued Under a Declared Emergency

12B-5.130

Refunds

12B-5.150

Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Committee, dated March 12, 2009, subparagraph 4. of paragraph (b) of subsection (6) of proposed Rule 12B-5.121, F.A.C., has been removed. Prior to removal, that subparagraph read:

4. In addition to the collection allowance deductions authorized in subparagraphs 2. and 3., temporary importers who sell gasoline, gasohol, and undyed diesel to retail dealers or one-users may take a deduction of 1.1 percent (.011) of the taxes collected under Section 206.41(1)(d), (e), and (f), and Section 206.87(1)(b), (c), and (d), F.S., only when the return and payment are remitted timely.

Paragraph (c) of subsection (6) of proposed Rule 12B-5.121, F.A.C., has been renumbered and changed, so that, when adopted, that paragraph will read:

(d) Carrier Information Return. Temporary carriers of gasoline, gasohol, diesel, undyed diesel, and aviation fuel are required to report all gallons of fuel exported from Florida on a Petroleum Carrier Information Return (Form DR-309637, incorporated by reference in Rule 12B-5.150, F.A.C.).

Paragraph (b) of subsection (1) of Rule 12B-5.130, F.A.C., has been changed, so that, when adopted, that paragraph will read:

(b) Prior to qualifying for a refund of taxes paid on motor fuel used for agricultural, aquacultural, ~~and~~ commercial fishing, and commercial aviation purposes, every person is required to file an Application for Fuel Tax Refund Permit (Form DR-185, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department and obtain a Fuel Tax Refund Permit ~~(Form DR-192, incorporated by reference in Rule 12B-5.150, F.A.C.).~~

The definition of the term "importer" contained in Form DR-156T, Florida Temporary Fuel Tax Application, incorporated by reference in the proposed amendments to Rule 12B-5.150, F.A.C., Public Use Forms, has been changed, so that, when adopted, that definition will read:

"Importer" means any person that has met the requirements of Section 206.051, Florida Statutes (F.S.), and is licensed by the Department to import motor fuel or diesel fuel upon which no precollection of tax has occurred, other than through bulk transfer, into this state by common carrier or company-owned trucks.

Subsection (5) of proposed Rule 12B-5.150, F.A.C., Public Use Forms, has been changed, so that, when adopted, that subsection will read:

Form Number	Title	Effective Date
(5) DR-156T	<u>Florida Temporary Fuel Tax Application (R. 03/09)</u>	_____

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.:	RULE TITLE:
33-601.105	Restoration of Forfeited Gain Time

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly.

- 33-601.105 Restoration of Forfeited Gain Time.
- (1) through (2) No change.

(3) How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in subsection (2) of this rule. There is no entitlement for consideration based upon an inmate's request. The final approving authority for restoration of forfeited gain time will be the ~~Deputy~~ Assistant Secretary of Institutions ~~—Program~~. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

Rulemaking Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08, _____.

REGIONAL UTILITY AUTHORITIES

Big Bend Water Authority

RULE NOS.:	RULE TITLES:
49E-1.001	Agency Description
49E-1.002	Office Hours, Location
49E-1.003	Boundaries
49E-1.004	Statutes and Rules
49E-1.005	Delegation of Authority by the Board of Directors
49E-1.006	Designation of Agency Clerk and Official Reporter
49E-1.007	Maintenance of Records
49E-1.008	General Description of Agency Operations
49E-1.009	Adoption of Model Rules of Procedure
49E-1.010	Public Information and Inspection and Copying of Records

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 16, April 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.:	RULE TITLE:
60L-32.007	Selected Exempt Service Extraordinary Payment Plan

NOTICE OF CHANGE

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

As a result of comments received and read into the record at the public hearing held on February 13, 2009 and March 27, 2009, the following changes have been made to the rule:

60L-32.007 Selected Exempt Service Extraordinary Payment Plan.

Notwithstanding the provisions of subsection 60L-34.0031(3), F.A.C., an agency/~~department~~ may propose, for Department approval, an agency-wide plan to compensate excluded Selected Exempt Service (SES) employees below the bureau chief or bureau chief comparable level who are directed to work hours in excess of the contracted hours in the regular work period in response to an unforeseen extraordinary event or occurrence, to provide agency mission critical services to the public due to extraordinary circumstances or critical agency/department need subject to the following:

(1) The plan must be activated in writing by the agency/~~department~~ head or designee and must document how the unforeseen extraordinary event or occurrence impacts recipients of agency mission critical services to the critical agency/department need, or extraordinary circumstances which include danger or potential danger to life, physical or mental health of employees, clients, the public or to other recipients of services provided by the agency which justify plan activation.

(2) No change.

(3) The agency head or designee shall notify the Executive Office of the Governor, the President of the Senate, the Speaker of the House and the Department immediately upon each plan activation or extension by providing a copy of the activation or extension letter and any supporting documentation.

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

(5) All hours worked in excess of the contracted hours in the regular work period and compensated as a result of a plan activation for an extraordinary event or occurrence shall be recorded in the State Personnel System Human Resource Information System using the code designated for SES Extraordinary Pay unless otherwise instructed by the Department.

~~(6)~~(4) No change.

The provisions of this rule section shall expire effective July 1, 2012.

Rulemaking Specific Authority 110.1055, 110.201(1) 110.602, 110.605(1), (2) FS. Law Implemented 110.201, 110.603 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

The correction is in response to concerns by the Joint Administrative Procedures Committee in a letter dated March 23, 2009, regarding the Rule Development publication date.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW shall be corrected to read as: December 24, 2008.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.0011 RULE TITLE: Documentation Necessary for Licensure Application
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administrative Procedures Committee. The change is as follows:

Rule 64B1-4.0011(1) shall read as follows:

(1) A properly completed application shall be submitted on Department of Health Form DH-MQA 1116-03/09, adopted and incorporated herein by reference as this Board's application and available on the web at www.doh.state.fl.us/mqa. To complete the application attach the appropriate fees and supporting documents and submit it to the Board Office.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.0012 RULE TITLE: English Proficiency Requirement for Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 35, No. 13, April 3, 2009 issue of the Florida Administrative Weekly.

The correction is in response to a typographical error made in Rulemaking Authority.

Rulemaking Authority shall be corrected to read as: 457.104, 457.105(2)(a) F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.005
 RULE TITLE: Anesthesiologist Assistant Protocols and Performance

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly.

The rule notice inadvertently listed the rule development date as January 2, 2009. The correct information for the publication of the rule development notice is Vol. 34, No. 53, of the December 31, 2008, issue of the Florida Administrative Weekly. This correction does not affect the substance of the rule. The person to be contacted regarding this rule is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Dietetics and Nutrition Practices Council

RULE NOS.: 64B8-42.001, 64B8-42.002
 RULE TITLES: Licensure By Endorsement, Licensure by Examination

NOTICE OF CHANGE

Notice is hereby given that the following change has been made by the Board to Rule 64B8-42.001, F.A.C., to add the title of form DH-MQA 1161, ND APP. and the website where the form can be obtained. The following change has been made by the Board to Rule 64B8-42.001, F.A.C., to delete reference to "Incorporated by reference", with Section 120.54(3)(d)1., F.S., published in Vol. 34, No. 51, of the December 19, 2008, issue of the Florida Administrative Weekly.

Rule 64B8-42.001 shall read as:

64B8-42.001 Licensure by Endorsement.

Each applicant for certification as a dietitian/nutritionist by endorsement shall file the Electroligist Application, DOH Form DH-MQA 1161, ND APP, Rev 12/2008, incorporated by reference, which can be accessed at www.doh.state.fl.us/mqa, and demonstrate the following:

(1) through (2) No change.

Rulemaking Specific Authority 468.507, 468.508 FS. Law Implemented 468.507, 468.513 FS. History--New 4-9-89, Formerly 21M-48.001, 61F6-48.001, 59R-42.001, Amended _____.

Rule 64B8-42.002 shall read as:

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 12/2008, which can be accessed at www.doh.state.fl.us/mqa, and demonstrate to the Council that he meets one of the following:

(a)1. Has a baccalaureate or post baccalaureate degree with a major in human nutrition, food and nutrition, dietetics, food management or equivalent major as determined by the Council from a school or program accredited by the appropriate accrediting agency recognized by the Council on Post-secondary Accreditation or its successor and the United States Department of Education and

2. Has completed 900 hours of planned and continuous supervised practice in dietetics or nutrition, or has education or experience determined to be equivalent by the Council as described in subsection (3); or

(b)1. Has an academic degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management from a foreign country, provided that degree has been validated by an accrediting agency approved by the U.S. Department of Education as equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States; and

2. Has completed 900 hours of planned and continuous supervised practice in dietetics or nutrition, or has education or experience determined to be equivalent by the Council as described in subsection (3).

(2) through (5) No change.

Rulemaking Specific Authority 456.017(1), 468.507, 468.508 FS. Law Implemented 456.027, 468.509 FS. History--New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99, 3-9-08, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.001
 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.0015
 RULE TITLE: Application for Examination and Licensure

NOTICE OF CHANGE

Notice is hereby given that the following change has been made by the Board to the proposed rule to modify subsection (1) rule language to correct the form revision date, and, on the Application for Licensure Examination Form, to modify history questions, and , in response to the Joint Administrative Procedures Committee, make several technical changes, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 2, of the January 16, 2009, issue of the Florida Administrative Weekly. No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule will not affect small businesses. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

64B12-9.0015(1) shall read as:

(1) Any person seeking licensure as an optician shall submit to the Board a completed application to take the examination on Form DH-MQA 1065, Application for Licensure Examination, (revised 03/09 11/08), hereby adopted and incorporated by reference, which can be obtained from the Board of Opticianry’s website at www.doh.state.fl.us/mqa/opticianry 3/02 provided by the Department. The application shall be accompanied with the application fee specified in Rule 64B12-11.002, F.A.C., which is non-refundable, and the examination fee specified in Rule 64B-1.016, F.A.C., which shall be refunded if the applicant is denied examination or does not timely complete application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-16.003
 RULE TITLE: Apprenticeship Requirements and Training Program

NOTICE OF WITHDRAWAL

Notice is hereby given that the above Notice of Change, as noticed in Vol. 35, No. 12, on March 27, 2009, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-16.003
 RULE TITLE: Apprenticeship Requirements and Training Program

NOTICE OF CHANGE

Notice is hereby given that the following change has been made by the Board to the proposed rule to modify the rule language and Apprentice Optician Application to modify two history questions on the application and to address concerns raised by JAPC about sponsor information in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 2, of the January 16, 2009, issue of the Florida Administrative Weekly. No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule will not affect small businesses. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

The rule shall read as:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) Any persons seeking to be registered as an apprentice optician shall submit to the Board an Apprentice Optician Application (Form DH-MQA 1180, revised 03/09), hereby adopted and incorporated by reference, which can be obtained from the Board’s website at www.doh.state.fl.us/mqa/opticianry. All apprenticeship training must be conducted by the sponsor(s) with whom the apprentice is currently registered with the Agency. Credits shall be granted to apprentices if the training is properly documented according to this rule. An apprentice shall not receive credit for any training received from a person other than the properly registered sponsor(s). However, an apprentice can receive credit for attending continuing education courses by a board-approved provider pursuant to this rule.

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be the primary sponsor responsible for the secondary sponsor and the apprentice. The primary sponsor shall be responsible for the completion, filing, signature and verification of the Apprenticeship Sponsor ~~Attestation~~ Form (DH-MQA 1063, revised 11/08 1/02) which is hereby adopted and incorporated by reference, which can be obtained from the Board’s website at www.doh.state.fl.us/mqa/opticianry and is available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) through (5) No change.

(6) Total training received by an apprentice during apprenticeship must consist of training in the following subject areas:

- (a) through (g) No change.
- (h) Filling contact lens prescriptions, fitting, adapting and dispensing contact lenses if the sponsor is a Board-Certified optician, Florida-licensed optometrist or Florida-licensed physician, ophthalmologist, or an optician pursuant to subsection 64B12-10.009(1), F.A.C., or the apprentice must complete a Board-approved course equivalent to 32 hours as a substitute for working experience with contact lenses. Such course must include the following instruction:

- 1 hour – contact lens history
- 2 hours – anatomy and physiology of the eye
- 1 hour – patient selection
- 2 hours – contact lens technology
- 2 hours – basic optics for contact lenses
- 4 hours – basic fitting methods
- 1 hour – patient follow-up
- 1 hour – data collection and record keeping
- 2 hours – ordering and verification
- 2 hours – patient instruction
- 2 hours – problem solving
- 2 hours – specialty fittings
- 1 hour – ANSI Standards
- 1 hour – Florida laws and rules
- 8 hours – hands on practice

Although the lecture sessions may be open to any number of students, the hands on sessions shall be limited to 20 students per qualified instructor and three assistant instructors. A qualified instructor is one who has been a Board-Certified optician, licensed optometrist or ophthalmologist and actively engaged in contact lens fitting for 2 years immediately preceding instructorship or actively engaged as a contact lens instructor in an approved school of opticianry, an accredited school of optometry or an accredited medical school. The assistants must be Board-Certified or equally qualified to the instructor. Any request for course approval must be submitted to the Board 30 days prior to the next Board meeting and must be reviewed every two years. The apprentice must complete the entire course within 31 days.

Rulemaking Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History–New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE NO.: 64B15-7.005
RULE TITLE: Anesthesiologist Assistant Protocols and Performance

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly. The rule notice inadvertently listed the rule development date as January 2, 2009. The correct information for the publication of the rule development notice is Vol. 34, No. 53, of the December 31, 2008, issue of the Florida Administrative Weekly. The person to be contacted regarding this rule is: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**DEPARTMENT OF HEALTH
Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-6.001
RULE TITLE: Continuing Education as a Condition for Renewal or Reactivation

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. 49, December 5, 2008 issue of the Florida Administrative Weekly.

These changes are being made in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

(4) Two hours of continuing education credit per year in the area of ethics shall be granted a licensee or certified assistant for attendance at a regularly scheduled face-to-face Board meeting. Licensees or certified assistants appearing before the Board on any disciplinary proceeding shall not be entitled to claim any continuing education credit for that particular Board meeting. Licensees must attend at least two hours of a Board meeting to be granted credit under this section. Up to two hours of continuing education credit in the area of ethics may be earned on an hour for hour basis by physically attending Board meetings, provided that: Proof of attendance shall be documented on Form SPA 10/AHCA, entitled, Proof of Attendance, effective 3-28-95, which is incorporated by reference herein. Copies of said form shall be provided at Board meetings.

1. The licensee signs in with the Executive Director of the Board prior to the beginning of the meeting;

2. The licensee remains in continuous attendance at the meeting;

3. The licensee signs out of the meeting with the Executive Director of the Board in a prearranged time and manner.

4. The licensee does not have a related discipline or licensure matter on the agenda for the same meeting day.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Kaye Howerton, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Respiratory Care

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

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The correction is to correct a typographical error. The correction is as follows:

The Rule Development publication date on the rule notice should read as December 24, 2008.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
64E-6.005 Location and Installation
64E-6.008 System Size Determinations
64E-6.009 Alternative Systems

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

64E-6.005 Location and Installation
(1) through (3) No change.

(4) Suitable, unobstructed land shall be available for the installation and proper functioning of the system. ~~At least 75 percent of the unobstructed area must meet minimum setback requirements of subsections (1) and (3) above to allow for drainfield repair or system expansion.~~ The minimum unobstructed area shall:

(a) Be at least 1.5 ~~2~~ times as large as the drainfield absorption area required by rule. For example, if a 200 square feet drainfield is required, the total unobstructed area required, inclusive of the 200 square feet drainfield area, would be 300 ~~400~~ square feet. Unobstructed soil area between drain trenches shall be included in the unobstructed area calculation.

(b) Be contiguous to the drainfield.

(c) Be in addition to the setbacks required in subsections (1), (2), and (3) above.

(5) through (9) No change.

~~Rulemaking Specific~~ Authority 381.0065(3)(a), 489.553, 489.557(1) FS. Law Implemented 381.0065, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.46, Amended 3-17-92, 1-3-95, Formerly 10D-6.046, Amended 11-19-97, 2-3-98, 3-22-00, 5-24-04, _____.

64E-6.008 System Size Determinations.

(1) through (4) No change.

(5) The minimum absorption area for standard subsurface drainfield systems, graywater drainfield systems, and filled systems shall be based on estimated sewage flows and Table III so long as estimated sewage flows are 200 gallons per day or higher. When estimated sewage flows are less than 200 gallons per day, system size shall be based on a minimum of 200 gallons per day.

TABLE III
For Sizing of Drainfields Other Than Mounds

U.S. DEPARTMENT OF AGRICULTURE SOIL TEXTURAL CLASSIFICATION	SOIL TEXTURE LIMITATION (PERCOLATION RATE)	MAXIMUM SEWAGE LOADING RATE TO TRENCH & BED ABSORPTION SURFACE IN GALLONS PER SQUARE FOOT PER DAY	
		TRENCH	BED
Sand; Coarse Sand not associated with a seasonal water table of less than 48 inches;	Slightly limited (Less than 2 min/inch)	<u>0.80</u> 1.20	<u>0.60</u> 0.80

and Loamy Coarse Sand			
Loamy Sand; Sandy Loam; Coarse Sandy Loam;	Slightly limited (2-4 min/inch)	<u>0.80</u> 0.90	<u>0.60</u> 0.70
Fine Sand Loam; Fine Sandy Loam; Silt Loam; Very Fine Sand; Very Fine Sandy Loam; Loamy Fine Sand; Loamy Very Fine Sand; Sandy clay loam;	Moderately limited (5-10 min/inch)	0.65	0.35
Clay Loam; Silty Clay Loam; Sandy Clay; Silty Clay, Silt	Moderately limited (Greater than 15 min/inch but not exceeding 30 min/inch)	0.35	0.20
Clay; Organic Soils; Hardpan; Bedrock	Severely limited (Greater than 30 min/inch)		Unsatisfactory for standard subsurface system
Coarse Sand with an estimated wet season high water table within 48 inches of the bottom of the proposed drainfield; Gravel or Fractured Rock or Oolitic Limestone	Severely limited (Less than 1 min/inch and a water table less than 4 feet below the drainfield)		Unsatisfactory for standard subsurface system

Footnotes to Table III

1. through 2. No change.

3. When all other site conditions are favorable, horizons or strata of moderately or severely limited soil may be replaced with slightly limited soil or soil of the same texture as the satisfactory slightly limited permeable layer lying below the replaced layer. The slightly limited permeable layer below the replaced layer shall be identified within the soil profile which was submitted as part of the permit application. The resulting soil profile must show complete removal of the moderately or severely limited soil layer being replaced and must be satisfactory to a minimum depth of 54 inches beneath the bottom surface of the proposed drainfield. The width of the replacement area shall be at least 2 feet wider and longer than the drain trench and for absorption beds shall include an area at least 2 feet wider and longer than the proposed bed. Drainfields shall be centered in the replaced area. Where at least 33 percent of the moderately limited soils at depths greater than 54 inches below the bottom of the drainfield have been removed to the depth of slightly limited soil, drainfield sizing shall be based on the following sewage loading rates. Where severely limited soils are being removed at depths greater than 54 inches below the bottom of the drainfield, 100 percent of the severely limited soils at depths greater than 54 inches shall be removed down to the depth of an underlying slightly limited soil. Maximum sewage loading rates for standard subsurface systems installed in replacement areas shall be 0.80 ~~0.90~~ gallons per square foot per day for trench systems and 0.60 ~~0.70~~ gallon per square foot

per day for absorption beds in slightly limited soil textures. Where moderately limited soil materials are found beneath the proposed drainfield, and where system sizing is based on that moderately limited soil, soil replacements of less than 33% may be permitted.

4. Where coarse sand, gravel, or oolitic limestone directly underlies the drainfield area, the site shall be approved provided a minimum depth of 42 inches of the rapidly percolating soil beneath the bottom absorption surface of the drainfield and a minimum 12 inches of rapidly percolating soil contiguous to the drainfield sidewall absorption surfaces, is replaced with slightly limited soil material. Where such replacement method is utilized, the drainfield size shall be determined using a maximum sewage application rate of 0.80 gallons per square foot per day of drainfield in trenches and 0.60 ~~0.70~~ gallon per square foot per day for drainfield absorption beds.

5. No change.

(6) No change.

Rulemaking Specific Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.48, Amended 3-17-92, 1-3-95, Formerly 10D-6.048, Amended 11-19-97, Amended 3-22-00, 9-5-00, 11-26-06,_____.

64E-6.009 Alternative Systems.

Unnumbered introductory paragraph – No change.

(1) through (2) No change.

(3) Mound systems – are used to overcome certain limiting site conditions such as an elevated seasonal high water table, shallow permeable soil overlying slowly permeable soil and shallow permeable soil located over creviced or porous bedrock. Special installation instructions or design techniques to suit a particular site shall, using the criteria in subsection 64E-6.004(4), F.A.C., be specified on the construction permit in addition to the following general requirements.

(a) through (c) No change.

(d) Where the soil material underlying a mound system is of a similar slightly limited textural material as that used in system construction, the mound drainfield size shall be based

on estimated sewage flows as specified in Rule 64E-6.008, F.A.C., Table I and upon the quality of fill material utilized in the mound system. When estimated sewage flows are calculated to be less than 200 gallons per day, specifications for system design shall be based on a minimum flow of 200 gallons per day. Maximum sewage loading rates for soils used in mound construction shall be in compliance with the following:

Fill Material	Maximum Sewage Loading Rate to Mound Drain Trench Bottom Surface in gallons per square foot per day	Maximum Sewage Loading Rate to Mound Absorption Bed Bottom Surface in gallons per square foot per day
Sand; Coarse Sand; Loamy Coarse Sand; Fine Sand;	0.80 1.00 0.80	0.60 0.75 0.60
Sandy Loam; Coarse Sandy Loam; Loamy Sand	0.65	0.40
Fine Sandy Loam; Very Fine Sand; Loamy Fine Sand; Loamy Very Fine Sand	0.35	0.25

(e) through (i) No change.

(4) through (10) No change.

Rulemaking Specific Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.49, Amended 3-17-92, 1-3-95, Formerly 10D-6.049, Amended 11-19-97, 2-3-98, 3-22-00, 4-21-02, 06-18-03, 11-26-06,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-9.001	General
64E-9.002	Definitions
64E-9.003	Forms
64E-9.0035	Exemptions
64E-9.004	Operational Requirements
64E-9.005	Construction Plan or Modification Plan Approval
64E-9.006	Construction Plan Approval Standards
64E-9.007	Recirculation and Treatment System Requirements
64E-9.008	Supervision and Safety
64E-9.009	Wading Pools
64E-9.010	Spa Pools
64E-9.011	Water Recreation Attractions and Specialized Pools
64E-9.013	Bathing Places

64E-9.015	Fee Schedule
64E-9.016	Variances
64E-9.017	Enforcement
64E-9.018	Public Pool Service Technician Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

Changes are in accordance with comments received before and during the public hearing comment period, and from comments received from the Joint Administrative Procedures Committee.

CHAPTER 64E-9 PUBLIC SWIMMING POOLS AND BATHING PLACES

64E-9.001 General.
(1) through (3) No change.

(4) The Americans with Disabilities Act of 1990 may relate to public pools and should be reviewed by the design engineer and the pool owner. Chapter 11 and Section 424.1 of the Florida Building Code (2007, with 2009 amendments) also have application to public pools.

Rulemaking Specific Authority 381.006, ~~381.0011~~, 514.021 FS. Law Implemented 381.006, 381.0011, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, ~~514.011~~, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.130, Amended 12-27-98, 5-27-04, _____.

64E-9.002 Definitions.

(1) through (6) No change.

(7) “Effective Barrier” – A barrier which consists of a building, or equivalent structure, plus a 48 inch minimum height fence on the remaining sides or a continuous 48 inch minimum height fence. All access through the barrier must have one or more of the following safety features: alarm, key lock or self-locking doors and gates. Safety covers that comply with the American Society for Testing Materials standard F1346-91 (2003) may also be considered as an effective barrier.

(8) through (19) No change.

(20) “Pool Turnover” – The circulation of the entire pool volume through the filter system. Pool volume shall be determined from the design water level which is the normal operating water level; for gutter type pools is the horizontal plane of the upper lip of the gutter and for skimmer pools is the centerline of the skimmer opening.

(21) through (27) No change.

(28) “Slip Resistant” – Having a textured surface which is not conducive to slipping under contact of bare feet unlike glazed tile or masonry terrazzo and non-textured plastic materials. Manufactured surface products shall be designated by the manufacturer as suitable for walking surfaces in wet areas. ~~Minimum acceptable static coefficient of friction to determine slip resistance is 0.6 on horizontal wet walking surfaces in the pool and for the wet deck area.~~

(29) through (42) No change.

Rulemaking Specific Authority ~~381.0011~~, 381.006, 514.021 FS. Law Implemented ~~381.0011, 381.0025, 381.006, 386.01, 381.02, 386.03, 386.041, 386.051, 514.011~~, 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History–New 10-5-93, Formerly 10D-5.131, Amended 12-27-98, 5-27-04, _____.

64E-9.003 Forms.

(1) All forms listed in this chapter section are herein incorporated by reference and may be obtained from the department, at: <http://www.doh.state.fl.us/environment/water/swim/download.html>, or write to DOH, Bureau of Water Programs, mail bin C-22, 4052 Bald Cypress Way, Tallahassee 32399-1742, or at the local County Health Department. The following forms are for use by the department or the public:

(a) through (c) No change.

(2) No change.

Rulemaking Specific Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 FS. History–New 10-5-93, Formerly 10D-5.132, Amended 12-27-98, 3-30-00, 5-27-04, _____.

64E-9.0035 Exemptions.

(1) No change.

(a) Applicants for a swimming pool exemption pursuant to (2)(a) or (2)(b) or (1), of Section 514.0115, F.S., shall submit the following information along with the applicable department form listed ~~above~~:

1. For condominiums; the recorded declaration of condominium; the condominium’s articles of incorporation; ~~and~~ bylaws, and all duly adopted and recorded amendments; supplements, and ~~all~~ recorded exhibits thereto; ~~and~~ a copy of a plot plan diagram for the proposed property; and form DH 4065 for 32 units or less, or DH 1704 for more than 32 units, or

2. For cooperatives; the articles of incorporation of the association; ~~the~~ bylaws, and the ground lease or other underlying lease, if any; the document evidencing a unit owner’s membership or share in the association; and the document recognizing a unit owner’s title or right of possession to his or her unit; ~~and~~ a copy of a plot plan diagram for the proposed property; and a completed form DH 4065 for 32 units or less, or DH 1704 for more than 32 units.

3. For exemption as a water therapy facility pool: along with a completed form DH4144; a written statement signed by a medical professional that they have already, or intend to prescribe medical water therapy for a patient in the pool, ~~and~~ †This medical professional shall be a physician or a physician’s assistant (PA) licensed pursuant to Chapter 458 or 459, F.S., a podiatrist licensed pursuant to Chapter 461, F.S., or an advanced registered nurse practitioner (ARNP) licensed pursuant to Chapter 464, F.S. For subsequent biannual exemption renewals, in addition to the signed written statement from a medical professional as required above, each water therapy facility shall provide a list of the Florida licensed physical therapist(s), occupational therapist(s), and athletic trainer(s) providing therapy in the pool.

(b) No change.

(2) No change.

(3) An exemption from department rules does not exempt the pool from Florida Building Code (2007 with 2009 amendments) requirements, found in sections 11 and 424.1.

Rulemaking Specific Authority 381.006, 514.021 FS. Law Implemented 514.0115 FS. History–New _____.

64E-9.004 Operational Requirements.

(1) (a) through (c) No change.

(d) Chemical quality – Chemicals used in controlling the quality of the pool water shall be tested and approved using the National Sanitation Foundation (NSF-ANSI) Standard

60-2005, Drinking Water Treatment Chemicals-Health Effects dated September, 2005, which is incorporated by reference in these rules and shall be compatible with other accepted chemicals used in pools. The following parameters shall be adhered to for pool water treatment:

1. through 3. No change.

4. Cyanuric acid – 100 mg/L maximum in pools, with 40 mg/L as the recommended maximum, and 40 mg/L maximum in spa pools.

5. through 7. No change.

(e) Landscape irrigation water that wets the wet deck area of the pool, the pool itself, enters the collector tank, or wets an interactive water feature must be potable water from a public water system.

(2) through (3) No change.

(4) Food and beverages, drink and glass containers are prohibited in the pool and on the pool wet deck area; animals and glass containers are prohibited within the fenced pool area, or 50 feet from pool edge when no fence exists.

(5) through (12) No change.

(13) The keeping of a daily record of information regarding pool operation, using the Monthly Swimming Pool Report – DH 921 3/98, obtained from the local county health department, shall be the responsibility of the pool owner or operator. Customized report forms may be substituted provided they contain the appropriate information and are acceptable to the department. The completed report shall reflect manually conducted pool water tests for pH and disinfectant levels at least once every 24 hours, and weekly testing for cyanuric acid when chlorinated isocyanurates are used at spas and, monthly at pools, and shall be retained at the pool or submitted monthly as required by the local health department. DH 921, 3/98, may be obtained at the local county health department. For the purposes of daily testing of the pool water and keeping of the Monthly Swimming Pool Log, the requirements of Rule 64E-9.018, F.A.C., are not applicable.

(14) Should a human fecal accident occur, the pool operator or owner shall comply with all recommendations found in the Centers for Disease Control and Prevention's ~~Control's~~ (CDC) "Fecal accident response recommendations for Aquatics Staff" dated February 15, 2008, found on the department's internet web site: <http://www.floridashealth.org/Environment/water/swim/index.html>. <http://www.cdc.gov/healthyswimming/fecalacc.htm>. Alternative emergency disinfection methods developed by industry, or by the application of new disinfection technology, or by the use of chemical disinfectants that are effective, safe and appropriate for public bathing facilities, and are approved by the CDC, may also be used.

(15) For pools used at night or when adequate natural lighting is not available, the lighting requirements of paragraph 64E-9.006(2)(c), F.A.C., shall be met.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.021 FS. Law Implemented Part I, Ch. 386, 381.0011, 381.0025, 381.006, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.133, Amended 12-27-98, 5-27-04, _____.~~

64E-9.005 Construction Plan or Modification Plan Approval.

No change.

(1) through (7)(a) No change.

(b)1. through 3. No change.

4. The unit shall meet the requirements of the NSF/ANSI standard 50-2007.

(c) through (d) No change.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.025, 514.03, 514.031, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.134, Amended 12-27-98, 5-27-04, _____.~~

64E-9.006 Construction Plan Approval Standards.

(1) Pool Structure – Pools shall be constructed of concrete or other impervious and structurally rigid material. All pools shall be watertight, free from structural cracks and shall have a nontoxic smooth and slip resistant finish. All materials shall be installed in accordance with manufacturer's specifications unless such specifications standards violate Chapter 64E-9, F.A.C., rule requirements or the approval criteria of NSF/ANSI Standard 50-2007 or NSF/ANSI Standard 60-2005 approval.

(a) Floors and walls shall be white or light pastel in color and shall have the characteristic of reflecting rather than absorbing light. A minimum 4 inch tile line, each tile a minimum size of one four square inches on all sides, shall be installed at the water line, but shall not exceed 12 inches in height if a dark color is used. Gutter type pools may substitute 2-inch tile, each a minimum size of one inch on all sides four square inches, along the pool wall edge of the gutter lip.

1. through 2. No change.

3. One inch square tile may be used throughout the remainder of the pool if the licensed contractor provides a signed written certification to the approving department engineer that the adhesive used on the one inch square tile has a manufacturer's tested shear shear strength of at least 250 psi and the manufacturer has specified the adhesive for use underwater to adhere the type of tile used (vitreous (glass) or ceramic). Tiles shall not have sharp edges exposed that could cause bather injury.

(b) through (e)1. No change.

2. Underwater seat benches may be installed in areas less than five feet deep. Bench seats must be 14 to 18 inches wide and must have a dark contrasting tile marking on the seat edge extending two inches on the horizontal and vertical surface. Tile shall must be slip resistant. Bullnose tile may be substituted and installed in accordance with subparagraph 64E-9.006(1)(d)3., F.A.C. Vinyl liner, stainless steel, and

fiberglass pools may use other material for the bench edge marking as detailed in sub-subparagraph 64E-9.006(1)(c)3.e., F.A.C., above, provided the material is permanently secured, dark in color, non-fading, and slip resistant. Benches shall not protrude into the 15 foot clearance requirement of subparagraph 64E-9.006(1)(c)1., F.A.C.

(f) through (g) No change.

(2) Pool Appurtenances.

(a) Decks and Walkways – Wooden decks and walkways are prohibited.

1. Pool wet decks shall have a minimum unobstructed width of four feet around the perimeter of the pool, pool curb, ladders, handrails, diving boards, diving towers, and slides, shall be constructed of concrete or other nonabsorbent material having a smooth slip resistant finish and shall be uniformly sloped at a minimum of two percent to a maximum of four percent away from the pool or to deck drains to prevent standing water. Textured deck finishes that provide pitting and crevices of more than three-sixteenths inch (3/16") deep that accumulate soil are prohibited. If settling or weathering occurs that would cause standing water, the original slopes shall be restored or corrective drains installed. When a curb is provided, the deck shall not be more than 10 inches below the top of the curb. Wet deck area finishes shall be designed for such use and shall be installed in accordance with the manufacturer's specifications. Traffic barriers shall be provided as needed so that parked vehicles do not extend over the deck area. Walkways shall be provided between the pool and the sanitary facilities, and shall be constructed of concrete or other nonabsorbent material having a smooth slip resistant finish for the first 15 feet of the walkway measured from the nearest pool water's edge. A hose bibb with a vacuum breaker shall be provided to allow the deck to be washed down with potable water.

2. through 3. No change.

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

4. Overhead wiring – Overhead service wiring shall not pass within an area extending a distance of 10 feet horizontally away from the inside edge of the pool walls, diving structures, observation stands, towers, or platforms. Allowances for overhead conductor clearances to pools that meet the safety standards in the National Electrical Code or Florida Building Code may be used instead.

(d) Electrical Equipment and Wiring – Electrical equipment wiring and installation including the grounding of pool components shall conform with the National Fire Protection Association 70, National Electrical Code (NEC), 2008 Edition, effective August 15, 2007, and with applicable local codes. The NEC is incorporated by reference in these rules and is available from the National Fire Protection Association, Quincy Massachusetts. A signature shall be provided on form DH916 from the electrical contractor or the electrical inspector certifying compliance with the National

Electrical Code. Where emergency cut-off switches are provided on existing or new pools, the alarm and signage specified in subsection 64E-9.010(16), F.A.C., for spa pools shall be provided within 180 days of effective date of this rule.

(e) Equipment Enclosures, Area or Rooms – Equipment designated by the manufacturer for outdoor use may be located in an equipment area, all other equipment must be located in an equipment room or enclosure. Plastic pipe subject to a period of prolonged sunlight exposure must be coated to protect it from ultraviolet light degradation. An equipment area shall be surrounded with a fence at least four feet high on all sides not confined by a building or equivalent structure. A self-closing and self-latching gate with a locking device shall be provided if necessary for access. An equipment room shall be protected on at least three sides and overhead. The fourth side may be a gate, fence, or open if otherwise protected from unauthorized entrance. Any fence or gate installed shall use members spacing that shall not allow passage of a 4 inch diameter sphere. An equipment enclosure shall be lockable or otherwise protected from unauthorized access. This access security shall be installed on all pool equipment areas by one year from the effective date of this rule for those that do not presently have a similar level of security. The equipment enclosure, area or room floor shall be of concrete or other nonabsorbent material having a smooth slip resistant finish and shall have positive drainage, including a sump pump if necessary. Ancillary equipment, such as a heater, not contained in an equipment enclosure or room shall necessitate an equipment area as described above, which shall also be installed by one year from the effective date of this rule.

1. Ventilation and Access – Equipment enclosures or rooms shall have either forced draft or cross ventilation. All below grade equipment rooms shall have a stairway access with forced draft ventilation or a fully louvered door and powered intake within 6 inches of the floor ~~louvered vent on at least one other side~~. Where stairway access is not necessary to carry heavy items into the below grade room or vault, a "ship's ladder" may be used if specified approved by the design department engineer who must consider anticipated workload including equipment removal, and the ladder slope, tread height and width, and construction material of the ladder. The opening to the equipment room or area shall be a minimum of three feet by six feet and shall provide easy access to the equipment. A hose bibb with vacuum breaker shall be located in the equipment room or area.

2. No change.

(f) Sanitary Facilities – Swimming pools with a bathing load of 20 persons or less may utilize a unisex restroom. Pools with bathing loads of ~~40~~ 90 persons or less may utilize two unisex restrooms or meet the requirement on the chart below. Unisex restrooms shall meet all the requirements for materials, drainage and signage as indicated in subparagraphs 64E-9.006(2)(f)2. through 7., F.A.C., below. Each shall include

a water closet, a diaper change table, a urinal, and a lavatory; ~~a urinal is optional~~. Pools with a bathing load larger than ~~40~~ 90 persons shall provide separate sanitary facilities labeled for each sex. The entry doors of all ~~such~~ restrooms must be located within a 200 foot walking distance of the nearest water's edge of each pool served by the facilities.

1. through 2. No change.

3. Sanitary facility floors shall be constructed of concrete or other nonabsorbent materials and shall have a smooth slip resistant finish and shall slope to floor drains. Carpets, duckboards and footbaths are prohibited. The intersection between the floor and walls must be covered where either floor or wall is not made of waterproof materials such as tile or vinyl ~~or the intersection is not sealed waterproof~~.

4. through 7. No change.

(g) No change.

(h) All public pools shall be surrounded by a minimum 48 inch high fence or other substantial barrier approved by the department. The fence shall be continuous around the perimeter of the pool area that is not otherwise blocked or obstructed by adjacent buildings or structures and shall adjoin with itself or abut to the adjacent members. Access through the barrier or fence from dwelling units such as homes, apartments, motel rooms, and hotel rooms, shall be through self-closing self-latching lockable gates of 48 inch minimal height from the floor or ground with the latch located a minimum of 54 inches from the bottom of the gate or at least 3 inches below the top of the gate on the pool side. If the self-closing self-latching gate is also self-locking and is operated by a key lock, electronic opener, or integral combination lock, then the operable parts of such locks or openers shall be 34 inches minimum and 48 inches maximum above the finished floor or ground. Doored access points from public rooms such as lobbies or club houses need not be through gates. Gates shall open outward away from the pool area. A latched, lockable gate shall be placed in the fence within ten feet of the closest point between the pool and the equipment area for service access. Instead of a fence, permanent natural or man-made features such as bulkheads, canals, lakes, navigable waterways, etc., adjacent to a pool may be permitted as a barrier when approved by the department. When evaluating such barrier features, the department may perform onsite inspections, and review evidence, such as surveys, aerial photographs, water management agency standards and specifications, and any other similar documentation to verify at minimum, the following: the barrier feature is not subject to natural changes, deviations, or alterations and is capable of providing an equivalent level of protection as that provided by a structure, and the barrier feature clearly impedes, prohibits or restricts access to the pool.

Screened pool enclosures must be hardened on the bottom three feet. Fencing consideration shall be given to the U.S. Consumer Product Safety Commission (CPSC) Publication No. 362, March 2005, guidelines available from CPSC.gov, or the Florida Building Code, 2007 with 2009 amendments, sections 424.2.17.1.1 – 424.2.17.1.8 ~~R4101.17.1.1 R4101.17.1.8~~. Safety Covers that comply with ASTM Standard F1346-91 (Reapproved 2003), titled Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs, and available from ASTM.org, do not satisfy this requirement.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.021~~ FS. Law Implemented ~~381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06~~ FS. History–New 10-5-93, Formerly 10D-5.135, Amended 12-27-98, 5-27-04, _____.

64E-9.007 Recirculation and Treatment System Requirements

(1) through (3) No change.

(a) Perimeter overflow gutters – The lip of the gutter shall be uniformly level with a maximum tolerance of one-fourth inch between the high and low areas. The bottom of the gutter shall be level or slope to the drains. The spacing between drains shall not exceed 10 feet for two inch drains or 15 feet for two and one-half inch drains, unless hydraulically justified by the design engineer. Gutters may be eliminated along pool edges for no more than fifteen feet and this shall not exceed 10% of the perimeter (at least 90% of the perimeter shall be guttered). In areas where gutters are eliminated, handholds shall be provided within nine inches of the water surface. Handhold design shall be approved by the department prior to construction. The gutter lip shall be tiled with a minimum of 2 inch tile on the pool wall, each a minimum size of one inch on all sides ~~four square inches~~, except that stainless steel gutters are exempt from this requirement.

1. Either recessed type or open type gutters shall be used. Special designs can be approved provided they are within limits of sound engineering practice. Recessed type gutters shall be at least four inches deep and four inches wide, and no part of the recessed gutter shall be visible from a position directly above the gutter sighting vertically down the edge of the deck or curb. Open type gutters shall be at least six inches deep and 12 inches wide. The back vertical wall of the gutter shall be tiled with glazed tile, each a minimum size of one inch on all sides ~~four square inches~~. This tile shall be smooth and easily cleanable. The gutter shall slope downward 2 inches, plus or minus 1/4 inch, from the lip to the drains. When open type gutters are located at pool steps and the gutter is used as a step tread, the gutter slope may be reduced to 1 inch in the area of the steps, and this tread shall be tiled with slip resistant tile. The back of the gutter drains shall be located within 3/4 inch of

the back vertical wall of the gutter, where the gutter is deepest and shall be flush with the surrounding area or be recessed no more than 3/8 inch.

2. through 3. No change.

(b)1. through 2. No change.

3. Recessed automatic surface skimmers ~~may shall~~ be installed with an equalizer valve and an equalizer line when the skimmer piping system is connected directly to pump suction. ~~If installed, the~~ equalizer valve shall be a spring loaded vertical check valve which will not allow direct suction on the equalizer line. Float valves are prohibited. The equalizer line inlet shall be installed at least one foot ~~below~~ below the normal pool water level and the equalizer line inlet shall be protected by an ASME/ANSI A112.19.8-2007 compliant cover/grate. The equalizer line shall be sized to handle the expected flow with a two inch minimum line size. For existing pools, within 180 days of effective date of this rule, skimmer equalizer lines shall be permanently plugged or ASME/ANSI A112.19.8-2007 compliant covers/grates shall be installed at the inlet.

4. No change.

5. A minimum 6-inch water line tile shall be provided on all pools with automatic skimmer systems, each a minimum size of one inch on all sides ~~four square inches~~. Glazed tile that is smooth and easily cleanable shall be utilized.

(4) through (9) No change.

(10) (a) through (e) No change.

(f) All pools built without a main drain collector tank must be retrofitted with a properly sized and piped collector tank as described in the collector tank definition, the first paragraph of Rule 64E-9.005, subsections 64E-9.007(8) and 64E-9.007(10), F.A.C., on or before the following dates to eliminate direct suction through the main drain.

1. No change.

2. All existing public pools with direct suction main drains shall install as soon as possible, but in no case later than 180 ~~120~~ days after the effective date of this rule, a main drain cover/grate that meets both the ASME/ANSI A112.19.8-2007 standard for drain covers/grates and the main drain cover/grate 1.5 feet per second water velocity requirement of this rule.

3. through 4. No change.

(g) No change.

(11) through (15) No change.

(16)(a) through (e) No change.

(f) Ultraviolet (UV) light disinfectant equipment may be used as supplemental water treatment on public pools (and additional alternative treatment on IWFs) subject to the conditions of this paragraph and manufacturer's specifications. UV is encouraged to be used to eliminate or reduce chlorine resistant pathogens, especially the protozoan *Cryptosporidium*.

1. UV equipment and electrical components and wiring shall comply with the requirements of the National Electrical Code and the manufacturer shall provide a certification of conformance to the department.

2. UV equipment shall meet UL standards and shall be electrically interlocked with recirculation pump(s) on all pools and with feature pump(s) on an IWF such that when the UV equipment fails to produce the required dosage as measured by an automated sensor, the feature pump(s) are disabled so the water features do not operate.

3. UV equipment shall be validated by a capable party that it delivers the required and predicted UV dose at the validated flow, lamp power and water UV transmittance conditions, and has complied with all professional practices summarized in the USEPA Ultraviolet Disinfectant Guidance Manual dated November, 2006, which is publication number EPA 815-R-06-007 available from the department at <http://www.floridashealth.org/Environment/water/swim/index.html> or at http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide/lt2_uvguidance.pdf.

4. UV equipment shall constantly produce a validated dosage of at least 40 mJ/cm² (milliJoules per square centimeter) at the end of lamp life.

5. The UV equipment shall not be located in a side stream flow and shall be located to treat all water returning to the pool or water features.

(17) No change.

Rulemaking Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.136, Amended 12-27-98, 5-27-04,_____.

64E-9.008 Supervision and Safety.

(1) through (1)(a) No change.

(b) Lifeguards and swimming instructors shall also be currently certified in first aid and in adult, child and infant cardiopulmonary resuscitation through the American Red Cross, or the American Heart Association, or the National Safety Council, or the American Academy of Orthopaedic Surgeons, or by Medic First Aid International, Inc., or by American Safety and Health Institute.

(c) through (e) No change.

(2) through (6) No change.

(7) No change

1. No food or beverages, drink, glass or animals in pool or on pool wet deck.

2. No glass or animals in the fenced pool area (or 50 feet from unfenced pool).

3. Bathing load: ___ persons.

4.3. Pool hours: ___ a.m. to ___ p.m.

~~5.4.~~ Shower before entering. Pools of 200 square feet in area or greater without an approved diving well configuration shall have “NO DIVING”, in four inch letters included with the above listed pool rules.

~~6.5.~~ For new or modified pools submitted for plan approval application on or after the effective date of this rule, their posted sign shall add: Do not swallow the pool water.

(8) through (9) No change.

(10) Floating and climb-on devices, objects or toys that are not a part of the approved pool design shall not be tethered in the pool or installed without engineering modification application and department approval.

Rulemaking Specific Authority ~~381.0011~~, 381.006, 514.021 FS. Law Implemented ~~381.0011, 381.0015, 381.0025~~, 381.006, ~~386.01, 386.02, 386.03, 386.041, 386.051~~, 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.137, Amended 12-27-98, 5-27-04,_____.

64E-9.009 Wading Pools.

(1) through (10) No change.

Rulemaking Specific Authority ~~381.0011~~, 381.006, 514.021 FS. Law Implemented ~~381.0011, 381.0025~~, 381.006, ~~386.01, 386.02, 386.03, 386.041, 386.051~~, 514.021 FS. History—New 10-5-93, Formerly 10D-5.138, Amended 12-27-98, 5-27-04,_____.

64E-9.010 Spa Pools.

(1) through (15) No change.

(16) If a spa is equipped with an emergency cut-off or kill switch, provisions for a minimum 80 decibel audible alarm near the spa to sound continuously until deactivated when such device is triggered shall be incorporated. This is to alert pool patrons and operators of a potential public health situation or to indicate that the spa filtration and treatment system may be off. The following additional rule sign shall be visible by the spa which reads “ALARM INDICATES SPA PUMPS OFF. DO NOT USE SPA WHEN ALARM SOUNDS UNTIL ADVISED OTHERWISE.” Where emergency cut-off switches are provided on existing or new spa pools, the alarm and signage specified in subsection 64E-9.010(16), F.A.C., above shall be provided within 180 days of effective date of this rule.

(17) No change.

Rulemaking Specific Authority ~~381.0011~~, 381.006, 514.021 FS. Law Implemented ~~381.0011, 381.0015, 381.0025~~, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.139, Amended 12-27-98, 5-27-04,_____.

64E-9.011 Water Recirculation Attraction and Specialized Pools.

(1) through (5) No change.

(6) Zero Depth Entry Pools.

(a) through (e) No change.

(f) The recirculation-filtration system shall be of a minimum of one turnover every two hours in the area of the pool that is three feet deep or less. In the remainder of the pool where the depth is greater than three feet, the system shall have a maximum six hour turnover rate. The design plans submitted by the applicant shall provide the volume of water in the pool area of three feet depth and less, the volume of water in the pool area greater than three feet in depth, and the total volume in the pool for determination of minimum circulation flow. The volume calculations shall provide verification that the correct volume of water is used to determine the minimum flow at the two hour and the six hour flow requirements.

(g) through (h) No change.

(7) No change.

(8)(a) through (e) No change.

(f) Hydraulics.

1. No change.

2. Alternatively, the contained volume of the system may be filtered and chemically treated based upon a 30 minute turnover of the contained volume with 100% returned to the collector tank by manifold piping. If this alternative is chosen, all water returned to the spray feature(s) must also be treated with an Ultraviolet (UV) light disinfection equipment to accomplish protozoan destruction in accordance with sound engineering and the requirements at paragraph 64E-9.007(16)(f), F.A.C. This alternative must have the ability to feed 6 mg/L free chlorine to the feature water as it is returned to the spray feature. The UV disinfection equipment shall be electrically interconnected such that whenever it fails to produce the required UV dosage, the water spray features pump(s) and flow will be immediately stopped.

3. through 7. No change.

(g) through (h) No change.

~~(i) Play features with an overhead clearance of less than two feet shall be blocked or barricaded to preclude children becoming entrapped.~~

~~(i)(j)~~ IWFs shall be constructed of concrete or other impervious and structurally rigid material.

~~(j)(k)~~ In addition to the requirements of subsection 64E-9.008(7), F.A.C., all IWF pool rule signs shall have the following added in one inch letters within one year of the effective date of this rule.

Do not swallow the fountain water, it is recirculated.

Do not use fountain if you are ill with diarrhea.

~~(k)(4)~~ Floor slopes of an IWF shall be a maximum one foot vertical in ten feet horizontal and a minimum of one foot vertical in fifty feet horizontal.

(9) No change.

Rulemaking Specific Authority ~~381.0011~~, 381.006, 514.021 FS. Law Implemented ~~381.0011, 381.0025~~, 381.006, ~~386.01, 386.02, 386.03, 386.041, 386.051~~, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.140, Amended 12-27-98, 5-27-04,_____.

64E-9.013 Bathing Places.

(1) through (4) No change.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.021~~ FS. Law Implemented ~~381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.04, 514.05, 514.06~~ FS. History–New 10-5-93, Formerly 10D-5.142, Amended 12-27-98, 5-27-04, _____.

64E-9.015 Fee Schedule.

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

(d) Annual renewal of operating permits, use form DH4063:

1. Pools greater than 25,000 gallons and bathing places – \$250.00 ~~\$250.00~~

2. through 4. No change.

(3) through (5) No change.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.021, 514.033~~ FS. Law Implemented 514.021, 514.03, 514.031, 514.033 FS. History–New 10-5-93, Formerly 10D-5.144, Amended 12-27-98, 5-27-04, _____.

64E-9.016 Exemptions and Variances.

(1) through (2) No change.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.0115, 514.021~~ FS. Law Implemented 514.0115, 514.021, 514.028, 514.051, 514.06 FS. History–New 10-5-93, Formerly 10D-5.145, Amended 12-27-98, _____.

64E-9.017 Enforcement.

No change.

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

(e) A main drain grate is missing, unsecured, improperly secured, ~~or~~ damaged, or does not meet the requirements of subparagraph 64E-9.007(10)(f)2., F.A.C., by the time allowed.

(f) No change.

(g) Direct suction exists on the main drain or other outlets, except vacuum fittings, automatic surface skimmer(s), and their equalizer grates provided the flow velocity through the grate does not exceed 1.5 feet per second, or the corrective actions specified in paragraphs 64E-9.007(3)(b) and (10)(f), F.A.C., are not completed by dates specified.

(h) Any other conditions which endangers the health, safety, or welfare of persons using the pool, which may include, but is not limited to: a drowning hazard, broken glass, sharp edged or broken tile or metal, fecal accident(s), electrical code violation, or severe biological growth. The division or department may attach a sign that states “Pool Closed. This pool is not in compliance with Chapter 64E-9, F.A.C., and may endanger the health, safety or welfare of persons using this facility”. With the department’s permission, the pool operator may remove signs from the pool area immediately following correction of the cited deficiencies provided the county health department is notified of this action.

(2) Correction of Unauthorized Modifications.

(a) When it is discovered that a pool has been modified from the department approved plans and application, corrective construction and replacement shall be allowed to occur to bring the pool into compliance with the plans and applications as approved without the requirement for a modification permit, unless any of the following exist:

1. Critical conditions identified in paragraphs 64E-9.017(1)(d) and (g), F.A.C., above are discovered.

2. The original approved plans and application are not available for verification.

3. The extent of the unauthorized modification cannot be readily determined by the department or the design engineer.

4. The corrective construction or replacement will place the pool in violation of current pool construction rules.

5. The construction requires concrete work or placement of underground pipes.

6. Other unsanitary or unsafe conditions apparent to the department or the design engineer.

(b) Whenever any of the conditions numbered 1 through 6 above exist, the owner shall make application to the department with form DH 914 pursuant to subsection 64E-9.005(1), F.A.C., for a modification permit to authorize any construction required to restore the condition of the pool to an approved or original condition.

Rulemaking Specific Authority ~~381.0011, 381.006, 514.021, 514.05~~ FS. Law Implemented ~~381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.04, 514.05, 514.06~~ FS. History–New 10-5-93, Formerly 10D-5.146, Amended 12-27-98, 5-27-04, _____.

64E-9.018 Public Pool Service Technician Certification.

No change.

(1) through (6) No change.

~~(7) Internet based classes — Where courses have been approved above, they may be approved to be delivered in an electronic means as follows:~~

~~(a) Provider shall provide documentation establishing that their proposed online course is identical or better in content to the existing classroom course.~~

~~(b) Provider course will provide training and materials that have already been approved by the department.~~

~~(c) Provider will provide at least sixteen (16) hours of class online, or a mixture of on-line and traditional face-to-face classroom instructional setting for a total of sixteen (16) hours of training may be offered.~~

~~(d) The course and any changes to the course as approved, delivery method, or identification verification and validation procedure must be approved by the department prior to the change, except for changes to course content in accordance with the next section, below.~~

~~(e) The course training materials shall be kept current with the science and the technology of the public pool industry, and the State of Florida rules related to public swimming pools.~~

(f) Each online course section must have a minimum time to finish that section before it is possible to move on to the next section. The minimum time is 120 minutes for each one eighth (1/8th) of the online course.

Failure by a student to answer a validation question during a 60 second response time period, or a student providing more than one incorrect answer to a validation question, will cause the online course or test to automatically terminate. The student can register to take the course or test again after a 24-hour waiting period.

(g) Identification verification and validation is required for each student taking the course and test. This shall occur prior to the initiation of the online course, using an identity verifying technology that seeks verification using credit bureau contacts. Following initial identity verification, validation shall occur during the course, at least every five hours during the online training portion, and then again immediately before the student's entrance to the final test and again when half of the questions have been answered.

(h) If Provider or the department determines that a student has attempted or acquired certification by committing fraud, deceit, false statements, or perjury, provider shall notify the department in writing within 30 days of such determination, and shall revoke the certificate.

(i) At a minimum, provider shall include on the registration form, initial blocks in which the student signs off on the following information:

1. That the student who registers for the course is the person taking the course.

That the student must take a test of at least 50 questions on course content and get 70 percent correct to receive a course completion certificate. Failure to answer correctly 70 percent content questions will result in a test failure and the student must wait at least 24 hours to retake the test.

2. That the student will be asked time limited validation questions during the course and test. The validation questions will ask the student questions about themselves based on information provided by them and obtained through credit bureaus. Failure by a student to answer a validation question during a 60-second response time period, or a student providing more than one incorrect answer to a validation question, will cause the course or test to automatically terminate. Upon termination, a 24-hour waiting period is required before the student is allowed to register again.

3. Failure of student to sign off to each stipulation listed above will result in the student's inability to proceed with the course.

(j) Provider will provide an electronic or paper report of students taking the course and those passing the final test every three months (first of January, April, July and October) to the Department of Health, the Bureau of Water Programs, Mail bin C-22, Tallahassee, Florida, 32399-1742. Included in the report

will be the student's name, address, business affiliation and date of certificate issuance. This information will be handled by the department as required by statute and rule.

(k) Provider must maintain electronic records of the information in the above section for at least 10 years after the certificate is issued.

(l) A subject matter expert representing Provider must be available by telephone or via electronic means during normal business hours to assist students.

(7)(m) Any reference to department approval shall state no more than: "This course is approved by the Florida Department of Health for student certification as a Public Pool Service Technician under Chapters 514, F.S., and Chapter 64E-9, F.A.C."

(n) In order to ensure that the requirements of this section are met, the department retains the right, two (2) or three (3) times a year, to sign on and take the providers course, as any interested student would. In order to allow such inspection, provider shall reimburse the department the cost of the course. The department, when making a request for the reimbursement, shall provide the provider with the time and date the course was taken, and the number of the credit card used to pay for the course.

(o) This internet-based online course approval is not transferable and only applies to this internet course and to the provider it was issued to.

Rulemaking Specific Authority 381.006, ~~381.0014~~, 514.021, 514.075 FS. Law Implemented 514.025, 514.075 FS. History--New 9-25-97, Amended 5-27-04, _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67ER09-1	Purpose and Intent
67ER09-2	Definitions
67ER09-3	Implementation
67ER09-4	Community Workforce Housing Innovation Pilot Program
67ER09-5	State Apartment Incentive Loan Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the emergency rules published in Vol. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

The effective date of the above emergency rules is March 13, 2009.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on February 6, 2009, the Department of State received the City of Boynton Beach's Petition for Variance of Section VIII.B. of the Department of State's Guidelines for the State Aid Program, which are incorporated into paragraph 1B-2.011(2)(a), Florida Administrative Code. These Guidelines provide that grant applicants have 30 days to cure an application deficiency. The City/Petitioner requested a 45-day extension of this deadline so that the City would have time to complete and submit the required, City-wide audit with its grant application. Notice of the petition was published in the March 6, 2009 issue of the Florida Administrative Weekly. On March 31, 2009, the Department of State entered an order granting the rule variance. The general basis for the Department of State's decision is that even though the City exercised due diligence in completing its grant application, it was unable to submit the required City-wide financial audit. This audit had been delayed due to turnover of all (four) professional positions in the Department of Financial Services, which was the agency in charge of the City-wide audit. Relief was granted because strict application of the rule at issue would have violated principles of fairness: the City would have forfeited \$55,791 in grant funds if the Department of State had not granted the extension to cure its application deficiency due to circumstances outside of the control of the City.

A copy of the Order may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of paragraph 11B-35.0024(2)(a), F.A.C., by Kathy Merus. The petitioner wishes to waive that portion of the rule which limits a basic recruit to retaking EITHER one high-liability proficiency OR one test of cognitive knowledge during his or her basic recruit training. The Petitioner's training school permitted her to retake one of each. The Petitioner passed her State Officer Certification Examination and is employed as an officer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on March 30, 2009, the Suwannee River Water Management District, received a petition for variance from Hamilton County Board of Commissioners, 207 N. E. First Street, Jasper, FL 32052, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. The property owner intends to construct a gravel road and a portion of a gravel parking area within the 75-foot setback, located in Township 2 North, Range 12 East, Section 1, Hamilton County. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 07-0006M.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the South Florida Water Management District (District), received a petition for waiver from the Town of Miami Lakes, Application No. 09-0316-7, for utilization of Works or Lands of the District known as the C-8 Canal, for the proposed installation of a fence to be placed within the District's right of way along the C-8 (Biscayne) Canal; Section 14, Township 52 South, Range 40 East, Miami-Dade County. The Petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40' of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the South Florida Water Management District (District), received a petition for waiver from Steven V. Batic, Application No. 09-0220-2, for utilization of Works or Lands of the District known as the C-13 Canal, for the proposed placement of 13 palm trees within 40' of the top of the canal bank located at 9830 N. W. 31st Place; Section 19, Township 49 South, Range 41 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40' of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Agency for Workforce Innovation, received a petition for Emergency Petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Orange County, P. O. Box 540387, Orlando, Florida 32854.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 25, 2009, the Agency for Workforce Innovation, received a petition for Emergency Petition for Temporary Waiver of paragraph 60BB-8.201(4)(a), Florida Administrative Code, from the Early Learning Coalition of Orange County, P. O. Box 540387, Orlando, Florida 32854.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 27, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Southwest Florida, 5256 Summerlin Commons Way, #201, Fort Myers, Florida 33907.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Adventure Landing Dippin Dots located in Jacksonville. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for Paragraph 4-301.12(A), and Section 5-203.13, 2001 FDA Food Codes; subsections 61C-1.004(1) and 61C-4.010(5), Florida Administrative Code, from Adventure Landing Melt Away Bay located in Jacksonville. The above referenced F.A.C. addresses the

requirement for the establishment to provide a three-compartment sink and mop sink at the establishment. They are requesting to share a three-compartment sink and mop sink with another establishment located within the same theme park/entertainment complex under the same ownership. A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on March 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a ROUTINE Variance for subsection 61C-4.010(5) and Paragraph 4-301.12(A), 2001 FDA Food Code from Café Express located in Miami Springs. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils. They are requesting to utilize the dishwashing facilities located in another establishment on another level under the same ownership.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code; and Section 6-402.11, 2001 FDA Food Code, from The Pup Tent located in Lauderhill. The above referenced F.A.C. addresses the need for the establishment to provide a bathroom for use by customers and employees installed with a hand wash sink provided with hot and cold running water. They are requesting to share a properly equipped bathroom located within a nearby establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on March 20, 2009, the Department of Environmental Protection, received a petition for JR Eisenman LLC., seeking a variance from Rule 62-521.400, F.A.C., to allow a fuel tank within 500 feet of a potable water supply well. The petition has been assigned OGC File No. 09-0525.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Donnie McClougherty, Department of Environmental Protection, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8645. Written comments must be received by Donnie McClougherty at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on April 1, 2009, the Board of Massage Therapy, received a petition for Vladislav Simakov, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to financial hardship.

Comments on this petition should be filed with the: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on February 25, 2009, the Board of Massage Therapy, received a petition for Dawn S. Stubbs, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., with respect to the 12 hours of continuing education via live classroom instruction which includes hands on instruction or demonstration due to financial hardship, and Rule 64B7-28.010, F.A.C., with respect to the requirements for board approved continuing education programs from a foreign sovereign state.

Comments on this petition should be filed with the: Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161.

The **Board of Occupational Therapy** hereby gives notice of the withdrawal of the Petition for Variance or Waiver for Jon Edenfield, M.S., OTR/L. The Notice of Petition for Variance or Waiver of Rule 64B11-6.001, F.A.C., Continuing Education Program Approval was published in Vol. 35, No. 7, of the

February 20, 2009, Florida Administrative Weekly. Petitioner has requested the Petitioner for Variance or Waiver be withdrawn.

A copy of the Petitioner's letter may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the Board of Physical Therapy, received a petition for Evelyn Mora, seeking a waiver or variance of paragraph 64B17-3.001(4)(i), F.A.C., with respect to the speaking portion of the TOEFL Examination.

Comments on this petition should be filed with the: Board of Physical Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Love, Executive Director, at the above-referenced address, or at telephone number (850)245-4373.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: April 28, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations;

investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,

F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Division of Library and Information Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 14, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Wimba Online classroom **URL:** <http://67.202.209.252/>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be an orientation session for new Library Services and Technology Act Advisory Council members.

A copy of the agenda may be obtained by contacting: Dolly Frank, LSTA Grants Coordinator, (850)245-6631 or by e-mail: dafrank@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dolly Frank at (850)245-6631 or by e-mail: dafrank@dos.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: Dolly Frank, (850)245-6631 or by e-mail: dafrank@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meeting which all persons are invited to attend:

Executive Committee

DATE AND TIME: April 20, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 0131521068

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. 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, contact: Bureau of Criminal Justice Programs at (850)414-3300.

The **Florida Elections Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 20, 2009, 11:45 a.m. – 3:30 p.m.
 PLACE: Conference Call: (888)808-6959, Conference Code: 1465889610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Elections Commission has formed a committee to review applications for the Executive Director position with the Florida Elections Commission.

A copy of the agenda may be obtained by contacting: Patsy Rushing, Commission Clerk at (850)922-4539, ext. 103 or patsy.rushing@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Patsy Rushing, Commission Clerk at (850)922-4539, ext. 103 or email: patsy.rushing@myfloridalegal.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).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Viticulture Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, April 24, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4873444

GENERAL SUBJECT MATTER TO BE CONSIDERED: Announces a conference call meeting to vote on the disbursement of additional funds for the 2008/2009 fiscal year. A copy of the agenda or more information contact: Tom Thomas at (850)922-9827.

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 days before the workshop/meeting by contacting: Tom Thomas at (850)922-9827.

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: Tom Thomas at (850)922-9827.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council**, Membership Taskforce announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 7, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Division of Vocational Rehabilitation, 2002-A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/conference call of the Florida Rehabilitation Council.

Any interested parties that need further information may contact: Yolanda Manning at (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

The **Florida Rehabilitation Council** announces a public meeting to which all persons are invited.

DATES AND TIME: April 27, 2009, Evaluation Committee; April 28-30, 2009, Legislative Committee Meeting, 8:00 a.m. – 6:00 p.m.

PLACE: DVR Headquarters, 2002-A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council's Committees.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

The **Division of Vocational Rehabilitation**, Florida Rehabilitation Council announces a public meeting to which all persons are invited.

DATE AND TIMES: May 4, 2009, 10:00 a.m. – 12:00 Noon; 4:00 p.m. – 6:00 p.m.

PLACE: Goodwill Industries of Central Florida, 7531 South Orange Blossom Trail, Orlando, Florida

DATE AND TIMES: May 6, 2009, 10:00 a.m. – 12:00 Noon; 4:00 p.m. – 6:00 p.m.

PLACE: LeRoy Collins Leon Council Public Library, 200 West Park Avenue, Tallahassee, Florida

DATE AND TIMES: May 12, 2009, 10:00 a.m. – 12:00 Noon; 4:00 p.m. – 6:00 p.m.

PLACE: Marriott Miami Airport, 1201 Northwest LeJeune Road, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are public forums for consumer input on the effectiveness of services provided by the Florida Division of

Vocational Rehabilitation Services in assisting individuals with disabilities achieving employment and independence under title I of the Rehab Act.

A copy of the agenda may be obtained by contacting: Yolanda Manning at (850)245-3320, Florida Rehabilitation Council, Division of Vocational Rehabilitation, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

The **Florida Rehabilitation Council**, Quarterly announces a public meeting to which all persons are invited.

DATES AND TIME: May 18-20, 2009, 8:00 a.m. – 6:00 p.m.
PLACE: Hyatt Regency Orlando International Airport, 9300 Airort Blvd., Orlando, Florida 32827, (407)825-1234
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, F.S.)

A copy of the agenda may be obtained by contacting: Yolanda Manning at (850)245-3320.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIMES: A Teacher Hearing Panel, April 23, 2009, 9:00 a.m., or as soon thereafter as can be heard; Training for New Commission Member(s), 2:00 p.m., or as soon thereafter
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, April 24, 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.

The **Criminal Justice Standards and Training Commission**, Region VI, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 19, 2009, 10:00 a.m.
PLACE: Central Florida Community College, 3001 S. W. College Road, Criminal Justice Building #31, Room #106, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the 2008-2009 expenditures to date and the proposed 2009-2010 training schedules.

A copy of the agenda may be obtained by contacting: Central Florida Community College, Attn: Steve Ash, 3001 S. W. College Road, Ocala, Florida 34474.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CHANGE – The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATES AND TIME: April 20, 2009; April 27, 2009, 10:00 a.m. – until Completion

PLACE: Meetings to be Conducted using Communications Media Technology, specifically Conference Call: Telephone Number: 1(888)808-6959, Code: 1967168 (CHANGE IN ACCESS CODE), Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Original Notice Published in Issue 2/27/2009, Vol. 35, No. 8. Legislative updates and other old and new business approved by the Commission Chair.

A copy of the agenda may be obtained by contacting: Mr. Rick Dixon, 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, (850)487-1824 or 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 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. Rick Dixon, 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 or Fax: (850)414-8436, Website: www.floridabuilding.org.

NOTICE OF CHANGE – The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2009, 8:30 a.m. – Until Completion

PLACE: New Address: Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida (Originally Appeared 3/13/2009, Vol. 35, No. 10)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are meetings of the Flood Resistant Standards Workgroup for developing recommendations to the Commission for integration of Flood Resistant provisions into the 2010 Florida Building Code.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair at (850)644-6320 or go to the following websites:

<http://consensus.fsu.edu/FBC/ac.html>

<http://consensus.fsu.edu/FBC/Flood-Resistant-Standards.html>

<http://consensus.fsu.edu/FBC>

http://www.dca.state.fl.us/fbc/workgroups/1_workgroups.thm/GBW.html.

Pursuant to the provisions of the American 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, (850)487-1824 or 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 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. Jeff Blair, Florida Building Commission Facilitator, FCRC Consensus Center, Florida State University, Tallahassee, Florida, (850)644-6320, Website: <http://consensus.fsu.edu/>.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District One announces a hearing to which all persons are invited.

DATE AND TIMES: Tuesday, May 5, 2009, Open House, 6:00 p.m.; Formal Presentation, 7:00 p.m.

PLACE: Hardee County Agri-Center, 515 Civic Center Drive, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a design change reevaluation public hearing. This hearing is being held to allow interested persons an opportunity to express their views concerning the proposed design changes for the widening of US 17 in Hardee County.

The Project Development and Environment Study (PD&E) (Financial Project ID Number: 412631-1-22-01), approved on July 11, 2006, recommended the widening of US 17 from two to four lanes from the DeSoto/Hardee County Line to Third Avenue in Zolfo Springs. The limits of the reevaluation are from C.R. 634 (Sweetwater Road) to Third Avenue in Zolfo Springs, a distance of approximately 5.5 miles.

This project is being developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Tony Sherrard, Project Manager, FDOT, District One, Post Office Box 1249, Bartow, Florida 33831.

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 seven (7) days before the workshop/meeting by contacting: Mr. Tony Sherrard, Project Manager, FDOT, District One at (863)519-2304, by e-mail: antone.sherrard@dot.state.fl.us or by writing: Post Office Box 1249, Bartow, Florida 33831. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Tony Sherrard, Project Manager, FDOT, District One, (863)519-2304, by e-mail: antone.sherrard@dot.state.fl.us or by writing: Post Office Box 1249, Bartow, Florida 33831.

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 **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 29, 2009, 2:00 p.m.

PLACE: The Hermitage Centre, Hermitage Room, Plaza Level, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Board of Administration announces a public meeting of the audit committee to which all persons are invited.

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: James Linn at (850)488-4406. 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: Please call James Linn at (850)488-4406.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

TITLE: Docket Number 080668-SU – Application for staff-assisted rate case in Highlands County by Fairmount Utilities, The 2nd Inc.

DATE AND TIME: Wednesday, May 20, 2009, 6:00 p.m.

PLACE: City of Sebring Civic Center, 335 W. Center Street, Sebring, Florida 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number: 080668-SU – Application for staff-assisted rate case in Highlands County by Fairmount Utilities, The 2nd 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 the meeting.

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 parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service at 1(800)955-877 1 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

TITLE: Docket Number 080669-SU – Application for staff-assisted rate case in Highlands County by Sebring Ridge Utilities, Inc.

DATE AND TIME: Thursday, May 21, 2009, 6:00 p.m.
 PLACE: City of Sebring Civic Center, 335 W. Center Street, Sebring, Florida 33870
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number: 080669-SU – Application for staff-assisted rate case in Highlands County by Sebring Ridge 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 the meeting.

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 parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service at 1(800)955-877 1 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: July 30, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision at its regularly scheduled agenda conference regarding comments filed pertaining to Rules 25-4.0185, 25-4.066, 25-4.070, 25-4.073, 25-4.083 and 25-4.110, F.A.C. Docket No. 080641-TP.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. (\$1.00, see copying Charges for Commission Records). The agenda and recommendation are also accessible on the PSC Website, at 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.

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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Suicide Prevention** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 20, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Room 2103, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suicide Prevention Issues.

A copy of the agenda may be obtained by contacting: Erin MacInnes at (850)922-0498.

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. 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: Erin MacInnes at (850)922-0498.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2009, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, 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: April 23, 2009, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Boulevard, 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: April 23, 2009, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Boulevard, 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: April 23, 2009, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, 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 East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 17, 2009, 10:00 a.m.

PLACE: ECFRPC Offices, 631 N. Wymore Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular quarterly meeting of the Local Emergency Planning Committee. The Training Committee will meet at 9:00 a.m.

A copy of the agenda may be obtained by contacting: April Raulerson, LEPC Coordinator, ECFRPC, 631 N. Wymore Road, Maitland, FL 32751.

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 at (407)623-1075 or by email: rllittle@ecfrpc.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).

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2009, 9:30 a.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environment and Natural Resources Task Force Meeting of the Heartland 2060 Regional Visioning Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **Tampa Bay Regional Planning Council**, Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 11, 2009, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 11, 2009, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 11, 2009, 11:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 14, 2009, 9:00 a.m.

PLACE: 4000 Gateway Blvd., #100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Suzanne Cooper at (727)570-5151, ext. 32. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 18, 2009, 9:30 a.m.
PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782 (Please Call to confirm date, time and location.)
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Clearinghouse Review Committee.
A copy of the agenda may be obtained by contacting: www.tbrpc.org.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Wren Krahl at (727)570-5151, ext. 22.

The Southwest Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 23, 2009, 9:00 a.m.
PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Climate and Energy Subcommittee Kick-Off Meeting.
A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at (239)338-2550, ext. 232 or email: ngwinnett@swfrpc.org.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or email: dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
For more information, you may contact: Ms. Nichole Gwinnett at (239)338-2550, ext. 232 or email: ngwinnett@swfrpc.org.

NOTICE OF RESCHEDULING – The **Regional Business Alliance** announces a public meeting to which all persons are invited.

NOTICE OF CANCELLATION
DATE AND TIME: Wednesday, April 8, 2009, 2:00 p.m. – 4:00 p.m.
PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting (including possible discussions regarding mass transit funding).
NOTICE OF RESCHEDULING
DATE AND TIME: Tuesday, April 14, 2009, 11:00 a.m. – 2:00 p.m.
PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting (including possible discussions regarding mass transit funding).

A copy of the meeting agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416. The South Florida Regional Business Alliance is comprised of business leaders from Miami-Dade, Broward, and Palm Beach counties, including members of the South Florida Regional Transportation Authority.
If you are hearing or speech impaired, please contact: South Florida Regional Planning Council at (954)967-4152, ext. 40 (TDD) if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact: South Florida Regional Planning Council, (954)985-4416 at least five calendar days prior to the meeting.

The District II Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 22, 2009, 10:00 a.m. (ET)
PLACE: Tallahassee Fire Department, Training Room, 2964 Municipal Way, Tallahassee, FL 32304
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the District II LEPC.
A copy of the agenda may be obtained by contacting: Chris Rietow, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424, (850)488-6211, ext. 102.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 21, 2009, 2:00 p.m.
 PLACE: Main Conference Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Marketing Office at (954)788-7935.

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.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 22, 2009, 10:30 a.m.
 PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning Technical Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Planning Office at (954)788-7928.

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.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 24, 2009, 9:30 a.m.
 PLACE: Board Room, South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

**SOUTH FLORIDA REGIONAL
 TRANSPORTATION AUTHORITY
 NOTICE OF PUBLIC HEARING AND INTENT TO
 INCREASE PASSENGER FARES FOR THE TRI-RAIL
 COMMUTER RAIL SERVICE**

NOTICE IS HEREBY GIVEN THAT at its meeting on April 24, 2009, the Governing Board for the South Florida Regional Transportation Authority (SFRTA) will hold a Public Hearing at 9:30 a.m. to receive public input on SFRTA's intent to increase passenger fares for the Tri-Rail commuter rail service. All interested individuals and/or groups are invited to attend this meeting and will have an opportunity to present their views and comments on the proposed fare increase, or have their written comments considered by the Board. Those who wish to comment in writing may do so by either mailing or delivering their written comments to: South Florida Regional Transportation Authority, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064. The following represents SFRTA's proposed new fares:

The proposal would increase all fare types by 25%. See charts below for a detailed listing of current fares and the proposed new fares.

ONE-WAY TICKET AND DISCOUNT ONE-WAY TICKET PER ZONE

Number OF Zones Traveled	Current One-Way	New One-Way	Current Discount One-Way	New Discount One-Way
1	\$2.00	\$2.50	\$1.00	\$1.25
2	\$3.00	\$3.75	\$1.50	\$1.90
3	\$4.00	\$5.00	\$2.00	\$2.50
4	\$5.50	\$5.65	\$2.25	\$2.80
5	\$5.00	\$6.25	\$2.50	\$3.15
6	\$5.50	\$6.90	\$2.75	\$3.45

ROUND TRIP TICKET AND DISCOUNT TRIP TICKET PER ZONE

Number OF Zones Traveled	Current Round Trip	New Round Trip	Current Discount Round Trip	New Discount Round Trip
1	\$3.50	\$4.40	\$2.00	\$2.50
2	\$5.00	\$6.25	\$3.00	\$3.75
3	\$6.75	\$8.45	\$4.00	\$5.00
4	\$7.75	\$9.70	\$4.50	\$6.65
5	\$8.50	\$10.65	\$5.00	\$6.25
6	\$9.25	\$11.55	\$5.50	\$6.90

12-TRIP TICKET

Number OF Zones Traveled	Current 12-Trip	New 12-Trip	Current Discount 12-Trip	New Discount 12-Trip
1	\$17.00	\$21.25	N/A	N/A
2	\$25.00	\$31.25	N/A	N/A
3	\$33.50	\$41.90	N/A	N/A
4	\$38.00	\$47.50	N/A	N/A

5	\$42.00	\$52.50	N/A	N/A
6	\$46.00	\$57.50	N/A	N/A

MONTHLY TICKET AND DISCOUNT MONTHLY

Number OF Zones Traveled	Current Monthly	New Monthly	Current Discount Monthly	New Discount Monthly
1	\$80.00	\$100.00	\$40.00	\$50.00
2	\$80.00	\$100.00	\$40.00	\$50.00
3	\$80.00	\$100.00	\$40.00	\$50.00
4	\$80.00	\$100.00	\$40.00	\$50.00
5	\$80.00	\$100.00	\$40.00	\$50.00
6	\$80.00	\$100.00	\$40.00	\$50.00

WEEKEND DAILY AND DISCOUNT WEEKEND DAILY

Number OF Zones Traveled	Current Weekend (Daily)	New Weekend (Daily)	Current Discount Weekend (Daily)	New Discount Weekend (Daily)
1	\$4.00	\$5.00	\$2.00	\$2.50
2	\$4.00	\$5.00	\$2.00	\$2.50
3	\$4.00	\$5.00	\$2.00	\$2.50
4	\$4.00	\$5.00	\$2.00	\$2.50
5	\$4.00	\$5.00	\$2.00	\$2.50
6	\$4.00	\$5.00	\$2.00	\$2.50

Those wishing to review or obtain a copy of any materials pertaining to this public hearing may contact the Executive Office at (954)788-7917; if hearing impaired, telephone (800)273-7545 (TTY) for assistance. All written comments will be entered into the official records of the public hearing. Persons wishing to address the Governing Board are requested to complete an "Appearance Card" and will be limited to three (3) minutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding must, at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, or telephone (954)942-7245 for assistance; if hearing impaired, telephone (800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by SFRTA's Governing Board with respect to any matter considered at this hearing, will need a record of the proceedings, and that, for such purpose, he/she 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 to be based.

Unless amended, this notice will serve as the final fare structure for Tri-Rail passengers. .

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 24, 2009, 9:30 a.m.

PLACE: Board Room, South 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.

The **Tampa Bay Area Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 24, 2009, 9:30 a.m.

PLACE: Florida Department of Transportation (FDOT), District Seven Office, 11201 N. McKinley Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Tampa Bay Area Regional Transportation Authority (TBARTA) announces its monthly calendar of meetings.

The TBARTA Board and its advisory committees will meet to discuss the development and implementation of regional transportation solutions.

The TBARTA Board will meet on Friday, April 24, 2009. The meeting will begin at 9:30 a.m. at Florida Department of Transportation (FDOT), District Seven Office, 11201 N. McKinley Drive, Tampa, FL. The purpose of the meeting is to discuss developing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties.

The Transit Management Committee (TMC) will meet on Wednesday April 15, 10:00 a.m. at the Pinellas Suncoast Transit Authority (PSTA), 3201 Scherer Dr. in St. Petersburg. Consisting of representatives of the region's transit and transportation agencies, this group advises the Board on the technical development of the Master Plan and its future implementation.

The Citizens Advisory Committee (CAC) will meet on Wednesday, April 15, at 1:30 p.m. at the USF Connect Building, 3802 Spectrum Blvd. in Tampa. This group of volunteers provides region-oriented advice to the Board from a citizen's perspective.

Additional Board subcommittee meetings will be noticed on the TBARTA website. All meetings of the TBARTA Board and its advisory committees are open to the public. These meetings are being conducted pursuant to Section 120.525 Florida Statutes, and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Individuals requiring accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Brandie Miklus, Transportation Planner, (813)217-4037 at least three (3) days prior to the meeting. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status.

A copy of the agenda may be obtained by contacting: <http://www.tbarta.com> three to five days prior to each meeting.

DEPARTMENT OF CORRECTIONS

The **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2009, 10:00 a.m.

PLACE: Florida Department of Corrections, Building B, 2nd Floor, Classroom B, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general subject matter of the hearing will be inmate medical and substance abuse records, which are addressed in proposed Rule 33-401.701, F.A.C., Medical and Substance Abuse Clinical Files, as noticed in the Florida Administrative Weekly, Vol. 35, No. 9, March 6, 2009.

A copy of the agenda may be obtained by contacting: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 24, 2009, 8:30 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

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: Commission on Ethics at (850)488-7864. 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: April 23, 2009, 1:00 p.m. (EDT)

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 APRIL 23, 2009:

10:30a.m. – 11:30 a.m. District Lands Committee – to discuss Land Acquisition Matters.

11:30 a.m. – 12:30 p.m. Committee of the Whole – 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.nwfwmd.state.fl.us).

DEPARTMENT OF ELDER AFFAIRS

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 2, 2009, 9:30 a.m. (EST)

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie at (239)338-2563.

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: Ann Proie at (239)338-2563. 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: Ann Proie at (239)338-2563 or by email: prioed@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 8, 2009, 10:00 a.m. (EST)

PLACE: 3501 Kirby Loop Road, Ft. Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Treasure Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Nancy Schoemig at (772)595-1385.

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: Nancy Schoemig at (772)595-1385. 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: Nancy Schoemig at (772)595-1385 or by email: schoemign@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 2009, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Elder Source, 4160 Woodcock Drive, Bldg. 2800, 2nd Floor, Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Milliken at (904)391-3942.

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: Michael Milliken at (904)391-3942. 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: Michael Milliken at (904)391-3942 or by email: millikenm@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 2009, 1:00 p.m. (EST)

PLACE: 1400 West Commercial Blvd., 2nd Floor, Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Broward District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Susan Nix at (954)474-7919.

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: Susan Nix at (954)474-7919. 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 Nix at (954)474-7919 or by email: nixs@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2009, 1:00 p.m. (EST)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

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: Claudia Dinardo at (386)226-7846. 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: Claudia Dinardo at (386)226-7846 or by email: dinardoc@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 11, 2009, 10:30 a.m. (EST)

PLACE: North Miami Beach Public Library, 1601 N. E. 164th Street, North, North Miami Beach, FL 33162

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Dade District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ramon Keppis at (786)336-1418.

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: Ramon Keppis at (786)336-1418. 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: Ramon Keppis at (786)336-1418 or by email: keppisra@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 11, 2009, 12:00 Noon – 2:45 p.m. (EST)

PLACE: Mayor William Beardall Senior Center, 800 South Delaney Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg at (407)228-7752.

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: Lashea Heidelberg at (407)228-7752. 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: Lashea Heidelberg at (407)228-7752 or by email: heidelbergl@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 11, 2009, 2:00 p.m. (EST)

PLACE: Rath Senior CoNEXTions and Education Center, 1350 E. Main Street, Ste. 200, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Tresa Johnston at (863)413-2764.

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: Tresa Johnston at (863)413-2764. 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: Tresa Johnston at (863)413-2764 or by email: johnstont@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 12, 2009, 10:00 a.m. (EST)

PLACE: First Presbyterian Church of Brandon, 121 Carver Ave., Room D, Brandon, FL 33510

GENERAL SUBJECT MATTER TO BE CONSIDERED: West Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Robin Baker at (813)558-5591.

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: Robin Baker at (813)558-5591. 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: Robin Baker at (813)558-5591 or by email: baker@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 16, 2009, 12:30 p.m. (EST)

PLACE: Kendall United Methodist Church, 7600 S. W. 104th Street, Miami, FL 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Dade and the Florida Keys District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Sara Celis or Rachel Ponce at (305)671-7245.

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: Sara Celis or Rachel Ponce at (305)671-7245. 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: Sara Celis or Rachel Ponce at (305)671-7245 or by email: celiss@elderaffairs.org; poncer@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 17, 2009, 9:30 a.m. (EST)

PLACE: Department of Environmental Protection, 3800 Common Wealth Blvd., Room 101, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panhandle District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Janice Harvey at (850)921-4703.

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: Janice Harvey at (850)921-4703. 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: Janice Harvey at (850)921-4703 or by e-mail: harveyj@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2009, 10:00 a.m. (EST)

PLACE: Regency Park Library, Meeting Room, 9701 Little Road, New Port Richey, FL 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Susan Strothers or Lynn Penley at (813)558-5591.

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: Susan Strothers or Lynn Penley at (813)558-5591. 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 Strothers or Lynn Penley at (813)558-5591 or by email: strothers@elderaffairs.org; penleyl@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2009, 12:30 p.m. (EST)

PLACE: Haven Hospice, 4200 N. W. 90th Blvd., Gainesville, FL 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ryan Miller at (352)955-5015.

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: Ryan Miller at (352)955-5015. 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: Ryan Miller at (352)955-5015 or by email: millerr@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2009, 1:00 p.m. (EST)

PLACE: 11351 Ulmerton Rd., Ste. 303, Largo, FL 33778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid and South Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Natalie Clanzly at (727)588-6912.

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: Natalie Clanzly at (727)588-6912. 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: Natalie Clanzly at (727)588-6912 or by email: clanzyn@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 22, 2009, 11:00 a.m. (EST)

PLACE: 111 South Sapodilla Ave., Room #113B, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Palm Beach District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Allen Jaggard at (561)837-5038.

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: Allen Jaggard at (561)837-5038. 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: Allen Jaggard at (561)837-5038 or by email: jaggarda@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 25, 2009, 9:30 a.m. – 12:00 Noon (CST)

PLACE: 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Phillips at (850)916-6720.

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: Michael Phillips at (850)916-6720. 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: Michael Phillips at (850)916-6720 or by email: phillipsm@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 25, 2009, 10:00 a.m. (EST)

PLACE: Lake Panasoffkee Parks and Recreation Community Center, 1582 County Road 459, Lake Panasoffkee, FL 33538

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee District Long-Term Care Ombudsman 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 72 hours 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 or by email: andersonm@elderaffairs.org.

The Florida **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 14, 2009, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959, when prompted, enter Conference Code: 9247380 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Margo Mitchell at (850)414-2381.

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. Margo Mitchell at (850)414-2381. 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).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Florida Statewide Advocacy Council** announces three telephone conference calls to which all persons are invited.

DATES AND TIMES: Executive Committee, April 17, 2009, 10:00 a.m.; Statewide Advocacy Council Member, April 21, 2009, 2:00 p.m.; Interagency Agreements Committee, April 27, 2009, 10:00 a.m.

PLACE: Teleconference information for all meetings: Call In Number: 1(888)808-6959, Conference Code: 4886175#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meetings are being held in order to comply with the mandates of Sections 402.164 through 402.167, Florida Statutes.

Copies of the agendas may be obtained by contacting: <http://dms.myflorida.com/fsac> or Susan Counts at (850)488-6175.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshops/meetings is asked to advise the agency at least 4 days before the workshops/meetings by contacting: Susan Counts at (850)488-6175. 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 **Agency for Health Care Administration, Division of Medicaid** announces a public meeting to which all persons are invited.

DATE AND TIME: May 4, 2009, 1:00 p.m. – 4:30 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Hemophilia Medical Advisory Panel (HMAP) formed to assist with the Agency's Comprehensive Hemophilia Disease Management Programs. Business is to review the clinical guidelines adopted by the Vendors. The purpose of HMAP is to develop clinical guidelines; review and recommend care protocols; suggest appropriate outreach methods to beneficiaries; review difficult cases and make recommendations.

A copy of the agenda may be obtained by contacting: Beverly Johnson, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 50, Tallahassee, Florida 32308; (850)487-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Beverly Johnson, Agency for Health Care

Administration, 2727 Mahan Drive., Building 3, Mail Stop 50, Tallahassee, Florida 32308; (850)487-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Beverly Johnson, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 50, Tallahassee, Florida 32308;(850)487-2355.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, April 27, 2009, 1:00 p.m. – 4:00 p.m.; Friday, May 1, 2009, 9:00 a.m. – 12:00 Noon; Monday, May 4, 2009, 9:30 a.m. – 12:30 p.m.; Wednesday, May 6, 2009, 9:00 a.m. –12:00 Noon; Friday, May 8, 2009, 9:00 a.m. – 12:00 Noon; Wednesday, May 27, 2009, 9:00 a.m. – 12:00 Noon; Friday, May 29, 2009, 9:00 a.m. – 12:00 Noon

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Eligibility determinations for applications received for participation in the 2009 Florida State Employees' Charitable Campaign.
2. Status update on revisions to Chapter 60L-39, F.A.C., Florida State Employees' Charitable Campaign.

A copy of the agenda may be obtained by contacting: Erin Thoresen at email: erin.thoresen@dms.myflorida.com or (850)922-1274.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Erin Thoresen at email: erin.thoresen@dms.myflorida.com or (850)922-1274. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Erin Thoresen at email: erin.thoresen@dms.myflorida.com or (850)922-1274.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Cosmetology** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, April 27, 2009, 10:00 a.m. or as soon thereafter as possible

PLACE: Hyatt Regency Jacksonville, 252 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Cosmetology hereby gives notice that a public workshop for the purpose to discuss citations and penalties in Rule 61G5-30.004, F.A.C. will be held at the date, time and place shown in this notice.

A copy of the agenda may be obtained by contacting: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399. 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Florida Real Estate Appraisal Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, April 24, 2009, 10:00 a.m. (Eastern Time) or soon thereafter

PLACE: Teleconference: Department of Business and Professional Regulation, Division of Real Estate using Teleconference Number: 1(888)808-6959, Conference Code: 3177171

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – topics included, but not limited to, disciplinary actions and general business subject matter.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Department of Business and Professional Regulation at (407)481-5632 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 23, 2009, 2:00 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315; 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2009, 1:30 p.m.

PLACE: Apopka Community Center/VFW Post 10147, 519 South Central Ave., Apopka, Florida 32703

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting of the Wekiva Basin Management Action Plan (BMAP) Working Group will include discussion about recommendations to the Department of Environmental Protection regarding adoption of a BMAP to implement adopted Total Maximum Daily Loads in the Wekiva Basin. The focus of the meeting will be a discussion of nutrient sources in the Wekiva Basin and key issues affecting BMAP development.

A copy of the agenda may be obtained by contacting: Jennifer Gihring, Department of Environmental Protection, Watershed Planning and Coordination Section, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400; (850)245-8418.

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: Jennifer Gihring at (850)245-8418. 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 **Acquisition and Restoration Council**, established pursuant to Section 259.035, F.S. announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 30, 2009, 6:00 p.m.

PLACE: Florida Public Archaeology Network at Brevard Community College (North), Building 1, Room 214, 1311 US Hwy. 1 N, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: Take public testimony on all Florida Forever land acquisition projects and new proposals.

A copy of the agenda may be obtained by contacting: Teresia Whalen at Office of Environmental Services at (850)245-2784 or teresia.whalen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Teresia Whalen, Office of Environmental Services at (850)245-2784 or teresia.whalen@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: Teresia Whalen, Office of Environmental Services at (850)245-2784 or teresia.whalen@dep.state.fl.us.

The **Division of Air Resource Management** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, May 13, 2009, 10:00 a.m.

PLACE: Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department announces that a public hearing pursuant to the requirements of 40 CFR 51.102 will be held, if requested, at the date, time and place given above. Any person wishing to request the public hearing must do so by notifying: Lynn Scarce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or email:

lynn.scarce@dep.state.fl.us, by letter or email no later than May 8, 2009. If no request for public hearing is received, the hearing will be cancelled, and notice of the cancellation will be posted at <http://www.dep.state.fl.us/Air/rules/regulatory.htm>, on May 11, 2009, by 5:00 p.m. Persons also may call telephone number (850)488-0114 to confirm that the hearing has been cancelled.

If a hearing is requested, the department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency (EPA), as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-210 and 62-212, F.A.C. The proposed rule amendments update the department's air construction permitting rules in response to the EPA's conditional approval of Florida's new source review SIP.

A copy of the agenda and other materials related to this proposal may be obtained by contacting: Ms. Lynn Scarce at the address listed above or by accessing the above website.

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 Scarce at (850)921-9551 or email: 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).

DEPARTMENT OF HEALTH

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, May 14, 2009, 3:00 p.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Orientation and Training of New Physical Therapy Board Members.

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 department at least 48 hours before the meeting by contacting: Board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Dentistry**, Council on Dental Hygiene announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 22, 2009, 5:30 p.m.

PLACE: Conference Call: 1(888)808-6959, when prompted enter Conference Code: 2453454

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Dental Hygiene issues.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any 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 impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The **Board of Dentistry**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: May 15, 2009, 9:00 a.m.

PLACE: Department of Health, Building 4040, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: May 29, 2009, 7:30 a.m.

PLACE: Hyatt Regency Orlando, 9300 Airport Blvd. Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

The **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 6, 2009, 12:00 Noon (EST)

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board.

This meeting may be cancelled for lack of issues to act upon. Any cancellations will be posted on the Board Website at www.floridashealth.com. Please contact Gwyn Willis at (850)245-4131 or Gwyn_Willis@doh.state.fl.us for more information.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or Gwyn_Willis@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 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, Expert Witness Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 6, 2009, immediately following the Board of Medicine Telephone Conference Call scheduled to begin at 12:00 Noon (EST). If the Board of Medicine meeting is cancelled, the Expert Witness Committee meeting will begin at 12:00 Noon (EST)

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board.

This meeting may be cancelled for lack of issues to act upon. Any cancellations will be posted on the Board Website at www.floridashealth.com. Please contact Gwyn Willis at (850)245-4131 or Gwyn_Willis@doh.state.fl.us for more information.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or Gwyn_Willis@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 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or Gwyn_Willis@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by 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 Medicine**, Dietetics-Nutrition and Electrolysis Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 6, 2009, immediately following the Board of Medicine Expert Witness Committee meeting. Meetings will begin at 12:00 Noon – until complete

PLACE: Meet Me Number: 888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board.

This meeting may be cancelled for lack of issues to act upon. Any cancellations will be posted on the Board Website at www.floridashealth.com. Please contact Gwyn Willis at (850)245-4131 or Gwyn_Willis@doh.state.fl.us for more information.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or Gwyn_Willis@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 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or

Gwyn_Willis@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by 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 **Department of Health**, Bureau of Radiation Control announces a public meeting to which all persons are invited.

DATE AND TIME: May 5, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Santa Rosa Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Advisory Council on Radiation Protection to discuss and make recommendations on, or issues relating to, the following: radiation protection; radiation dose; recommendations of national radiation organizations and professional societies; radiation requirements of federal agencies; radiation machines; radioactive materials; medical physicists; radiologic technologists and other radiological personnel including scope of practice; educational programs; authorized operator/user/physicist requirements; emergency response and preparedness; environmental monitoring; food irradiation; radiation therapy; electronic brachytherapy; fees; forms; licensure, certification, and registration; amendments to Chapters 64E-3, 64E-4, 64E-5, F.A.C., including medical use of radionuclides and other changes required by the U.S. Nuclear Regulatory Commission; and other business.

A copy of the agenda may be obtained by contacting: Janice Livingston, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266, Janice_Livingston@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 10 days before the workshop / meeting by contacting: Janice Livingston, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1741, Janice_Livingston@doh.state.fl.us, (850)245-4266. 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: Janice Livingston, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266, Janice_Livingston@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Substance Abuse and Mental Health (SAMH)** Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Hurston Building, South Tower, Conference Room A, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the Designation of Central Florida Behavioral Hospital, 6601 Central Florida Parkway, Orlando, FL 32821, as a Private Baker Act Receiving Facility in Circuit 9.

A copy of the agenda may be obtained by contacting: Geovanna Dominguez at (407)245-0420, ext: 228 or e-mail: Geovanna_Dominguez@dcf.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: Geovanna Dominguez at (407)245-0420, ext: 228 or e-mail: Geovanna_Dominguez@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 21, 2009, 9:00 a.m. – 3:30 p.m.

PLACE: Second Harvest of Central Florida, 2008 Bregle Avenue, Orlando, Florida 32808

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a planning meeting of the committee co-chairs to focus on the kickoff meeting in late May of the Advisory Committee of Economic Security. Discussion to include: outcome of initial conference call; recommended categories of committee sub-groups; ideas for May meeting agenda.

A copy of the agenda may be obtained by contacting: ACCESS Florida Headquarter's Office at (850)487-8465.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 21, 2009, 9:00 a.m. (Eastern Time)

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take public comment on the proposed selection criteria to be included in the Request for Qualifications to

solicit interested nonprofits to receive technical assistance from the Florida Housing Coalition as part of Florida’s MacArthur Foundation Initiative to preserve affordable rental housing.

A copy of the agenda may be obtained by contacting: Sheila Freaney at (850)488-4197 or email: sheila.freaney@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney at (850)488-4197 or email: sheila.freaney@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: April 28, 2009, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69O-157.302, 69O-157.303, 69O-157.304, Florida Administrative Code, published on October 24, 2008 in Vol. 34, No. 43, of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-157.302 Facility Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(2) The following maximum new business rates are effective for 2009 rate increase filings and for 2010 rate filings until new rates are published: These annual rates are appropriate for:

(a) Tax qualified policies;

- (b) A benefit of \$100/day;
 - (c) An elimination period of 90 days.
 - (d) Policies offering Restoration of Benefits, and
 - (e) Sales in Hillsborough County
- (3)(a) Facility Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
30	\$284.03	\$350.92	\$459.40
31	\$287.49	\$356.69	\$468.20
32	\$291.06	\$362.46	\$477.10
33	\$294.63	\$368.43	\$486.30
34	\$298.31	\$374.41	\$495.60
35	\$301.98	\$380.48	\$505.10
36	\$305.97	\$386.97	\$514.70
37	\$310.07	\$393.46	\$524.50
38	\$314.16	\$400.05	\$534.50
39	\$318.36	\$406.75	\$544.70
40	\$322.67	\$413.65	\$555.00
41	\$326.97	\$420.55	\$565.60
42	\$331.28	\$427.66	\$576.40
43	\$335.69	\$434.87	\$587.40
44	\$340.20	\$442.18	\$598.60
45	\$344.72	\$449.60	\$610.00
46	\$350.81	\$458.76	\$623.20
47	\$357.00	\$468.14	\$636.70
48	\$363.30	\$477.71	\$650.50
49	\$369.71	\$487.50	\$664.60
50	\$376.22	\$497.49	\$679.00
51	\$382.83	\$507.69	\$693.80
52	\$389.55	\$518.09	\$708.80
53	\$396.38	\$528.70	\$724.20
54	\$403.41	\$539.51	\$739.90
55	\$410.55	\$550.54	\$755.90
56	\$440.48	\$588.75	\$809.80
57	\$472.61	\$629.64	\$867.50
58	\$507.05	\$673.31	\$929.30
59	\$543.90	\$720.07	\$995.50
60	\$583.59	\$770.03	\$1,066.40
61	\$626.12	\$823.49	\$1,142.40
62	\$671.79	\$880.65	\$1,223.80
63	\$733.74	\$962.95	\$1,339.80
64	\$801.47	\$1,052.97	\$1,466.80
65	\$865.58	\$1,126.68	\$1,569.48
66	\$934.83	\$1,216.81	\$1,679.34
67	\$1,009.62	\$1,314.16	\$1,796.89
68	\$1,090.38	\$1,419.29	\$1,930.23
69	\$1,211.81	\$1,547.81	\$2,150.64
70	\$1,340.75	\$1,729.87	\$2,396.25
71	\$1,540.77	\$1,933.44	\$2,669.85
72	\$1,735.55	\$2,160.93	\$2,974.77
73	\$1,924.97	\$2,433.75	\$3,335.67
74	\$2,109.14	\$2,740.95	\$3,740.31
75	\$2,346.15	\$3,087.00	\$4,194.18
76	\$2,642.60	\$3,476.81	\$4,702.95
77	\$2,976.56	\$3,915.74	\$5,273.55
78	\$3,282.46	\$4,316.20	\$5,783.13
79	\$3,619.73	\$4,757.64	\$6,342.03
80	\$3,991.68	\$5,244.13	\$6,954.93
81	\$4,401.81	\$5,867.91	\$7,804.10
82	\$4,854.18	\$6,530.20	\$8,685.00
83	\$5,343.31	\$7,198.98	\$9,574.40

84	\$5,881.77	\$7,874.25	\$10,472.40
85	\$6,474.57	\$8,556.00	\$11,379.10
86	\$7,127.00	\$9,704.97	\$12,907.30
87	\$7,845.30	\$10,842.09	\$14,419.60
88	\$8,524.85	\$11,967.26	\$15,916.00
89	\$9,263.27	\$13,080.28	\$17,396.40
Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
35	\$247.43	\$302.74	\$378.50
45	\$363.53	\$446.70	\$555.75
55	\$522.32	\$646.08	\$810.43
65	\$1,126.33	\$1,406.97	\$1,750.61
75	\$3,073.57	\$3,879.00	\$4,769.07

36	\$289.72	\$338.50	\$387.94
37	\$289.72	\$338.50	\$387.94
38	\$289.72	\$338.50	\$387.94
39	\$289.72	\$338.50	\$387.94
40	\$322.79	\$378.01	\$432.23
41	\$322.79	\$378.01	\$432.23
42	\$322.79	\$378.01	\$432.23
43	\$322.79	\$378.01	\$432.23
44	\$322.79	\$378.01	\$432.23
45	\$369.28	\$443.74	\$508.03
46	\$369.28	\$443.74	\$508.03
47	\$369.28	\$443.74	\$508.03
48	\$369.28	\$443.74	\$508.03
49	\$369.28	\$443.74	\$508.03
50	\$419.54	\$503.66	\$578.79
51	\$432.77	\$523.33	\$597.70
52	\$452.62	\$536.43	\$623.00
53	\$465.85	\$562.65	\$648.29
54	\$485.87	\$582.50	\$673.50
55	\$529.97	\$636.44	\$726.61
56	\$556.75	\$663.03	\$768.52
57	\$590.32	\$699.83	\$810.60
58	\$630.64	\$749.93	\$865.74
59	\$670.96	\$796.74	\$921.05
60	\$708.00	\$853.39	\$976.28
61	\$754.93	\$903.67	\$1,034.35
62	\$802.05	\$956.95	\$1,095.97
63	\$865.99	\$1,040.67	\$1,184.05
64	\$933.27	\$1,124.47	\$1,281.90
65	\$1,010.63	\$1,214.83	\$1,376.28
66	\$1,087.98	\$1,301.72	\$1,476.97
67	\$1,165.25	\$1,398.64	\$1,583.96
68	\$1,262.76	\$1,515.59	\$1,707.65
69	\$1,366.99	\$1,642.56	\$1,844.12
70	\$1,477.73	\$1,772.81	\$1,986.80
71	\$1,595.09	\$1,912.89	\$2,135.79
72	\$1,712.46	\$2,056.24	\$2,297.47
73	\$1,840.71	\$2,204.01	\$2,445.41
74	\$1,968.78	\$2,355.32	\$2,599.83
75	\$2,106.93	\$2,516.29	\$2,763.85
76	\$2,248.33	\$2,680.72	\$2,930.87
77	\$2,389.72	\$2,848.23	\$3,104.12
78	\$2,571.75	\$3,056.67	\$3,308.54
79	\$2,753.77	\$3,268.58	\$3,519.36
80	\$2,949.12	\$3,483.48	\$3,726.71
81	\$3,151.09	\$3,715.14	\$3,950.13
82	\$3,359.66	\$3,949.80	\$4,179.86
83	\$3,571.71	\$4,188.29	\$4,410.21
84	\$3,793.92	\$4,433.35	\$4,656.64
85	\$4,025.90	\$4,688.13	\$4,899.59
86	\$4,267.96	\$4,952.94	\$5,158.79
87	\$4,513.17	\$5,224.30	\$5,420.66
88	\$4,885.73	\$5,633.61	\$5,792.96
89	\$5,261.44	\$6,049.38	\$6,171.47

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Bankers Life & Casualty	90.3%
Penn Treaty Network America Insurance Company	9.7%

Rulemaking Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History—New 11-1-07, Amended _____.

690-157.303 Home Health Care Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, F.S., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(2) The following maximum new business rates are effective for 2009~~06~~ rate increase filings and for 2010~~07~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(3)(a) Home Health Care Only Rates:

Issue Age	3-Yr. Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period	Issue Age	3-Yr. Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
30	\$269.87	\$312.28	\$349.95	35	\$166.18	\$203.65	\$242.26
31	\$269.87	\$312.28	\$349.95	45	\$245.38	\$306.44	\$366.65
32	\$269.87	\$312.28	\$349.95	55	\$369.58	\$455.50	\$548.26
33	\$269.87	\$312.28	\$349.95	65	\$691.78	\$836.06	\$989.23
34	\$269.87	\$312.28	\$349.95	75	\$1,318.83	\$1,520.52	\$1,702.93
35	\$289.72	\$338.50	\$387.94				

(b) The insurers used to tabulate the above rates are:	46	\$469.07	\$593.07	\$782.73
Insurer	47	\$474.02	\$599.22	\$790.99
Weighting	48	\$479.33	\$605.50	\$799.51
Percentage	49	\$492.01	\$611.69	\$822.72
Bankers Life & Casualty Company	50	\$502.21	\$631.63	\$839.32
Colonial American Life Insurance Company	51	\$518.00	\$648.72	\$859.73
0.5%	52	\$533.51	\$674.20	\$887.15
Penn Treaty Network America Insurance Company	53	\$550.58	\$693.44	\$918.49
Rulemaking Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History—New 11-1-07, Amended_____.	54	\$568.09	\$721.86	\$949.96
	55	\$588.25	\$733.65	\$980.98
	56	\$626.56	\$787.13	\$1,040.83
690-157.304 Comprehensive Only Rates.	57	\$661.34	\$841.03	\$1,109.08
(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”	58	\$705.13	\$905.55	\$1,179.64
	59	\$741.88	\$954.58	\$1,260.83
	60	\$795.99	\$1,022.36	\$1,336.52
	61	\$852.97	\$1,093.08	\$1,431.38
	62	\$919.59	\$1,166.20	\$1,537.41
	63	\$991.75	\$1,254.51	\$1,661.23
	64	\$1,059.64	\$1,337.42	\$1,777.18
(2) The following maximum new business rates are effective for 2009 6 rate increase filings and for 2010 07 rate filings until new rates are published. These annual rates are appropriate for:	65	\$1,130.19	\$1,414.66	\$1,895.31
(a) Tax qualified policies;	66	\$1,239.89	\$1,554.84	\$2,083.84
(b) A benefit of \$100/day;	67	\$1,369.00	\$1,719.56	\$2,290.03
(c) An elimination period of 90 days;	68	\$1,512.16	\$1,894.92	\$2,524.36
(d) Policies offering Restoration of Benefits, and	69	\$1,651.51	\$2,086.98	\$2,776.71
(e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.	70	\$1,802.07	\$2,295.68	\$3,049.92
	71	\$2,041.92	\$2,572.02	\$3,414.19
	72	\$2,293.64	\$2,876.35	\$3,811.27
	73	\$2,557.01	\$3,196.06	\$4,229.60
	74	\$2,833.53	\$3,547.08	\$4,682.75
	75	\$3,132.41	\$3,931.85	\$5,162.40
	76	\$3,519.05	\$4,396.08	\$5,779.67
(3) (a) Comprehensive Only Rates:	77	\$3,925.72	\$4,914.88	\$6,453.45
Issue	78	\$4,344.97	\$5,450.22	\$7,131.36
3-Yr Benefit	79	\$4,779.15	\$5,988.95	\$7,829.68
5-Yr. Benefit	80	\$5,206.95	\$7,201.34	\$9,704.96
Unlimited	81	\$5,695.37	\$7,855.63	\$10,582.32
Benefit Period	82	\$6,200.20	\$8,560.10	\$11,522.41
30	83	\$6,772.84	\$9,335.36	\$12,551.65
31	84	\$7,380.07	\$10,190.80	\$13,680.13
32	85	\$8,971.35	\$11,276.50	\$15,228.74
33	86	\$10,532.62	\$13,010.62	\$17,716.18
34	87	\$11,566.04	\$14,303.82	\$19,459.57
35	88	\$12,659.68	\$15,643.72	\$21,277.97
36	89	\$13,799.95	\$17,046.75	\$23,185.77
37				
38				
39				
40				
41				
42				
43				
44				
45				

	Issue Age	3-Yr. Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
	35	\$332.88	\$414.10	\$574.47
	45	\$474.36	\$592.44	\$822.62

55	\$666.65	\$824.77	\$1,151.34
65	\$1,313.19	\$1,640.75	\$2,259.55
75	\$3,288.22	\$4,210.08	\$5,603.51

(b) The insurers used to tabulate the above rates are:

Insurer	Weighting Percentage
Bankers Life & Casualty Insurance Company	52.7%
Blue Cross Blue Shield of Florida	5.1%
Genworth Life Insurance Company	11.5%
Great American Life Insurance Company	9.8%
John Hancock Life Insurance Company	14.2%
MetLife Insurance Company	6.7%

Rulemaking Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History—New 11-1-07, Amended _____.

A copy of the agenda may be obtained by contacting: Governor and Cabinet Website: <http://www.myflorida.com/myflorida/cabinet/mart.html>.

For more information, you may contact: Gerry Smith at e-mail: gerry.smith@fldfs.com.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: April 28, 2009, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-138.005, Florida Administrative Code, published on October 3, 2008 in Vol. 34, No. 40, of the Florida Administrative Weekly. Two notices of change were published on December 26, 2008 in Vol. 34, No. 52, and March 6, 2009 in Vol. 35, No. 9.

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: Robin Westcott, Office of Insurance Regulation, E-mail: robin.westcott@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Robin Westcott, Office of Insurance Regulation, E-mail: robin.westcott@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.005 Examination of Insurers.

(4) Section 624.316(2)(e), Florida Statutes, allows the Office to conduct examinations of an insurer by contracting for ~~with the consent of the insurer utilizing~~ the services of an

independent Certified Public Accountant, an actuary, ~~or~~ a reinsurance specialist, an investment specialist, information technology specialist, or any combination of these individuals, as the particular circumstances of the examination require. An examination performed pursuant to this subsection must meet the requirements of subsection (1).

(a) ~~An~~ For purposes of this subsection, an actuary meeting the criteria established in Rule 690-138.043 or 690-170.031, F.A.C., will qualify to conduct an examination under this subsection.

(b)1. ~~A~~ For purposes of this subsection, a reinsurance specialist shall be qualified to conduct an examination under this subsection if that contractor person can demonstrate competency by education and experience to perform such an examination. Competency by education and experience shall be demonstrated if any one of the following is true:

a. An individual qualifies as an actuary pursuant to either Rule 690-138.043 or 690-170.031, F.A.C., and has at least one years' experience with the kind of reinsurance which will be the subject of the examination.

b. An individual has a bachelor's degree from an accredited college or university and four years of professional experience in insurance/reinsurance accounting or in reinsurance transactions. A master's degree from an accredited college or university in accounting, insurance, or risk management can substitute for one year of the required experience. Professional experience as described above can substitute on a year-for-year basis for the required education.

c. An individual is in good standing with the Society of Financial Examiners and is certified by that organization to be eligible to hold the title of Certified Financial Examiner.

2. In selecting a person as a reinsurance specialist the Office shall consider the individual's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed. This consideration shall include the individual's experience with the kind of insurance which is the subject of the examination; knowledge of accounting principles, practices and procedures; ability to prepare financial statements to reflect the reinsurance transactions; ability to provide professional and technical assistance; understanding of risk transfer as defined in the NAIC Examiners Handbook and the NAIC Accounting Practices and Procedures and Annual Statement Instruction Manuals, as adopted in Rule 690-137.001, F.A.C.; and the ability to evaluate claims experience, both reported and incurred but not reported, relevant to the type of insurance which is the subject of the examination.

(c)1. An investment specialist shall be qualified to conduct an examination under this subsection if that contractor can demonstrate competency by education and experience to perform such an examination in that capacity. Competency by education and experience shall be demonstrated if any one of the following is true:

a. An individual has a bachelor's degree from an accredited college or university and four years of professional experience in the capacity for which the contractor is to perform. A master's degree from an accredited college or university in accounting, or finance can substitute for one year of the required experience. Professional experience as described above can substitute on a year-for-year basis for the required education.

b. An individual is in good standing with the Society of Financial Examiners and is certified by that organization to be eligible to hold the title of Certified Financial Examiner.

2. In selecting a person as an investment specialist the Office shall consider the individual's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed.

~~(e) Regardless of education or experience, no independent certified public accountant, or actuary, or reinsurance specialist shall be qualified to conduct examinations under this subsection if such person:~~

~~1. Has been found guilty of, or has pleaded guilty or nolo contendere to, any felony or crime punishable by imprisonment of one year or more under the law of the United States or any state thereof or under the law of any other country, which involves moral turpitude, without regard to whether a judgement of conviction has been entered by the court having jurisdiction in such case; or~~

~~2. Has been found to have violated the insurance laws of this state with respect to any previous reports submitted to this Office; or~~

~~3. Has failed to detect or disclose material information in previous reports filed with this Office or other state officials having jurisdiction or regulatory authority in insurance matters or another state; or~~

~~4. Has performed any work for a regulated entity who has had delinquency proceedings initiated against it within three years after said work was performed without adequate explanation to the Office of how such work was not related to the cause of the delinquency proceedings; or~~

~~5. Is prohibited under Section 624.310, Florida Statutes, from engaging in insurance related activities in this state.~~

(d)1. An information technology specialist shall be qualified to conduct an examination under this subsection if that contractor can demonstrate competency by education and experience to perform such an examination in that capacity. Competency by education and experience shall be demonstrated if the individual has a bachelor's degree from an accredited college or university and four years of professional experience in the capacity for which the contractor is to perform. A master's degree from an accredited college or university in information technology or a similar field can substitute for one year of the required experience. Professional experience as described above can substitute on a year-for-year basis for the required education.

2. In selecting a person as an information technology specialist the Office shall consider the individual's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed.

~~(d) The agreement of the insurer to perform an examination under this subsection is not required if the Office reasonably suspects criminal misconduct on the part of the insurer.~~

(e) The firm selected by the office to perform the examination shall have no conflicts of interest that might affect its ability to independently perform its responsibilities on the examination.

~~(e)1. In the event that the Office and the insurer agree to conduct an examination utilizing the services of an independent Certified Public Accountant, an actuary, or a reinsurance specialist, or any combination of these, the Office shall submit a list of three firms in each of the specialties required by the particular circumstances of the examination to be performed (the term "firm" shall also include individuals) acceptable to the Office, from which the insurer shall select the firm or firms to conduct the examination.~~

~~2. The acceptability of a firm to the Office shall be determined based on consideration of the firm's professional competence, objectivity, and cost.~~

~~3. Consent of the insurer shall be demonstrated by written confirmation from an officer of that insurer which indicates agreement that an examination be performed by the firm, and acknowledgement that the firm is acceptable to the insurer.~~

~~4. All payments for an examination under this subsection shall be made directly to the firm in accordance with the rates and terms agreed to by the Office, the insurer, and the firm performing the examination.~~

(f) The rates charged to the insurer being examined under the contract shall be consistent with rates charged by other firms in a similar profession and shall be comparable with the rates charged for comparable examinations. The rates and terms shall be set forth in the contract.

~~(f) In the event that the examination is conducted without the consent of the insurer, pursuant to Section 624.316(2)(e), Florida Statutes, the insurer must pay all reasonable charges of the examining firm if the examination finds impairment, insolvency (as that term is defined in Section 631.011, Florida Statutes), or criminal misconduct on the part of the insurer. In the event that the examination is conducted without the consent of the insurer and no impairment, insolvency, or criminal misconduct is found, then all reasonable charges of the examining firm shall be borne by the Office.~~

(g) Contractors may submit a curriculum vitae detailing their experience and qualifying credentials to the Office, as well as a proposed hourly rate for services to be performed. The acceptability of a contractor to the Office shall be determined based on consideration of the firm's professional competence, objectivity, and that the rates charged are

consistent with rates charged by other firms in a similar profession, as referenced in subsection (4), above, providing comparable services, so as to protect the examined insurer from being overcharged for the examination. Once a contractor has been accepted by the Office, they will be placed on a list of eligible examination contractors.

(h) In selecting contractors to conduct a specific examination, the Office shall consider the contractor's experience, knowledge, skill, and abilities as they relate to the needs of the examination to be performed. This consideration shall include the contractor's experience with the kind of insurance which is the subject of the examination.

(i) After a contractor has been selected for a specific examination the Office shall enter into a contract with the contractor, detailing the scope of work for the engagement. The contract shall include a provision that the contractor has no conflict of interest that might affect its ability to independently perform its responsibilities. The contractor shall submit all requests for payment to the Office in the manner prescribed by the contract.

(j) All requests for reimbursement of travel expenses are to be made on Form DFS-C1-500 (Rev. 07/08). This form is incorporated by reference and adopted by this rule for this purpose. It is available at <http://www.flair.com/DFS-C1-500.xls>.

(k) Upon receipt and review of the contractor's request for payment, the Office will invoice the insurer being examined and the insurer shall make payment to the Office pursuant to Sections 624.316(2)(e)3. and 624.320(2), Florida Statutes.

(l) Upon receipt of the payment from the insurer being examined, the Office will make payment to the contractor in accordance with the rates and terms set out in the completed Form OIR-A1-1976, Professional Services Agreement for Non Employee Examination.

(m) Forms OIR-A1-1976, Professional Services Agreement for Non Employee Examination (12-08); OIR-A1-1977, Scope of Services Addendum to Professional Services Agreement for Non Employee Examination (12-08); and OIR-A1-1978, Amendment to Scope of Services Addendum (12-08), are incorporated by reference and adopted herein as the contracts by which the contractors are retained. All forms referenced in this rule are available for viewing at the Officer's humped at www.flair.com.

(5) Section 624.316(2)(f)1., Florida Statutes, requires the examination of a domestic insurer once each year for any domestic insurer that has continuously held a Certificate of Authority for less than 3 years. For purposes of an examination under this subsection, the 3 years shall constitute the time period from the date the Certificate of Authority is granted through the following 3 full calendar years in which the insurer has been licensed. The examination must cover the preceding fiscal year or the time period since the last examination. An insurer may not be required to pay more than \$25,000 to cover

~~the costs of any one examination under this subsection, nor may an independent certified public accountant's audited report be substituted for the required examination.~~

~~(6) Section 624.320, Florida Statutes, requires each insurer examined by the Office, pursuant to Section 624.316, Florida Statutes, to pay the Office for the expenses of that examination, subject to the cap imposed by Section 624.316(2)(f)1.c., Florida Statutes.~~

~~(7) Pursuant to Section 624.316(2)(f)2., Florida Statutes, the Office may extend the examination period to a maximum of once every 5 years. If an insurer petitions the Office, prior to November 1 of the year preceding the year in which the examination is due, to extend an examination from a 3 year time period to 5 years, the Office will grant such an extension if the insurer affirmatively demonstrates the following: that the insurer has continuously held a Certificate of Authority without a change in ownership subject to Section 624.4245 or 628.461, Florida Statutes, for more than 15 years, and has demonstrated sufficient compliance, pursuant to Section 624.316(2)(f)3., Florida Statutes, for each of the years since the last examination. Petitions shall be directed to Property and Casualty Financial Oversight or Life and Health Financial Oversight, as appropriate for that insurer. An extension granted as a result of a petition to the Office will be effective for that examination period only and will have no effect on the schedule of subsequent examinations. Extensions granted shall not be construed as a waiver of the Office's authority under Section 624.316, Florida Statutes, to conduct specific target examinations as often as the Office determines is reasonable under the facts and circumstances of a particular insurer's situation.~~

~~Rulemaking Specific Authority 624.308(1), 624.316(2) FS. Law Implemented 624.307(1), 624.316, 624.3161, 624.320, 624.321(1), 624.424 FS. History—New 6-9-93, Amended 11-23-94, 4-4-99, Formerly 4-138.005, Amended _____.~~

A copy of the agenda may be obtained by contacting: Governor and Cabinet Website: <http://www.myflorida.com/myflorida/cabinet/mart.html>.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The Florida Atlantic Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 15, 2009, 8:00 a.m.

PLACE: Incubator Conference Room, Suite 210, 3701 FAU Blvd., Boca Raton Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: General matters and Park tenants.

A copy of the agenda may be obtained by contacting: Scott Ellington at email: Scott@research-park.org or (561)416-6092.

SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 16, 2009, 9:30 a.m.

PLACE: USDA, Florida City Service Center Bldg., 1450 North Krome Avenue, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Agenda items for presentation to Board of Supervisors: MIL Lab Report, BMP Nursery Lab report, and District Projects.

A copy of the agenda may be obtained by contacting: Norma Wilson, Administrative Assistant at (305)242-1288.

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. 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: Morgan Levy, Administrator at (305)242-1288.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, MAP Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 22, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items will include an annual review of the FWCJUA's Market Assistance Plan.

A copy of the agenda may be obtained by contacting: Contacting Kathy Coyne at (941)378-7408, or from the FWCJUA's website: www.fwcjua.com.

The **Florida Worker's Compensation Joint Underwriting Association, Inc.**, Safety Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 23, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items will include the Cause, Frequency and Severity Analysis.

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.

FLORIDA CENTER FOR NURSING

The **Florida Center for Nursing** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, April 23, 2009, 2:00 p.m. – 5:30 p.m.; Friday, April 24, 2009, 8:30 a.m. – 5:00 p.m.

PLACE: For further information contact Cathy at (407)823-0980

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Cathy at (407)823-0980.

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 29, 2009, 9:00 a.m.

PLACE: Killlearn Inn, Tallahassee, FL 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, RFA Selection Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 28, 2009, 2:00 p.m.

PLACE: Killlearn Inn, Tallahassee, FL 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: The RFA Selection Committee will receive and consider issues involving the Prospective Deficiency Fund, The Alvin E. Smith Grant program, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 28, 2009, 4:00 p.m.
 PLACE: Killearn Inn, Tallahassee, FL 32309
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Claims and Underwriting Committee will receive and consider reports from the Association’s General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.
 A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.
 DATE AND TIME: Wednesday, May 6, 2009, 2:00 p.m.
 PLACE: To participate call: 1(866)200-9760, PIN: 8938936#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Bylaws Committee.
 A copy of the agenda may be obtained by contacting: Susan Moore at susan.a.moore@comcast.net.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT CENTER

The Conceptual Design/Infrastructure Committee of the **Treasure Coast Education, Research and Development Center** announces a public meeting to which all persons are invited.
 DATE AND TIME: Thursday, June 4, 2009, 12:30 p.m.
 PLACE: Conference Room 113, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the meeting of May 7, 2009 and such other business as the Committee may deem appropriate.
 A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Center (“Authority”) at (772)467-3107.
 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 **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.
 DATE AND TIME: Thursday, June 4, 2009, 2:00 p.m.
 PLACE: Conference Room 219 West, University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of the May 7, 2009 meeting and such other business at the Authority may deem appropriate.
 A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.
 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: Authority at (772)467-3107. 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.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Glen Lathers, Fire Official, on behalf of Hillsborough County Public Schools on October 10, 2008. The following is a summary of the agency’s disposition of the petition:
 It was assigned the number DCA08-DEC-289. The Commission determined that Sections 903.2.2, 705.1 and 702.1, Florida Building Code, Building Volume (2004 as amended 5/07), as they apply to an E occupancy building containing areas of less than 20,000 square feet separated by a four hour fire wall with no levels below the level of exit discharge, do not require the building to be fully sprinklered. The Petition contained inadequate information for the Commission to answer the Petitioner’s questions pertaining to whether the building’s fire wall needed parapet walls and could contain any penetrations.
 A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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 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

Notice of Bid

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-155, Broward Hall Window Renovation NW Wing, estimated budget: \$250,000, to be opened May 7, 2009 at 2:00 p.m., in the 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The work includes the installation of new fixed and operable window units in place of the Owner-removed existing windows. Additional anchorage will be provided to comply with increased code requirements. The Owner will provide plaster repair and paint touch-up on the interior. Mandatory pre-bid meeting will be held: April 23, 2009, 2:00 p.m., in the Broward Hall, Ground Floor, Recreation Room, Gainesville, FL. Questions should be directed to Lisa Pennington, lpenn@ufl.edu or (352)392-1331. For more information visit www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall, Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC30216-09
Purchasing Agent: B.J. Lewis, Facilities
blewis@admin.fsu.edu
Mandatory Pre-Bid: April 20, 2009, 2:00 p.m. (Local Time)
Location: FSU University Center C
Sportsmanship Statue

Public Bid Opening: April 30, 2009, 2:30 p.m. (Local Time)
 FSU-Facilities Maintenance
 969 Learning Way
 125 Mendenhall, Building A
 Tallahassee, Florida 32306-4150
 Facilities Maintenance Purchasing

Bid Documents: FSU University Centers A and C –
 Insulate Party Walls

The scope of work: Includes wall preparation and spray application of insulation on exterior party walls of University Center Buildings A and C (approximately 62,000 square feet total). Associated work includes extending condensate drain piping and aluminum termination edging at perimeter and around wall mounted equipment and application of protective topcoat to surface of spray applied insulation.

Contact Person: Randy Lewis, Project Architect MLD Architects, 211 John Knox Road, Suite 105 Tallahassee, Florida 32303.

Request for Qualifications

RFQ 09-44 – Construction Management Services
 Building 8 Renovation – Auxiliary Services

The University of North Florida, Board of Trustees, a public body corporate, announces that Professional Services will be required in the discipline of: Construction Management, University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The project requires the renovation of the first floor of Building 8 in the core of the UNF campus. The project consists of approximately 12,800 gross square feet of existing space on the main floor to be reconfigured and renovated to accommodate administrative offices and flexible open space for future re-assignment.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with the appropriate documents from RFQ 09-44.

The letter of application should have attached:

1. The most recent version of the “UNF Construction Manager Qualifications Supplement,” completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant’s current Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Minority Business participation is encouraged; however, it will not be considered in the scoring process.

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.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

UNF Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained electronically online at the UNF Purchasing department website:

<http://www.unf.edu/dept/purchasing/bids.html> or by emailing:

Evelyn Jenkins Burton	AND	Angela Dyal
e.jenkins@unf.edu	University of North	angela.dyal@unf.edu
(904)620-1732	Florida	
	Purchasing Dept.	
(904)62001733		
	Bldg. 53, Room 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit five (5) complete copies of the submittals to the above referenced address by 2:00 p.m. (Local Time), Wednesday, May 13, 2009. Facsimile (FAX) 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.”

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:
 PROJECT NO: GC-55

PROJECT NAME AND LOCATION: SANTA ROSA CORRECTIONAL INSTITUTION WORK CAMP AND DRAINAGE IMPROVEMENTS AT SANTA ROSA CORRECTIONAL INSTITUTION, SANTA ROSA COUNTY, FLORIDA.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489 and 633, F.S., for licensure or certification, must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contact Ms. Sandra Rogers at (850)922-8855, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: May 14, 2009, 10:30 a.m. (CDT)

PLACE: Hatch Mott MacDonald, 5111 N. 12th Avenue, Pensacola, Florida 32504

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Hatch Mott MacDonald, 5111 N. 12th Avenue, Pensacola, Florida 32504. Contact: Mr. Steven White, Sr. Project Engineer at (850)484-6011.

Drawings and specifications may be purchased for a Non-refundable price of \$150.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on April 23, 2009, 9:30 a.m. (CDT), at the Santa Rosa Correctional Institution's Administration Building, Conference Room. **NOTE:** Attendance at the pre-bid conference is HIGHLY recommended due to site issues. A brief walk-through of the work area(s) will be available as part of the pre-bid conference.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", a contract will be awarded by the Secretary, Department of Corrections. **RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Proposals are requested from qualified Roofing Contractors by the Department of Children and Families, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 07240210
PROJECT: ROOF REPAIR
 QUINCY SERVICE CENTER
 6 SOUTH KEY STREET
 QUINCY, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid and compliance with the pre-qualification requirements as stated hereinbefore and in the project specifications. In the General and Technical Specifications, Exhibit 9, Owner's Experience Questionnaire and Contractor's Financial Statement shall be submitted with bid.

The work includes but is not limited to the removal and disposal of existing wet rigid insulation in designated areas and replace with new insulation. A new TPO roof system to be installed over the entire estimated 15,000 sq. ft. existing modified bituminous roof and the installation of 51 feet of new gutter and two (2) downspouts.

BID GUARANTEE: On projects where the base bid and sum of all additives exceeds \$100,000.00, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

PUBLIC CONSTRUCTION BOND: If the construction award is \$100,000.00 or more, a Public Construction Bond, Exhibit 4, is required.

BID DATE AND TIME: Sealed bids will be received at the architect's office, 1382 Timberlane Road, Suite C, Tallahassee, Florida 32312, on Thursday, April 30, 2009 until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

PRE-BID INSPECTION: The pre-bid inspection will be meeting at: Quincy Service Center, 6 South Key Street, Quincy, on Tuesday, April 21, 2009, 2:00 p.m. (Local Time). An informative meeting will take place @ this location.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained for \$100.00 refundable from the architect:

HICKS NATION ARCHITECTS, INC.
1382 TIMBERLANE ROAD
TALLAHASSEE, FLORIDA 32312
TELEPHONE: (850)893-1130

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted by 2:00 p.m. (Local Time), May 4, 2009, at the Architects Office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures: the Owner will award the contract to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C.

**NOTICE TO MECHANICAL CONTRACTORS
INVITATION TO BID**

Proposals are requested from qualified mechanical contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 09265100

PROJECT: REPLACEMENT OF EXIT LIGHTS,
REPLACEMENT OF FIRE ALARM
SYSTEM AND RETROFIT OF HVAC
EQUIPMENT
WEST FLORIDA COMMUNITY
CARE CENTER
MILTON, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A performance bond and labor and material payment bond is required.

DATE AND TIME: Sealed bids will be received at the architect's office on May 5, 2009, until 2:00 p.m. Local Time (CST), at which time they will be publicly opened and read aloud.

MANDATORY PRE-BID INSPECTION: We will conduct a mandatory prebid inspection with the architect at the project site on Monday, April 27, 2009, 1:00 p.m. (CST) for all interested contractors.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

STOA ARCHITECTS
121 E. GOVERNMENT STREET
PENSACOLA, FL, 32502
TELEPHONE: (850) 432-1912

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted by 5:00 p.m. (Local Time), May 6, 2009, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder by the Owner.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

One Stop Service Center Initiative

The Florida Developmental Disabilities Council, Inc. (FDDC) announces that this Request for Proposals (RFP #2009-EM-8000) is released in order to fund research and development that will address barriers to serving individuals with disabilities at the One Stop Service Centers in Florida. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Interested parties should obtain a copy of RFP #2009-EM-8000 for specific information related to funding amounts.

There are key challenges and impediments to providing individuals with disability services through the One-Stop System. The Workforce Innovation Act (WIA) One Stop Service Center is an Employment Center that specializes in providing employment related services at no cost, to businesses and all employment seekers. Services are publicly funded and remain driven by the needs for the local business community. Some issues that present challenges to the One Stop Service Centers affect creating a seamless and effective One-Stop Workforce development system for all employment seekers.

Moreover, research shows that the WIA One-Stop Service System model is not designed to address the need for a wide array of accommodations and other supports that people with disabilities may need to achieve employment, or to work with individuals along a long-term career path, complete with long-term supports. This means that without collaboration with entities that possess disability expertise, the ability for One-Stop Career Centers to increase their capacity to serve those with disabilities is constrained.

Given the research, the Council anticipates funding an initiative to support an employment initiative that will address barriers to serving individuals with disabilities at the One Stop Service Centers in Florida through collaborative efforts and education. More specifically, the initiative will address, and support efforts for equal access to employment services and awareness for individuals with disabilities.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301 or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is Friday, May 8, 2009, by 4:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of May 25, 2009. The deadline for submitting proposals for this RFP to FDDC is Tuesday, June 23, 2009 by 2:00 p.m. (EST).

THE ABOVE ANNOUNCEMENT WILL APPEAR ON THE FDDC WEB PAGE (WWW.FDDC.ORG) ON April 10, 2009. PLEASE FORWARD ALL REQUESTS FOR COPIES OF THE FRP TO: Misty Grimm.

NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

REQUEST FOR PROPOSAL FOR AUDIT SERVICES

The Board of the Northwest Florida Transportation Corridor Authority ("NFTCA") is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal years ending September 30, 2006, 2007, 2008, 2009, and 2010. These audits are to be performed in accordance with general auditing standards in addition to the following:

- (1) Section 218.39, Florida Statutes
- (2) Rules of the Florida Department of Financial Services
- (3) Rules of the Auditor General (Chapter 10.550, Local Government Entity Audits)
- (4) AICPA Audit and Accounting Guide – Audits of State and Local Governmental Units
- (5) Federal and Florida Single Audit Acts as appropriate based on funding and expenditures in a given year
- (6) Circular No. A-133, Executive Office of the President, Office of Management and Budget, Washington, DC as appropriate based on funding and expenditures in a given year

I. General Information

- (1) The NFTCA is an independent special district created by the Florida Legislature in 2005. It is governed and established by Part IV of Chapter 343 of the Florida Statutes. Its primary purpose is to improve mobility on the U.S. 98 corridor in northwest Florida to enhance traveler safety, identify and develop hurricane evacuation routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestions. The NFTCA has had a very simple financial structure for its entire existence. All revenues to date are comprised of periodic funding through the Florida Department of Transportation. Expenditures to date have been limited to monthly payments to one consultant and to the NFTCA's attorney. Due to funding issues, the NFTCA has never hired an auditor to conduct an independent audit. Therefore, the NFTCA requires that the selected firm to perform audits for all prior years as required by law.

Despite the current simplicity of the NFTCA financial structure, it is anticipated that it could become more complex as transportation projects are funded and implemented in the coming years. The NFTCA has the potential to plan, seek regulatory approvals, construct, and operate transportation projects including projects

- funded by toll facilities. The NFTCA also has the potential to enter into public private partnerships to do the same.
- (2) Questions regarding the Request for Proposal (RFP) are to be addressed to:
- Ray Reissener
Vice President
HDR, Inc.
109 Harrison Avenue
Panama City, FL 32401-2725
Phone: (850)215-4081
- (3) All responses to this RFP must be received as soon as possible, but no later than 12:00 Noon (CST), May 10, 2009, at the address listed above. Original and nine signed copies of your proposal shall be submitted in one sealed package, clearly marked on the outside "Proposal for Independent Auditing Services". All responses received by the deadline above will be unsealed at 1:15 p.m. (CST), May 10, 2009, at the address listed above. Any responses received after the deadline will be returned to the proposer unopened and marked "RECEIVED AFTER DEADLINE". No costs incurred by the responding firms in preparing proposals to this request shall be reimbursed by the NFTCA.
- (4) The Audit Committee consists of the Chairman, Vice Chairman, and Secretary Treasurer of the NFTCA.
- (5) The Audit Committee reserves the right to reject any or all proposals submitted and to request additional information from the proposers. At the discretion of the NFTCA or the Audit Committee, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.
- (6) The NFTCA reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the NFTCA and the firm selected.
- (7) The Audit Committee will rank the proposers and recommend the highest ranked firm in accordance with Section 218.391, Florida Statutes, to the NFTCA.
- (8) It is anticipated that the NFTCA will choose a proposer at its May 21, 2009 meeting. The NFTCA will notify all proposers that will be considered at that meeting. The chosen proposer must be prepared to begin contract negotiation immediately. It is anticipated that the NFTCA will enter into a contract for services related to fiscal years ending September 30, 2006, 2007, 2008, 2009, 2010.
- (9) All requirements and conditions set forth in this RFP shall be incorporated into the contract between the NFTCA and the selected firm unless expressly provided otherwise by the contract.
- II. Services Required
- (1) Conduct audit and prepare all related reports and documents, including an Annual Financial Report, required of NFTCA under state and federal law for the fiscal years ending September 30, 2006, 2007, 2008, 2009, 2010.
- (2) Provide guidance and assist in implementing improvements in the NFTCA's accounting practices.
- (3) Audit services required for the fiscal years ending September 30, 2006, 2007, and 2008 must be completed as soon as possible after the engagement between NFTCA and the proposer commences. A proposer's willingness and ability to complete these services promptly shall be a factor in the ranking and selection of firms. As discussed above, the revenues and expenditure for the fiscal year ending September 30, 2006, 2007, and 2008 are very simple and, therefore, it is not anticipated that audit related services for those years will require significant time.
- III. Information to be Included in the Proposal
- (1) Title page showing the RFP subject, the name of the firm, address, telephone number, the name of the contact person and the date.
- (2) A table of contents providing a clear identification of the material by section and by page number.
- (3) A statement setting forth the proposer's understanding of the work to be done and a positive commitment to perform the work within the time periods required by law. This statement shall also discuss the proposer's willingness and ability to complete Audit services required for the fiscal years ending September 30, 2006, 2007, and 2008 on an expedited basis as well as an estimated date of completion for those services.
- (4) A statement providing rates of compensation per hour for each employee type that will perform services under the contract with the NFTCA along with an estimate of the percentage of the services to be conducted by each employee type. In addition, include a list all expense types that will be charged to the NFTCA and the charge for each.
- (5) A statement as to whether the firm is local, regional or national.
- (6) The location of any office from which the work is to be done. If work will be done from multiple offices, provide an explanation and estimated percentage of the work that will be done from each office.
- (7) An identification of the partners, managers and supervisors who will work on the audits, including staff from other than the local office if necessary for the

audits. Resumes for each managerial and supervisory person to be assigned to the audit should be submitted and include the following information:

- a. Formal education
 - b. Supplemental education relative to governmental accounting and auditing
 - c. Experience in public accounting in general
 - d. Experience in private business or government
 - e. Experience in auditing governmental units
 - f. Membership in various national and state governmental accounting boards, committees, or associations (past and present)
 - g. Professional recognition, such as Certified Public Accounting licenses, awards, etc.
- (8) Clearly indicate the firm’s expertise related to government audit matters including a description of the firm’s experience in preparing governmental financial statements. In addition, provide a listing of Florida local government entities for which your firm is providing or has provided audit services.
- (9) The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, to perform the services required in Section II of this request for proposal.
- (10) Indicate the firm’s approach to peer review and provide a report of the most recent peer review. Indicate whether that peer review included a review of local government client activities.
- (11) Indicate any disciplinary actions that have been instituted or proposed against the firm during the last three years. In addition, describe the results of any State or Federal reviews during the past three years of the firm’s governmental client audit work.

IV. Evaluation Procedures

- 1. All responses will be reviewed by the Audit Committee.
- 2. The responses will be evaluated using two sets of criteria. Firms meeting the mandatory elements will have their proposals evaluated and scored on technical qualifications. The order of the mandatory elements and technical qualifications, respectively, do not indicate an order of importance.

The following represent the principal criteria which will be considered during the evaluations by the Audit Committee and the NFTCA.

Mandatory Elements:

- a. The audit firm is independent and licensed to practice in Florida
- b. The firm has no conflict of interest with the NFTCA with regard to any other work performed by the firm
- c. The firm adheres to the instructions in this request for proposal on preparing and submitting the proposal

- d. The firm submits a copy of its last external quality control review report and the firm has a record of quality audit work
- e. Ability to provide timely audit.
- f. Willingness to be compensated on the basis of time expended by employees and expenses incurred

Technical Qualifications:

- a. General Government audit experience
- b. Qualifications of individuals assigned to audit
- c. Size and organization structure of firm
- d. Demonstrated understanding of NFTCA’s requirements including expedited service for Audit services required for the fiscal years ending September 30, 2006, 2007, and 2008
- e. Audit approach
- f. Reasonableness of rates of compensation per hour for each employee type along with the estimate of the percentage of the services to be conducted by each employee type
- g. Reasonableness of list of all expense types that will be charged to the NFTCA and the charge for each

V. Note to All Prospective Proposers

QUESTIONS OR INQUIRIES REGARDING THE MEANING OR INTERPRETATION OF ANY OF THE PROVISIONS OF THIS RFP MUST BE DIRECTED TO RAY REISSNER. CONTACT WITH OTHER NFTCA REPRESENTATIVES FOR PURPOSES OF INQUIRIES REGARDING MEANING OR INTERPRETATION SHALL BE GROUNDS FOR ELIMINATION. THE NFTCA SHALL NOT BE RESPONSIBLE FOR ANY REPRESENTATIONS MADE BY ANYONE OTHER THAN RAY REISSNER.

SARASOTA MEMORIAL HOSPITAL

REQUEST FOR STATEMENTS OF QUALIFICATIONS

for Architectural and Engineering Services for

The Medical Arts Medical Office Building for the
SARASOTA COUNTY PUBLIC HOSPITAL BOARD

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for all architectural, civil, site work, mechanical, electrical, plumbing, fire protection, and structural design work for the common areas and tenant fit out projects on an approximately 40,000 sq. ft., existing, shelled medical office building located at 1950 Arlington Street, Sarasota, FL 34239. Firms interested in being

considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

Firms to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, civil, mechanical, electrical, plumbing, fire protection, and structural. Firms are required to submit qualifications that include at least the following data, in the order listed below:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Proof of General and Professional Liability Insurability.
3. Whether the firm or any of the associations are a Minority Business Enterprise
4. Proposed design team with resumes
5. Similar successfully completed projects
6. Proposed schedule for completion of this project
7. Qualified firms will be notified of the public selection meeting.

Comments:

1. The Hospital reserves the right to reject any or all submittals and to discontinue the selection process at any time
2. The Hospital reserves the right to request information or the submittal of documentation in addition to that set forth above.
3. Questions regarding submissions shall be directed to: Thomas Perigo at (941)917-2048
4. Submittals must be received by the hospital no later than 3:30 p.m., Tuesday, May 5, 2009. Submit statements to: Thomas Perigo, Director of Architecture and Facility Planning, 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline (will be unopened and available for pick up).
5. Only the person listed as the contact person shall be contacted. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.

Submissions shall be titled
 Architectural and Engineering Services
 for
 The Medical Arts Medical Office Building
 at Sarasota Memorial Hospital

REQUEST FOR STATEMENTS OF QUALIFICATIONS for
 GENERAL CONTRACTING WORK for The Medical Arts
 Medical Office Building for the SARASOTA COUNTY
 PUBLIC HOSPITAL BOARD

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from General Contracting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to construction services for the common areas and tenant fit out projects on an approximately 40,000 sq. ft., existing, shelled medical office building located at 1950 Arlington Street, Sarasota, FL 34239. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida professional and corporate registration certificates.
2. Completed AIA Document A305 Contractor's Qualification Statement latest edition.
3. Proof of general and professional liability insurance coverage.
4. A separate statement as to whether the firm is a certified small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project.
6. Resumes of key personnel that would be used on the projects at Sarasota Memorial and their past experience in projects of similar size and scope.
7. Location of firm's main office.
8. A proposed schedule of completion for this project

All interested firms are further informed as follows:

1. The hospital reserves the right to reject any or all submittals.
2. The basis for selecting candidates includes, but is not limited to, consideration of related project experience, qualifications of proposed team. The hospital reserves the right to request additional information beyond the data set forth above.
3. Qualified firms will be notified of the public selection meeting.

Submissions shall be titled
 "GENERAL CONTRACTING WORK
 for The Medical Arts Medical Office Building
 at Sarasota Memorial Hospital

4. Submittals must be received by the hospital no later than 3:30 p.m., Tuesday, May 5, 2009. Submit statements to: Thomas Perigo, Director of Architecture and Facility Planning, 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239.
 Submittals received after this deadline (will be unopened and available for pick up).
5. Interested persons should contact: Tom Perigo at (941)917-2048 with any questions.
6. No attempts shall be made to contact Administrators, Board Members or any SMH staff other than the contact name(s) listed under the potential penalty of disqualification from the process.

TOWER-OHL GROUP

INVITATION FOR PRE-QUALIFIED CONTRACTORS TO SUBMIT SEALED BIDS

Project: Regional Training Institute, Phase 4
 Camp Blanding
 5629 State Road 16 West
 Starke, Florida 32091

Call for Bids: Tower-OHL Group has been selected by the State of Florida, Department of Military Affairs, Construction and Facility Management Office for negotiations as the Construction Manager at Risk on the above referenced project. Tower-OHL Group is requesting Sealed Bids from Pre-Qualified Trade Contractors for all applicable trades for construction on the above referenced project until 2:00 p.m., Tuesday, May 5, 2009.

Project Scope: RTI, Phase 4 primarily includes construction of the following: 2-story, 20,500sf Billeting Bldg. East Wing; 3-story, 41,500sf Billeting Bldg. West Wing, 6,800sf Dining Facility Expansion, 1,200sf Pre-Engineered Weapons Cleaning Canopy, 7,000sf Pre-Engineered Covered Dining Patio, interconnecting Covered Walkways for all of RTI, Landscaping and Irrigation for all of RTI, two new Chillers, Combative Pit, 1/2 mile Running Track, Emergency Access Road, Milling and Re-Surfacing of Apalachicola and Panama City Roads, Expansion to Parking Lots, Stairway Finish Upgrades at the Phase 2 Billeting Bldg., and Floor Finish Upgrades at the existing RTI Administration Building. Design and construction materials will be consistent with the earlier phased construction of the RTI Complex.

Pre-Qualification: Only bidders that meet pre-qualification criteria will be allowed to bid. Pre-Qualification Packages are available at our Jacksonville office located at 11315 Business Park Blvd. starting April 3, 2009. As part of the pre-qualification an executed original of the Tower-OHL

Master Subcontract Agreement must accompany the submission of the fully completed and signed pre-qualification forms. Pre-qualification packages are due to Tower-OHL by 2:00 p.m., Friday, April 10, 2009 to be considered for evaluation. Tower-OHL will review all properly received Pre-Qualification Packages for eligibility to bid. Evaluation of the Pre-Qualification Packages and response by fax to all that submitted Pre-Qualification Packages will be by Thursday April 16, 2009. Bid packages for the project will be available in our office starting Friday April 17, 2009 for those that have pre qualified.

Minority Program: Minority Business Enterprises (MBE) are encouraged to participate in this Invitation to Bid. Utilization of MBE participation is highly encouraged from all Bidders. MBE's must be certified by the office of Supplier diversity.

Bonding Requirements: 100% labor and performance bonds may be required from successful bidders. The cost of the material and performance bond shall be listed in the space on the proposal form as a net add to the base bid.

Bid Packages: Bid Packages will be available and may be picked up at the office of Tower-OHL / Jacksonville starting Friday April 17, 2009.

Bid Submittal: Sealed bids will be received on Tuesday, May 5, 2009.

Questions: Questions concerning bidding and project scope are to be sent by fax to: Tower-OHL, (904)292-4865, Attention: Questions received after Friday, April 24, 2009, will not be accepted. All questions that have been submitted will be answered in an addendum on April 28, 2009.

Section XII Miscellaneous

DEPARTMENT OF STATE

NOTICE OF OPEN PUBLIC COMMENT PERIOD FOR 2009 HAVA STATE PLAN

The Secretary of State, chief election official for the Florida, announces that the preliminary 2009 update to the State Plan pursuant to the Help America Vote Act of 2002 is currently available for public comment. Pursuant to Section 256 of the Help America Vote Act of 2002, the public comment period is open for 30 days. All written comments must be submitted no later than May 9, 2009. A copy of the preliminary 2009 update to the HAVA State Plan may be obtained at the Florida Department of State's Division of Elections' website: <http://election.dos.state.fl.us> or by contacting: Nolah Shotwell, Executive Administrative Assistant, Office of General Counsel, Florida Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536. Comments may be submitted electronically to the Division of Elections' website: <http://election.dos.state.fl.us/hava> or in writing to: 2009 HAVA State Planning

Committee, c/o Office of General Counsel, Florida Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399.

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTION 163.3177(2) AND (3), FLORIDA STATUTES
DCA DOCKET NUMBER 16-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Duval County, the cities of Atlantic Beach, Jacksonville, Jacksonville Beach, Neptune Beach, Town of Baldwin, and the Duval County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours at: City of Jacksonville, City Hall, St. James Building, 117 West Duval Street, Suite 480, Jacksonville, Florida 32202.

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 Sections 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Duval County, the cities of Atlantic Beach, Jacksonville, Jacksonville Beach, Neptune Beach, Town of Baldwin, and the Duval County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed

time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTION 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 24-03**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Hamilton County School Board and the Town of Jennings, 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: Town of Jennings, 1199 Hamilton Avenue, Jennings, Florida 32053.

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 Hamilton County School Board, Town of Jennings. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and

contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-01-2008-003
DATE RECEIVED: March 3, 2009
DEVELOPMENT NAME: YELLOW RIVER RANCH
DEVELOPER/AGENT: Yellow River Ranch
Linda Loomis Shelley
DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.
LOCAL GOVERNMENT: Santa Rosa County

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Charles Alan McLean d/b/a Beach Classic Scooter, as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Classic Scooter are dealer operator(s): Charles McLean, 220

Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Charles Alan McLean d/b/a Beach Classic Scooter, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Vehicle Manufacture Co. Ltd. (JIAJ) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Classic Scooter are dealer operator(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

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The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Clasic Scooter are dealer operator(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Charles Alan McLean d/b/a Beach Clasic Scooter, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Clasic Scooter are dealer operator(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Charles Alan McLean d/b/a Beach Clasic Scooter, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Clasic Scooter are dealer operator(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Charles Alan McLean d/b/a Beach Clasic Scooter, as a dealership for the sale of motorcycles manufactured by Jiangsu Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Clasic Scooter are dealer operator(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Charles Alan McLean d/b/a Beach Clasic Scooter, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles Alan McLean d/b/a Beach Clasic Scooter are dealer operator(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Brevard 32931; principal investor(s): Charles McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mazda Motor of America, Inc. d/b/a Mazda North American Operations, intends to allow the establishment of Fitzgerald Motors, Inc. d/b/a Fitzgerald Countryside Mazda, as a dealership for the sale of Mazda automobiles and trucks (MAZD) at 27365 US Highway 19 North, Clearwater (Pinellas County), Florida 33761, on or after May 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fitzgerald Motors, Inc. d/b/a Fitzgerald Countryside Mazda are dealer operator(s): John J. Fitzgerald, Jr., 27365 US Highway 19 North, Clearwater, Florida 33761; principal investor(s): John J. Fitzgerald, Jr., 27365 US Highway 19 North, Clearwater, Florida 33761.

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: Chris Crawford, Mazda Motor of America, Inc. d/b/a Mazda North American Operations, Southeast Region, 4601 Touchton Road East, Jacksonville, Florida 32246.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Grady's Automotive, LLC, as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 500 West Street, Live Oak (Suwannee County), Florida 32064, on or after May 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Grady's Automotive, LLC are dealer operator(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094; principal investor(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Grady's Automotive, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 500 West Street, Live Oak (Suwannee County), Florida 32064, on or after May 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Grady's Automotive, LLC are dealer operator(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094; principal investor(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094.

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The name and address of the dealer operator(s) and principal investor(s) of Grady's Automotive, LLC are dealer operator(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094; principal investor(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094.

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than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Grady's Automotive, LLC, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 500 West Street, Live Oak (Suwannee County), Florida 32064, on or after May 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Grady's Automotive, LLC are dealer operator(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094; principal investor(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Grady's Automotive, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 500 West Street, Live Oak (Suwannee County), Florida 32064, on or after May 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Grady's Automotive, LLC are dealer operator(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094; principal investor(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Grady's Automotive, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 500 West Street, Live Oak (Suwannee County), Florida 32064, on or after May 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Grady's Automotive, LLC are dealer operator(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094; principal investor(s): Grady Cadle, 13052 Country Road 137, Wellborn, Florida 32094.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Jianguo Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after April 25, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092; principal investor(s): Rustin Murray, 400 North Pimlico Street, St. Augustine, Florida 32092.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 1459 US Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after April 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317; principal investor(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317.

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: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 US Highway 231, Brundidge, Alabama 36010.

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 Carolina Import & Distribution, Inc., intends to allow the establishment of Hi Tech Cycles, Inc. d/b/a Treasure Coast Honda Kawasaki, as a dealership for the sale of motorcycles manufactured by JI-EE Industry Co. Ltd. (JIEE) at 3804 South US 1, Fort Pierce (St. Lucie County), Florida 34982, on or after April 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Hi Tech Cycles, Inc. d/b/a Treasure Coast Honda Kawasaki are dealer operator(s): Robert A. Pohorence, 1370 Southwest Cedar Cove, Port St. Lucie, Florida 34986; principal investor(s): Robert A. Pohorence, 1370 Southwest Cedar Cove, Port St. Lucie, Florida 34986.

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: Doug A. Mahan, Carolina Import & Distribution, Inc., 350 Seminole Drive, Spartanburg, South Carolina 29303.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 7320 South US Highway 1, Port St. Lucie (St. Lucie County), Florida 34952, on or after April 26, 2009.

The name and address of the dealer operator(s) and principal investor(s) of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things are dealer operator(s): James F. Lott, Jr., 113 Queen Catherina Court, Fort Pierce, Florida 34949; principal investor(s): James F. Lott, Jr., 113 Queen Catherina Court, Fort Pierce, Florida 34949.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

**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

The District One Local Emergency Planning Committee (LEPC) maintains public records showing the types and amounts of certain hazardous chemicals that are stored at facilities throughout Northwest Florida. These records are maintained in compliance with the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), also known as SARA Title III. The public records consist of forms naming the given hazardous materials present at a site, the hazard the substances pose if released, amounts stored and methods of storage.

The Committee serves Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington and Bay counties. For more information contact the LEPC staff at the West Florida Regional Planning Council, (850)332-7976, 1(800)226-8914 (outside Pensacola) or visit the office: 4081 East Olive Road, Suite A, Pensacola, FL.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for an emergency service exemption from Citrus Memorial Hospital, 502 Highland Blvd, Inverness, FL 34452 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 Endocrinology,

Oral and Maxillofacial Surgery and Plastic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: 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: youngj@ahca.myflorida.com.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on March 27, 2009, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION,	PROJECT,	CTY,	APPLICANT, PARTY REQUEST HEARING (PRH)
10036	Approval, establish a hospice program, Area 6B, Compassionate Care Hospice of Miami – Dade, Inc. d/b/a Compassionate Care Hospice, (PRH) Good Shepherd Hospice, Inc.			
10036	Approval, establish a hospice program, Area 6B, Compassionate Care Hospice of Miami – Dade, Inc. d/b/a Compassionate Care Hospice, (PRH) Odyssey Healthcare of Collier County, Inc.			
10036	Approval, establish a hospice program, Area 6B, Compassionate Care Hospice of Miami – Dade, Inc. d/b/a Compassionate Care Hospice, (PRH) Hope Hospice and Community Services, Inc.			
10037	Supports denial, establish a hospice program, Area 6B, Memorial Hospital – Flagler, Inc. d/b/a Florida Hospital HospiceCare (PRH) Good Shepherd Hospice, Inc.			
10037	Supports denial, establish a hospice program, Area 6B, Memorial Hospital – Flagler, Inc. d/b/a Florida Hospital HospiceCare (PRH) Odyssey Healthcare of Collier County, Inc.			
10037	Supports denial, establish a hospice program, Area 6B, Memorial Hospital – Flagler, Inc. d/b/a Florida Hospital HospiceCare (PRH) Hope Hospice and Community Services, Inc.			

10038	Denial, establish a hospice program, Area 6B, Odyssey HealthCare of Collier County, Inc., d/b/a Odyssey HealthCare of Central Florida (PRH) same as applicant.
10038	Supports denial, establish a hospice program, Area 6B, Odyssey HealthCare of Collier County, Inc., d/b/a Odyssey HealthCare of Central Florida, (PRH) Good Shepherd Hospice, Inc.
10038	Supports denial, establish a hospice program, Area 6B, Odyssey HealthCare of Collier County, Inc., d/b/a Odyssey HealthCare of Central Florida, (PRH) Hope Hospice and Community Services, Inc.
10042	Denial, establish a hospice program, Area 11, Compassionate Care Hospice of Miami Dade, Inc., (PRH) same as applicant.
10043	Approval, establish a hospice program, Area 11, HCR Manor Care Services of Florida II, Inc. (PRH) Compassionate Care Hospice of Miami Dade, Inc.
10044	Approval, establish a pediatric heart transplantation program at Memorial Regional Hospital, Broward County, South Broward Hospital District, (PRH) Public Health Trust of Miami – Dade County, Florida.

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 AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT BIG BEND WATER AUTHORITY

The Department of Environmental Protection has determined that Big Bend Water Authority's proposed project for the construction of a gravity collection system and existing wastewater facilities expansion/improvements will not have a significant adverse affect on the environment. The total project cost is estimated at \$3,906,375. 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 to: David P. O'Brien, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8367.

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 March 25, 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 Michelle Elaine Chanin, license number: RN 9215628. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 25, 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 Kevin Haithcock, L.P.N. license number: PN 1144931. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 25, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the registration of Samantha R. Barfield, P.I. registration number: PI 15619. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 31, 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 Christine Bohlmann, R.R.T. license number RT 5282. 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.

Notice of Request for Determination of Trade Secret
NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Disease Control, Bureau of Epidemiology, has received a Request for Determination of Trade Secret by the University of Pittsburgh – of the Commonwealth System of Higher Education, on March 11, 2009. The request seeks the agency's determination that over-the-counter sales data being accessed by the agency via the University's National Retail Data Monitor be treated as a trade secret under Section 381.83, Florida Statutes, and therefore be exempt from disclosure provisions of Section 119.07(1), F.S., and s. 24(a), Article I of the Florida State Constitution.

A copy of the Request for Determination of Trade Secret may be obtained by contacting: Aaron Kite-Powell, Epidemiologist, Bureau of Epidemiology, 4052 Bald Cypress Way, Bin A12, Tallahassee Florida 32399-1720, (850)245-4401, email: Aaron_Kite-Powell@doh.state.fl.us.

Please refer all comments to: Dr. Julia Gill, Bureau Chief, Bureau of Epidemiology, 4052 Bald Cypress Way, Bin A12, Tallahassee Florida 32399-1720, (850)245-4401, email: Julia_Gill@doh.state.fl.us.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. 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: Agency 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., May 1, 2009):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: EuroBank, Coral Gables, Florida

Proposed Purchasers: Jose Pedro de Morais, Jr., Miami Beach, Florida and Rui Ximenes Barata Guedes de Abreu, Lisbon, Portugal

Received: March 25, 2009

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN March 23, 2009
 and March 27, 2009**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Elections

1S-2.046	3/26/09	4/15/09	35/6	
1S-2.047	3/26/09	4/15/09	35/6	

DEPARTMENT OF LAW ENFORCEMENT

11-1.0041	3/27/09	4/16/09	35/1	
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Criminal Justice Standards and Training Commission

11B-27.0011	3/27/09	4/16/09	35/1	
11B-27.00212	3/27/09	4/16/09	35/1	

Division of Criminal Justice Information Systems

11C-7.008	3/27/09	4/16/09	35/1	
11C-10.001	3/27/09	4/16/09	35/1	
11C-10.002	3/27/09	4/16/09	35/1	

DEPARTMENT OF REVENUE

Miscellaneous Tax

12B-4.003	3/25/09	4/14/09	34/51	
12B-4.007	3/25/09	4/14/09	34/51	
12B-4.014	3/25/09	4/14/09	34/51	
12B-5.150	3/25/09	4/14/09	34/51	35/6

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Corporate, Estate and Intangible Tax

12C-1.013	3/25/09	4/14/09	34/51	
12C-1.068	3/25/09	4/14/09	34/51	
12C-3.0015	3/25/09	4/14/09	34/51	
12C-3.007	3/25/09	4/14/09	34/51	
12C-3.008	3/25/09	4/14/09	34/51	
12C-3.009	3/25/09	4/14/09	34/51	
12C-3.010	3/25/09	4/14/09	34/51	35/5
12C-3.013	3/25/09	4/14/09	34/51	

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-6.045	3/23/09	4/12/09	34/52	
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DEPARTMENT OF HEALTH

Division of Disease Control

64D-4.002	3/24/09	3/30/09	35/7	
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-64.005	3/24/09	4/13/09	34/52	
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FINANCIAL SERVICES COMMISSION

Finance

69V-560.1021	3/27/09	4/16/09	34/51	35/8
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Securities

69W-500.018	3/27/09	4/16/09	34/51	
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