

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-4.0012  
**RULE TITLE:** Application Information  
**PURPOSE AND EFFECT:** The purpose of the rule development is to revise the rule to reflect that the CG-10 and CG-10R certification application forms are to be updated and are to be incorporated by reference in the rule. The effect will be an up to date rule with newly adopted certification application forms.

**SUBJECT AREA TO BE ADDRESSED:** New versions of the certification application forms.

**RULEMAKING AUTHORITY:** 1001.02, 1012.55, 1012.56, 1012.585, 1012.586, 1012.59 FS.

**LAW IMPLEMENTED:** 943.0585, 943.059, 1001.32, 1012.54, 1012.55, 1012.56, 1012.585, 1012.586, 1012.789 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:** Beverly Gregory, Chief, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431. 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](mailto:lynn.abbott@fldoe.org) or <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."

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-102.101  
**RULE TITLE:** Public Information and Inspection of Records

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to clarify Form DC1-201, Invoice for Production of Records, to indicate the circumstances under which the Department will charge an "extensive use" fee for the review, copy, redaction, and refiling of public records.

**SUBJECT AREA TO BE ADDRESSED:** Public Records Inspection.

**RULEMAKING AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 119.07, 120.53 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

33-102.101 Public Information and Inspection of Records.  
 (1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, Invoice for Production of Records. Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is ~~12-25-08~~.

Rulemaking Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, 12-25-08, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-602.201  
**RULE TITLE:** Inmate Property

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to clarify distinctions in permissible use and storage of religious items used for individual worship, group worship, and wearing at all times and to amend the list of religious items permitted for individual worship, group worship, and wearing at all times.

**SUBJECT AREA TO BE ADDRESSED:** Inmate Property.

**RULEMAKING AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (15) No change.

(16) Religious Property.

(a) General population inmates ~~Inmates~~ shall be permitted to possess the following religious items or material:

1. Religious publications as defined in Rule 33-503.001, F.A.C., for personal use that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

2. Items adhering to the tenets of a particular religion for wearing at all times or use during individual worship. The inmate shall be allowed to maintain these items in his or her cell or housing area unless specific, documented security concerns require storage elsewhere. Items may include:

a. Jewish – yarmulke; prayer shawl, tefillin no wider than 3/4 inch and no longer than 6 feet;

b. Catholic – rosary beads;

c. Muslim – prayer rug, koofi;

d. Native American – medicine bag, headband;~~;~~ and;

e. Asatru or Odinism – runes and accompanying cloth bag.

3. Religious symbols such as a cross, Star of David, talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter. Religious symbols and items worn about the neck shall be worn under the shirt.

(b) General population inmates ~~Inmates~~ shall not be permitted to possess the following religious items ~~or materials which adhere to the tenets of a particular religion for individual worship or group worship~~ which pose a security risk when allowed in an inmate’s cell or dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain and items shall be stored in the chapel.

~~1. Jewish – prayer shawl, tefillin;~~

~~1.2. Wiccan – tarot cards; and~~

~~2.3. Buddhist – meditation cushion or Zafu.~~

(c) Inmates shall not be permitted to possess religious items or materials intended for use in group worship. These group worship items shall not be stored at the institution, but may be brought in by volunteers for the religious observance. Group worship items include:

1. Alcoholic beverages or wine;

2. Wiccan – stones or crystals.

(d) Religious property and other religious items shall be acquired through an authorized vendor, canteen purchase, or bona fide religious organization.

(e) The chaplain shall serve as advisor to staff and inmates in the area of religious property at the institution. The chaplaincy services administrator shall provide advice and guidance to the department regarding approved religions and other department religious issues.

(f) Inmate requests for religious property shall be reviewed by the chaplain to determine whether the item is required by the inmate’s particular religion and security personnel to determine whether the item presents a threat to security and order.

(g) Inmates assigned to housing in any of the following settings shall not be permitted to store religious property in their housing areas. Such property shall be stored in the chapel for supervised use.

1. Disciplinary confinement;

2. Administrative confinement;

3. Maximum management;

4. Close management;

5. Protective management;

6. Death row;

7. Isolation cell, observation cell, or isolation management room;

8. Crisis stabilization unit or self-harm observation status;

9. Transitional care unit; or

10. Corrections Mental Health Institution (CMHI).

(17) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.:

61G7-5.001

RULE TITLE:

Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing

PURPOSE AND EFFECT: To amend Rule 61G7-5.001, F.A.C., so that applicants for initial licensure are not required to present evidence of workers compensation coverage if they have no leased employees. This amendment also presents a more specific website address for accessing application forms, amends Rule 61G7-5.001, F.A.C., and a form incorporated by reference so that licensure applicants will be required to submit

electronic fingerprints rather than fingerprint cards, changes the application fee for controlling person applicants, and amends the process for controlling persons who leave one employee leasing company to work for another.

**SUBJECT AREA TO BE ADDRESSED:** Workers' compensation coverage for initial licensure applicants with no leased employees, updated website address, applicant fingerprint requirements, fee for controlling person applicants, and process for controlling persons changing employment from one company to another.

**RULEMAKING AUTHORITY:** 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS.

**LAW IMPLEMENTED:** 468.524(2), 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 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:** Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G7-5.005	Deficiency in Tangible Accounting and Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor's Adequate Resources

**PURPOSE AND EFFECT:** To amend Rule 61G7-5.005, F.A.C. and Form DBPR EL 4505 to make the guarantor financially responsible until he or she specifically revokes the guarantee.

**SUBJECT AREA TO BE ADDRESSED:** The use of guaranties to offset any deficiency in tangible accounting net worth, accounting new worth, or working capital.

**RULEMAKING AUTHORITY:** 468.522 FS.

**LAW IMPLEMENTED:** 468.525(3) 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:** Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G7-10.002	Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name

**PURPOSE AND EFFECT:** To amend Rule 61G7-10.002, F.A.C., to clarify the process and fee due when a controlling person leaves employment with one employee leasing company for another.

**SUBJECT AREA TO BE ADDRESSED:** Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

**RULEMAKING AUTHORITY:** 455.201(2), 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531, 455.201(2) FS.

**LAW IMPLEMENTED:** 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 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:** Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G10-18.001	Continuing Education Credit Requirements

**PURPOSE AND EFFECT:** The Board proposes to amend the rule to consider extension of CE requirement deadline.

**SUBJECT AREA TO BE ADDRESSED:** Continuing Education Credit Requirements.

RULEMAKING AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-22.011 Standards for Business Valuations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide the standard for licensees performing business valuations for clients.

SUBJECT AREA TO BE ADDRESSED: Standards of Business Valuations.

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-22.011 Standards for Business Valuations.

Licensees performing business valuations for clients shall comply with ~~“Consulting Services Practice Aid 93-3, Conducting a Valuation of A Closely Held Business,” published by the American Institute of CPAs~~ “Statement on Standards for Valuation Services No. 1,” as published by the American Institute of Certified Public Accountants, in effect as of January 1, 2008. (Available from the AICPA’s + Resource Online at [http://bvfis.aicpa.org/Resources/Laws+Rules+Standards+and+Other+Related+Guidance/AICPA+valuation+](http://bvfis.aicpa.org/Resources/Laws+Rules+Standards+and+Other+Related+Guidance/AICPA+valuation+Standard+and+implementation+Toolkit.htm)

Standard+and+implementation+Toolkit.htm or call 1(888)777-7077). The rule does not encompass consulting engagements wherein a licensee provides written or oral advisory services in which the client is informed in writing that the services provided were not performed in accordance with “Statement on Standards for Valuation Services No. 1,” Consulting Services Practice Aid 93-3 established by the AICPA.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 11-2-95, Amended 2-18-96, 9-30-97,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:	RULE TITLE:
61H1-28.0052	Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include additional language regarding issuance of initial licensure and the time limit for receipt of application materials.

SUBJECT AREA TO BE ADDRESSED: Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

RULEMAKING AUTHORITY: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(7), 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

(1) No change.

(2) A candidate shall be deemed to have passed the CPA Examination when the candidate has been granted credit for all sections of the CPA Examination. Upon certification by the Board to the Department that the applicant has met all licensure requirements as imposed by Chapters 455 and 473, F.S., and the rules promulgated pursuant thereto, the

Department shall issue a license to practice public accounting to such individual. However, in no event shall an initial license be issued if the initial licensure fees and all required documents are not received within 36 months of the date of certification by the board; in such case, the certification expires and the applicant may reapply for licensure by endorsement, pursuant to Section 473.308(3)(a), F.S.

Rulemaking Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History--New 1-1-04, Amended 2-24-08, \_\_\_\_\_.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Accountancy

RULE NO.:                      RULE TITLE:

61H1-31.001                      Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the licensure application process.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-31.001 Fees.

(1) Applicants to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the exam as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor the following initial examination fee will be charged to take each section of the exam: Auditing \$159.25, Accounting \$148.00, Regulation \$125.50, and Business E & C \$114.25.

(2) through (8) No change.

~~(9) The CPE reporting form must be postmarked by or on July 15. If it is postmarked or completed on line after July 15 but by December 31, a \$50.00 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on line after December 31.~~

~~(9)(40) Duplicate licensee fee – If a licensee requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.00.~~

~~(10)(11) For verification of licensure to other states; fifty dollars (\$50.00).~~

~~(11)(12) For initial licensure, fifty dollars (\$50.00). However, in no event shall an initial license be issued if the initial licensure fees and all required documents are not received within 12 months of the date of certification by the board; in such case, the certification expires and the applicant may reapply for licensure by endorsement, pursuant to Section 473.308(3)(a), F.S.~~

~~(12)(13) For approval of continuing education provider status, one hundred dollars (\$100.00), valid for two years.~~

~~(13)(14) For approval of a continuing education course in ethics, meeting the requirements of Section 473.312(1)(c), F.S., two hundred fifty dollars (\$250.00).~~

Rulemaking Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History--New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, 4-9-06, 12-3-06, 4-29-07, 9-24-07, 2-24-08, \_\_\_\_\_.

## 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 Occupational Therapy

RULE NO.:                      RULE TITLE:

64B11-2.003                      Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for licensure.

SUBJECT AREA TO BE ADDRESSED: The application for licensure.

RULEMAKING AUTHORITY: 456.013, 468.221, 468.204 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-3.001      RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for licensure.

SUBJECT AREA TO BE ADDRESSED: The application for licensure.

RULEMAKING AUTHORITY: 456.013, 468.221, 468.204 FS.

LAW IMPLEMENTED: 468.221, 468.209(1) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-12.024      RULE TITLE: Administrative Enforcement

PURPOSE AND EFFECT: The Department proposes to make changes to this chapter to clarify and update the penalties that may be imposed against persons who are adjudged to have violated Chapter 499, F.S. or Chapter 64F-12, F.A.C., as well as updating the citations to and descriptions of applicable provisions of law referred to for penalties. The Department proposes to describe and set forth a procedure for settling disciplinary cases through a notice of violation. The Department proposes to clarify that no provision of this section will prevent the Department from denying a permit application, or from settling a disciplinary or other matter through authority of Section 120.57(4), F.S.

SUBJECT AREA TO BE ADDRESSED: Administrative enforcement, disciplinary penalties and uncontested settlements.

RULEMAKING AUTHORITY: 499.05, 499.701 FS.

LAW IMPLEMENTED: 499.012, 499.05, 499.066, 499.701, 499.72 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-4.207      RULE TITLE: Age

PURPOSE AND EFFECT: The proposed rule amendment amends the language and the statutory citation for secondary school grades. Included in this proposed rule amendment are some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment amends secondary school grades.

RULEMAKING AUTHORITY: 414.095(18), 414.45 FS.

LAW IMPLEMENTED: 414.0252, 414.095 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: June 8, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

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

## Section II Proposed Rules

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Housing and Community Development

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

PURPOSE AND EFFECT: Implement limited changes to the building code that meet the criteria established by Section 553.73(7), F.S.

SUMMARY: Update to the electrical code including an exemption for residential pool pumps from the requirements for ground-fault circuit interrupters (GFCI); amendment deleting requirements for equipotential bonding for pools since it would be covered under the updated electrical code; amendment relating to interior designers, amendment clarifying that "opening protection" as it relates to alteration is limited to site built single-family detached residential structures and homes built prior to the implementation of the Florida Building Code; correction of a nail diameter that create conflict within the Code, amendment relating to underlayment standards for mitigation; amendment to update the energy code computer compliance tools to more accurately reflect code requirements, correct certain "bugs" and equipment baselines founds in their applications. Amendment to revise the energy code residential prescriptive compliance form for consistency with the code requirements and correct certain code implementation dates for equipment.

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: 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida., Section 1, Chapter 2006-65, Laws of Florida., Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida., Section 10, Chapter 2007-1, Laws of Florida.

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

DATE AND TIME: June 9, 2009, 8:30 a.m. or as soon thereafter as the matter comes 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, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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 RULE IS: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, ~~and~~ May 21, 2007, and June 9, 2009, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2) through (3) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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: May 6, 2009

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

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

RULE NO.: 9B-13.0071  
RULE TITLE: Cost Effectiveness of Amendments to Energy Code

PURPOSE AND EFFECT: To adopt a reference document titled "Cost Effectiveness Test for Amendments to the Florida Energy Efficiency Code for Building Construction" for application to proposed modifications to the Florida Energy Efficiency Code for Building Construction.

SUMMARY: The rule establishes the criteria necessary to conduct cost effectiveness test to determine whether proposed increases in energy efficiency to residential and commercial buildings results in a positive net financial impact. The criteria consist of using the Energy Gauge USA as the energy analysis tool; the Present Value Benefit-to-Cost Ratio, Internal Rate of Return and Levelized Cost of Conserved Energy as the economic indicators of cost effectiveness; economic analysis assumptions; and evaluation methodology for energy conservation measures.

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: 553.9061(3) FS.

LAW IMPLEMENTED: 553.9061(3) FS.

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

DATE AND TIME: June 9, 2009, 8:30 a.m. or as soon thereafter as the matter comes 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, 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 RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-13.0071 Cost Effectiveness of Amendments to Energy Code.

"The Cost Effectiveness Test for Amendments to the Florida Energy Efficiency Code for Building Construction", a document approved by the Florida Building Commission on June 9, 2009, is hereby adopted by reference. A copy of the document can be obtained from [www.floridabuilding.org](http://www.floridabuilding.org). Proposed amendments to the Florida Energy Efficiency Code for Building Construction shall demonstrate cost effectiveness applying the test herein adopted.

Rulemaking Authority 553.9061(3) FS. Law Implemented 553.9061(3) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, 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: May 5, 2009

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

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

RULE NOS.: 9B-62.002, 9B-62.003  
RULE TITLES: Definitions, Building Permit Surcharge Collection and Remittance

PURPOSE AND EFFECT: Account for electronic remittance of the surcharge in the rule and eliminate exclusions from the surcharge without statutory support.

SUMMARY: Account for electronic remittance of the surcharge in the rule and eliminate exclusions from the surcharge without statutory support.

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: 553.721 FS.

LAW IMPLEMENTED: 553.721 FS.

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

DATE AND TIME: June 11, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-62.002 Definitions.

Rulemaking Specific Authority 553.721 FS. Law Implemented 553.721 FS. History--New 11-19-95, Repealed \_\_\_\_\_.

9B-62.003 Building Permit Surcharge Collection and Remittance.

~~(1) Operating Trust Fund Fee Collection. A surcharge of one-half cent per square foot shall be assessed on new construction and on additions, alterations, or renovations to existing buildings for which a county or municipality normally issues building permits and charges a permit fee. For new construction, the surcharge shall be computed on the under-roof floor space. For additions, the surcharge shall be computed on the under-roof floor space being added. For alterations or renovations, the surcharge shall be computed on the under-roof floor space for which the occupancy classification has changed or on the increase in conditioned or habitable space.~~

~~(2) Exclusions. The following are excluded from the Operating Trust Fund surcharge fee collections:~~

~~(a) Recreational vehicles;~~

~~(b) Mobile or manufactured homes, as defined by the United States Department of Housing and Urban Development, which are constructed in accordance with the Federal Mobile Home Construction and Safety Standards. However, when a mobile or manufactured home has an addition, alteration, or renovation which is subject to the locally adopted building code and meets the minimum requirements of subsection 9B-62.003(1), F.A.C., the addition, alteration, or renovation is not excluded;~~

~~(c) Accessory structures or buildings which do not have conditioned floor area. Examples of accessory structures include utility buildings and sheds, freestanding carports, bathhouses, structures that solely house electrical and~~

~~mechanical equipment, non-residential farm buildings on farms, and temporary buildings or sheds used exclusively for construction purposes;~~

~~(d) Buildings for which permits are otherwise normally exempted from permit fees by the municipality or county.~~

~~(1)(3) Remittance of the Operating Trust Fund Surcharge Fees. All municipalities and counties that collect fees for the operating trust fund pursuant to Section 553.721, Florida Statutes, shall remit and report those funds, less 5% to be retained by the collecting agency, to the Department of Community Affairs no later than 30 days after the calendar quarter. Reports shall be submitted using the Building Code Information System website located, as specifically related to surcharge collection, at [www.floridabuilding.org/sc/sc\\_default.aspx](http://www.floridabuilding.org/sc/sc_default.aspx) on Department Form 62, October 95, which is herein incorporated by reference and which is available from the Department.~~

~~(2) Form number 9B-62, Surcharge Detail, effective July 1, 2009, a screen shot from the Building Code Information System, is adopted by reference for use in conjunction with remittance of the surcharge. A paper copy of the screen shot is available by writing to the Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.~~

Rulemaking Specific Authority 553.721 FS. Law Implemented 553.721 FS. History--New 11-19-95, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:

RULE TITLE:

9B-70.002

Commission Approval and

Accreditation of Advanced

Building Code Training Courses

PURPOSE AND EFFECT: To address needed clarifications in the structure of the rule, technical changes, qualifications for accessibility course accreditors, course auditing, and actions by the Commission for failure to comply with the requirements in law and rule.

SUMMARY: The rulemaking mostly adopts formatting changes and addresses other non-substantive matters. Complaints that must be investigated are restricted to those from substantally interested parties, and discipline for an accreditor allowing its qualifications to lapse is amended to

suspension until restoration rather than revocation. Forms and their location are updated and audit requirements are identified as a minimum authorizing the commission to conduct additional audits if needed.

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: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

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

DATE AND TIME: June 9, 2009, 8:30 a.m. or as soon thereafter as the matter comes 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org/BCISOld/ce/ce\\_pb\\_ce.aspx](http://www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx). Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant

to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. ~~When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses.~~ Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

(a) A four year college degree or graduate degree in the field for which approval is sought;

(b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant; ~~or~~

(c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer; ~~or~~

(d) For an accreditor application submitted to accredit only accessibility courses, demonstrated proficiency acceptable to the Commission as a subject matter expert in the field of accessibility.

(2) Revocation of approval as an accreditor.

(a) Any accreditor shall have his/her approval status revoked for any of the following reasons:

1. Knowingly providing a fraudulent application to the Commission, when applying for accreditor status;

2. Suspension or revocation of a trade license submitted to the Commission as part of the initially approved accreditor application, which was not reported to the Commission at the time of suspension or revocation;

3. Failure to effectively and/or accurately accredit courses, specifically relating to the correctness of the course building code content references;

4. Failure to remove him/herself from any "conflict of interest" situations, such as accrediting ~~own~~ courses in which the accreditor has a financial interest; or

~~5. Accrediting courses in which the accreditor has a financial interest; and~~

~~5.6.~~ Failure of the accreditor to cooperate with a Commission ordered investigation.

(b) The Commission may suspend ~~revoke~~ the approval status of any accreditor based on any provision of paragraph (2)(a) of this rule ~~subsection 9B-70.002, F.A.C.~~, until such time as the accreditor demonstrates that the accreditor's status is currently in compliance with the requirements of this rule.

(c) The Commission shall initiate an investigation based on a written complaint submitted by any substantially affected party and containing substantial material evidence of a violation of this rule ~~by any substantially affected party.~~

(d) The Commission shall clearly post the status of an investigation on its website, the Florida Building Codes Information System, [www.floridabuilding.org](http://www.floridabuilding.org).

(3) Training Provider Registration and Requirements.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced building code courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens. Form 9B-70.002(4)(a) effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org/BCISold/ce/ce\\_pb\\_ce.aspx](http://www.floridabuilding.org/BCISold/ce/ce_pb_ce.aspx), and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens. Form 9B-70.002(4)(b), effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org).

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with the expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the accreditation approval status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System [www.floridabuilding.org](http://www.floridabuilding.org) shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.

(f) On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) that the

course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(4)(3) Course Content and Accreditor Review of Courses.

Accreditors shall review courses submitted by registered providers approved by the Department of Business and Professional Regulation to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Florida Building Code in accordance with paragraph (4)(f) of this rule; or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each other's courses. The accreditor shall determine if the course meets the following minimum criteria:

(a) Course ~~title and number~~ Title/Number. The word "advanced" and, if appropriate, "internet" shall be in the title;

(b) Hours of ~~c~~ Credit;

(c) Name, address, telephone number and e-mail address of the provider;

(d) Course ~~d~~ Description completely describing what the particular course is designed to address;

(e) Course ~~learning~~ Learning ~~o~~ Objectives;

(f) Course ~~t~~ Time allotments for course content;

(g) Course ~~outline and instructional methods~~ Outline – detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;

(h) Code edition to which the course relates;

(i) Course references cited in the outline;

(j) Method of ~~c~~ Course ~~e~~ Evaluations;

(k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;

(l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and

(m) Course materials provided to the ~~attendee student~~ shall be provided to the ~~a~~ Accreditor.

~~(5)(4)~~ Course Accreditation by the Florida Building Commission. Accredited ~~c~~ourses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. ~~In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one~~ (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org), and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org).

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the Accreditation Approval Status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System [www.floridabuilding.org](http://www.floridabuilding.org) shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at

~~[www.floridabuilding.org](http://www.floridabuilding.org) no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.~~

(f) On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) that the course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(g) The Commission shall audit a minimum of 2% of all accredited courses submitted for accreditation and of all courses submitted for reaccreditation. The courses selected for audit may not be those of only one provider or reviewed by only one accreditor. Any courses submitted for accreditation or re-accreditation determined to not accurately reflect the current or adopted Florida Building Code ~~e~~dition; or Florida Statutes or rules related to the Florida Building Code shall be reported to the Commission for further action denied. All approved ~~a~~Advanced ~~b~~Building ~~c~~Code ~~c~~ourses must reflect the current or adopted Florida Building Code ~~e~~dition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and determined found by audit or any means to not inaccurately reflect the current or adopted Florida Building Code ~~e~~dition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board or boards, and the provider will be required to file a new application for accreditation, ~~if the course would comply.~~

(7) In the event the Commission identifies areas or topics of advanced building code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are

available in the Commission’s budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

Rulemaking Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History–New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.6105	Limiting Conditions
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The District proposes amendments to Rules 40D-1.6105 and 40D-1.659, F.A.C., as part of an overall rulemaking effort to incorporate District forms by reference into the particular rule applicable to each individual form, instead of incorporating all forms into Rule 40D-1.659, F.A.C. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated. Rule 40D-1.659, F.A.C., will be maintained as a convenient listing of all District forms.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms will be re-numbered and revised to contain the specific rule citation in which each form will now be incorporated. Rule 40D-1.6105, F.A.C., is amended as to the form number and incorporation citation for the District’s permit transfer forms which are

mentioned in the Rule. Rule 40D-1.659, F.A.C., is amended to list the new form numbers and the incorporation rule citation for all District forms.

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, 373.337 FS.

LAW IMPLEMENTED: 373.0831(3), 373.116, 373.196(1), 373.1961(3), 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.6105 Limiting Conditions.

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit, Form No. LEG-R.043.00 (4/09) 04-10R-022 (7/01), incorporated by reference in subsection 40D-4.351(1), F.A.C., or an Application to Transfer a Water Use Permit, Form No. LEG-R.002.0403 (4/09) (09/07), incorporated by reference in subsection 40D-2.351(1), F.A.C., as appropriate, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org), or from the District offices.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History–Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05, 11-25-07,\_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District .

(1) GROUND WATER.

(a) APPLICATION FOR WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R.003.0100 (4/09) (10/05), incorporated by reference in subsection 40D-3.037(5), F.A.C.

(b) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R.004.0204 (4/09) (9/07), incorporated by reference in subsection 40D-3.037(5), F.A.C.

(c) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM, FORM NO. LEG-R.006.0100 (4/09) (2/07), incorporated by reference in paragraph 40D-2.101(5)(a), F.A.C.

(d) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL, FORM NO. LEG-R.040.00 (4/09) 41-10-410(1) REV. 9/04, incorporated by reference in subsection 40D-3.101(1), F.A.C.

(e) WELL COMPLETION REPORT, FORM NO. LEG-R.005.0100 (4/09) (10/05), incorporated by reference in paragraph 40D-3.411(1)(a), F.A.C.

(f) WELL GROUTING/ABANDONMENT FORM, FORM NO. LEG-R.041.00 (4/09) 41-10-410 (6/01), incorporated by reference in subsection 40D-4.531(5), F.A.C.

(g) WELL VERIFICATION FOR ALL NON-DOMESTIC USE WELLS LOCATED IN THE MOST IMPACTED AREA OF THE SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.016.0100 (4/09) (8/08), incorporated by reference in subsection 40D-3.101(1), F.A.C.

(h) SMALL GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY FORM NO. LEG-R.027.00 (3/09) WUP-1 FORM 46.20-002 (1/08), incorporated by reference in paragraph 40D-2.101(2)(c), F.A.C.

(i) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY, FORM NO. LEG-R.028.00 (3/09) WUP-2 FORM 46.20-003 (1/08), incorporated by reference in paragraph 40D-2.101(2)(b), F.A.C.

(j) INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER, FORM NO. LEG-R.029.00 (3/09) WUP-3 FORM 46.20-004 (1/08), incorporated by reference in paragraph 40D-2.101(2)(a), F.A.C.

(k) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – AGRICULTURE, FORM NO. LEG-R.030.00 (3/09) WUP-4 FORM 46.20-004 (09/07), incorporated by reference in subparagraph 40D-2.101(2)(a)1., F.A.C.

(l) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – INDUSTRIAL OR COMMERCIAL, FORM NO. LEG-R.031.00 (3/09) WUP-5 FORM 46.20-005 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)2., F.A.C.

(m) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – MINING OR AND DEWATERING, FORM NO. LEG-R.032.00 (3/09) WUP-6 FORM 46.20-006 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)3., F.A.C.

(n) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – PUBLIC SUPPLY, FORM NO. LEG-R.033.00 (3/09) WUP-7 FORM 46.20-007 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)4., F.A.C.

(o) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – RECREATION OR AESTHETIC, FORM NO. LEG-R.034.00 (3/09) WUP-8 FORM 46.20-008 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)5., F.A.C.

(p) WATER USE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.035.00 (3/09) 42-00-034 (3/00), incorporated by reference in paragraph 40D-2.331(2)(b), F.A.C.

(q) IRRIGATION WATER USE FORM – SEASONAL REPORT, NORTHERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. LEG-R.024.00 (4/09) WUP-14.1 (1/93), incorporated by reference in paragraph 40D-2.091(2)(f), F.A.C.

(r) IRRIGATION WATER USE FORM – ANNUAL REPORT, NORTHERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. LEG-R.025.00 (4/09) WUP-15 (1/93), incorporated by reference in paragraph 40D-2.091(2)(g), F.A.C.

(s) AGRICULTURAL WATER ALLOTMENT FORM, FORM NO. LEG-R.042.00 (4/09) WUP-16 (8/90), incorporated by reference in paragraph 40D-2.101(5)(b), F.A.C.

(t) APPLICATION TO TRANSFER A WATER USE PERMIT, FORM NO. LEG-R.002.0403 (4/09) (09/07), incorporated by reference in subsection 40D-2.351(1), F.A.C.

(u) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.0204 (4/09) (11/07), incorporated by reference in subsection 40D-2.101(6), F.A.C.

(v) ALTERNATIVE WATER SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.009.00 (09/07).

~~(v)(w)~~ NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.0100 (4/09) ~~(09/07)~~, incorporated by reference in paragraph 40D-2.101(6)(b), F.A.C.

~~(w)(x)~~ SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.0100 (4/09) ~~(09/07)~~, incorporated by reference in paragraph 40D-2.101(6)(c), F.A.C.

~~(x)(y)~~ PUBLIC SUPPLY SUPPLEMENTAL FORM - SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.012.0100 (4/09) ~~(09/07)~~, incorporated by reference in paragraph 40D-2.101(6)(a), F.A.C.

~~(y)(z)~~ PUBLIC SUPPLY WELL INFORMATION AND CLASSIFICATION FORM, FORM NO. LEG-R.015.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-3.101(2)(b), F.A.C.

~~(z)(aa)~~ IRRIGATION WATER USE FORM – ANNUAL CROPS, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.017.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(b), F.A.C.

~~(aa)(bb)~~ IRRIGATION WATER USE FORM – ANNUAL RECREATIONAL/AESTHETIC/GOLF, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.018.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(c), F.A.C.

~~(bb)(cc)~~ IRRIGATION WATER USE FORM – SUMMER/FALL SEASONAL, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.019.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(d), F.A.C.

~~(cc)(dd)~~ IRRIGATION WATER USE FORM – WINTER/SPRING SEASONAL, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.020.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(e), F.A.C.

~~(dd)~~ APPLICATION TO RENEW A SMALL GENERAL WATER USE PERMIT FOR AGRICULTURAL USE, FORM No. LEG-R.036.00 (3/09), incorporated by reference in paragraph 40D-2.101(2)(c), F.A.C.

~~(ee)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – AGRICULTURE ATTACHMENT, FORM No. LEG-R.037.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(c)1., F.A.C.

~~(ff)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – INDUSTRIAL OR COMMERCIAL ATTACHMENT, FORM No. LEG-R.038.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(c)2., F.A.C.

~~(gg)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – RECREATION OR AESTHETIC ATTACHMENT, FORM No. LEG-R.039.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(c)3., F.A.C.

(2) SURFACE WATER.

(a) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT, FORM 547.27/ERP (4/09) ~~(5/08)~~, incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.

(b) STATEMENT OF COMPLETION AND REQUEST FOR TRANSFER TO OPERATION ENTITY, FORM 547.27/SOC (4/09) ~~(Rev. 2/07)~~, incorporated by reference in subparagraph 40D-4.351(2)(a)1., F.A.C.

(c) PETITION FOR A FORMAL DETERMINATION OF THE LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS, FORM 547.27/FJDS (4/09) ~~(8/94)~~, incorporated by reference in paragraph 40D-4.042(2)(a), F.A.C.

(d) NOTICE OF INTENT TO CONSTRUCT A MINOR SILVICULTURAL SURFACE WATER MANAGEMENT SYSTEM PURSUANT TO SECTION 40D-400.500, F.A.C., FORM 547.27/NOI (4/09) ~~(2/96)~~, incorporated by reference in subsection 40D-400.500(3), F.A.C.

(e) PERMIT APPLICATION FOR SITE CONDITIONS ASSESSMENT, FORM 547.27/SCA (4/09) ~~(6/96)~~, incorporated by reference in subsection 40D-40.044(1), F.A.C.

(f) MITIGATION BANK PERFORMANCE BOND TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/PB (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(a), F.A.C.

(g) MITIGATION BANK IRREVOCABLE LETTER OF CREDIT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/ILC (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(b), F.A.C.

~~(h)~~ MITIGATION BANK STANDBY TRUST FUND AGREEMENT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/S-B/CIFA ~~(2/99)~~.

~~(h)(+)~~ MITIGATION BANK TRUST FUND AGREEMENT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/CIFA (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(c), F.A.C.

~~(i)(+)~~ MITIGATION BANK TRUST FUND AGREEMENT TO DEMONSTRATE PERPETUAL MANGEMENT FINANCIAL RESPONSIBILITY, FORM MB/PMFA (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(d), F.A.C.

~~(k)~~ MITIGATION BANK STANDBY TRUST FUND AGREEMENT TO DEMONSTRATE PERPETUAL MANAGEMENT FINANCIAL ASSURANCE, FORM MB/S-B/PMFA (2/99).

~~(j)~~ NOTIFICATION AND REQUEST FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT, FORM NO. LEG-R.043.00 (4/09) 04.10R-022 (7/01), incorporated by reference in paragraph 40D-4.351(1)(a), F.A.C.

~~(k)~~ STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE FORM NO. LEG-R.044.00 (4/09) 04.10R-023 (6/02), incorporated by reference in subsection 40D-4.351(3), F.A.C.

~~(l)~~ GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP) APPLICATION FOR MODIFICATION RELATED TO OUTPARCEL CONSTRUCTION WITHIN PERMITTED COMMERCIAL/INDUSTRIAL PROJECTS, FORM NO. LEG-R001.0100 (4/09) (2/05), incorporated by reference in subparagraph 40D-4.331(2)(a)2., F.A.C.

~~(m)~~ ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.013.0100 (4/09) (03/08), incorporated by reference in paragraph 40D-4.331(2)(b), F.A.C.

(3) OTHER.

(a) ELECTRONIC TRANSACTION AGREEMENT, FORM LEG-R.014.00 (4/08)

(b) FACILITATING AGRICULTURAL RESOURCE MANAGEMENT SYSTEMS PROGRAM FUNDING APPLICATION FORM, FORM LEG-R.22.0100 (4/09) (8/08), incorporated by reference in subsection 40D-26.201(2), F.A.C.; and

(c) METER ACCURACY VERIFICATION FORM, FORM NO. LEG-R.021.01 00 (4/09) (07/08), incorporated by reference in paragraph 40D-2.091(2)(a), F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337, F.S. 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, F.S. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Martha A. Moore

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-2.091	Publications and Forms Incorporated by Reference
40D-2.101	Content of Application
40D-2.351	Transfer of Permits

PURPOSE AND EFFECT: The District proposes to amend Rules 40D-2.091, 40D-2.101, 40D-2.351, F.A.C., to incorporate by reference forms used for water use permitting-related purposes into the water use permitting rules instead of into Rule 40D-1.659, F.A.C. Proposed amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-2.091, F.A.C., is amended to adopt an updated Water Use Permit Information Manual Part B, "Basis of Review," sections of which are revised to identify the revised District forms. Amendments also incorporate irrigation and other forms used for reporting water use permit monitoring information to the District. Rule 40D-2.101, F.A.C., is amended to incorporate by reference optional forms used in submitting information as part of a water use permit application as well as forms specifically required to be used for permits within the Southern Water Use Caution Area. Rule 40D-2.351, F.A.C., is amended to incorporate by reference the form used for transferring a water use permit.

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, 373.118, 373.171 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference ~~into this Chapter~~, and are available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District upon request:

~~(a)(1)~~ Water Use Permit Information Manual Part B, "Basis of Review" (\_\_\_\_\_) ~~(03-26-09)~~; and

~~(b)(2)~~ Water Use Permit Information Manual Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations" (01-20-09), ~~and~~

(2) The following forms for reporting information to the District are hereby incorporated by reference, and are available from the District upon request:

~~(a)(3)~~ Meter Accuracy Verification Form, Form No. LEG-R.021.0100 (4/09) ~~(07/08)~~;

~~(b)~~ Irrigation Water Use Form – Annual Crops, Southern Water Use Caution Area, Form No. LEG-R.017.01 (4/09);

~~(c)~~ Irrigation Water Use Form – Annual Recreation/Aesthetic/Golf, Southern Water Use Caution Area, Form No. LEG-R.018.01 (4/09);

~~(d)~~ Irrigation Water Use Form – Summer/Fall Seasonal, Southern Water Use Caution Area, Form No. LEG-R.019.01 (4/09);

~~(e)~~ Irrigation Water Use Form – Winter/Spring Seasonal, Southern Water Use Caution Area, Form No. LEG-R.020.01 (4/09);

~~(f)~~ Irrigation Water Use Form – Seasonal Report, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.024.00 (4/09); and

~~(g)~~ Irrigation Water Use Form – Annual Report, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.025.00 (4/09).

~~Rulemaking Specific~~ Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, \_\_\_\_\_.

40D-2.101 Content of Application.

(1) through (4) No change.

(5) Optional Application Forms. The following forms may be used by applicants in support of permit applications, are hereby incorporated by reference and are available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices:

(a) Proposed Well Construction Location and Design Form, Form No. LEG-R.006.01 (4/09); and

(b) Agricultural Water Allotment Form, Form No. LEG-R.042 (4/09).

(6) Southern Water Use Caution Area Application Forms. In addition to the permit application and information forms identified in subsections (1)-(5) above, all applicants for permits in the Southern Water Use Caution Area (SWUCA) shall submit the "Supplemental Form – Southern Water Use Caution Area," Form No. LEG-R.007.02 (4/09) incorporated herein by reference. Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for the intended water use type as described in Chapters 3 and 4 of the Water Use Permit Information Manual, Part B "Basis of Review." All SWUCA application and supplemental information forms may be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from District offices:

(a) Public Supply Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.012.01 (4/09);

(b) Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 (4/09); and

(c) Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.01 (4/09).

~~Rulemaking Specific~~ Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History–Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, 10-1-89, 10-23-89, 2-10-93, 1-1-03, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, \_\_\_\_\_.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal

control of such water withdrawal facilities or such land. The applicant shall request such transfer using the "Application to Transfer a Water Use Permit," Form No. LEG-R.002.0403 (4/09) (09/07) incorporated herein by reference. Copies of the form can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from District offices. The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) through (4) No change.

**Rulemaking Specific Authority** 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, 11-25-07, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Martha A. Moore

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 28, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** May 8, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-3.037	Rules, Publications and Agreements Incorporated by Reference
40D-3.101	Content of Application
40D-3.411	Well Completion Report
40D-3.531	Abandoned Well Plugging

**PURPOSE AND EFFECT:** The District proposes to amend Rules 40D-3.037, 40D-3.101, 40D-3.411, 40D-3.531, F.A.C., to incorporate by reference forms used in well construction-related activities into the rules for well construction instead of into Rule 40D-1.659, F.A.C. Proposed amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated. **SUMMARY:** Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-3.101, F.A.C.,

is amended to incorporate by reference the renumbered forms used in applying for a well construction permit. Rule 40D-3.411, F.A.C., is amended to incorporate by reference a renumbered well completion report form. Rule 40D-3.531, F.A.C., is amended to incorporate a renumbered well grouting/abandonment 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:** 373.044, 373.113, 373.171, 373.309, 373.337 FS.

**LAW IMPLEMENTED:** 373.046, 373.109, 373.206, 373.207, 373.209, 373.306, 373.308, 373.309, 373.313, 363.316, 373.323, 373.324, 373.333 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (11-25-07), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (1-17-05), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District. The regulations can be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(2) The Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department's Florida Unified Citations Dictionary for Water Well Construction (October 2002) are hereby incorporated by reference and made a part of this rule. Both documents can be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the District upon request.

(3) Well Construction Forms are incorporated by reference into Rule ~~40D-3.101 40D-1.659~~, F.A.C.; and are available from the ~~District upon request and from the District's website at www.watermatters.org or from the District's offices.~~

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) is incorporated by reference and is available from the District upon request.

(5) The Application for Water Well Contractor's License, Form No. LEG-R.003.01 (4/09) and Application for Renewal of a Water Well Contractor's License, Form No. LEG-R.006.01 (4/09) are hereby incorporated by reference and are available from the District's website at www.watermatters.org. or from the District offices.

Rulemaking Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History--New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09,\_\_\_\_\_.

40D-3.101 Content of Application.

(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well,"; Form No. LEG-R.040.00 (4/09), incorporated herein adopted by reference ~~in Rule 40D-1.659, F.A.C.~~ Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2, and Figure 2.1, F.A.C., shall include the form entitled "Well Verification For All Non-Domestic Use Wells Located in the Most Impacted Area of the Southern Water Use Caution Area,"; Form No. LEG-R.016.01 (4/09), incorporated herein adopted by reference ~~in Rule 40D-1.659, F.A.C.~~ Copies of all forms incorporated in this Rule can be obtained from the District's website at www.watermatters.org. or from the District offices.

(2) A permit applicant seeking to drill a public supply well shall submit:

(a) A completed well permit application, as set forth in subsection (1) above, signed and accompanied by an applicable permit fee;

(b) A completed ~~Southwest Florida Water Management District~~ "Public Supply Well Information and Classification Form,"; Form No. LEG-R.015.01 (4/09), incorporated herein adopted by reference ~~in Rule 40D-1.659, F.A.C.;~~ and

(c) Four sets of site plans signed, sealed and dated by a licensed professional engineer. Applicants for permits on existing projects may submit pre-existing site plans or detailed legal plats.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 373.316 FS. History--Readopted 10-5-74, Formerly 16J-3.07, Amended 7-1-90, 9-30-91, 12-31-92, 4-11-94, 10-19-95, 2-26-07, 8-19-08,\_\_\_\_\_.

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled "Well Completion Report,"; Form No. LEG-R.005.01 (4/09), incorporated herein adopted by reference ~~in Rule 40D-1.659, F.A.C.~~, within 30 days of the expiration of the permit. Copies of the Well Completion Report form can be obtained from the District's website at www.watermatters.org. or from District offices.

(b) through (d) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History--Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07, 8-19-08,\_\_\_\_\_.

40D-3.531 Abandoned Well Plugging.

(1) The form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well,"; adopted by reference in Rule ~~40D-3.101 40D-1.659~~, F.A.C., shall be submitted to the District and a Well Construction Permit shall be issued prior to the abandonment of any well, including an incomplete well.

(2) through (4) No change.

(5) The "Well Grouting/Abandonment Form,"; Form No. LEG-R.041.00 (4/09) incorporated herein adopted by reference ~~in Rule 40D-1.659, F.A.C.~~, will be used to document the well abandonment. Copies of this form can be obtained at the District's website at www.watermatters.org. or from District offices.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.207, 373.209, 373.306, 373.308, 373.309 FS. History--New 7-1-90, Amended 9-30-91, 12-31-92, 7-2-98, 9-26-02, 2-26-07, 8-19-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Martha A. Moore

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-4.042	Formal Determination of Wetlands and Other Surface Waters
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application
40D-4.331	Modification of Permits
40D-4.351	Transfer of Permits
40D-4.381	General Conditions

**PURPOSE AND EFFECT:** The District proposes amendments to incorporate by reference the forms relating to Environmental Resource Permits (ERPs) into the ERP rules instead of into Rule 40D-1.659, F.A.C. The amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated.

**SUMMARY:** Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-1.101, F.A.C., is amended to incorporate by reference a renumbered joint application for environmental resource permit/authorization to use state owned submerged lands/federal dredge and fill permit form. Rule 40D-4.331, F.A.C., is amended to identify and incorporate by reference the applicable forms to be used for modifying an environmental resource permit. Rule 40D-4.351, F.A.C., is amended to incorporate by reference forms used for transferring an environmental resource permit and for submitting a statement of inspection for proper operation and maintenance of permitted projects. Rule 40D-4.381, F.A.C., is amended to reference the statement of completion form now adopted in Rules 40D-4.351 and 40D-4.042, F.A.C., is amended to incorporate by reference the form petition for a formal determination of the landward extent of wetlands and surface waters. Rule 40D-4.091, F.A.C., is amended to incorporate by reference the mitigation bank forms adopted by the District and to identify where other agency materials incorporated by reference may be obtained.

**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, 373.046, 373.113, 373.149, 373.171, 373.414, 373.421(2) FS.

**LAW IMPLEMENTED:** 373.0361, 373.042, 373.114, 373.171, 373.403, 373.409, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.416(1), 373.416(2), 373.421(2), 373.426, 373.429, 373.441 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) No change.

(2) To petition for a formal determination, the petitioner must submit to the District the following:

(a) Five copies of a Petition for a Formal Determination of the Landward Extent of Wetlands and Surface Waters, Form No. 547.27/FJDS (4/09) which is incorporated herein adopted by reference ~~into Rule 40D-1.659, F.A.C.~~, including copies of all items required by that form. This form can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from District offices.

(b) A non-refundable formal determination fee as specified in Rule 40D-1.607, F.A.C.

(3) through (8) No change.

**Rulemaking Specific Authority** 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, 7-29-02, 2-27-03,\_\_\_\_\_.

40D-4.091 Publications, Forms and Agreements Incorporated by Reference.

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

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_ ~~June 22, 2008~~. This document is available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District upon request.

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Southwest Florida Water Management District and Department of Environmental

Protection, dated July 1, 2007. This document is available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District upon request.

(3) Chapter 62-344, F.A.C., Delegation of Environmental Resource Program to Local Governments (8/29/1995), available from the Florida Department of Environmental Protection at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005, available from the District upon request.

(5) Operating Agreement Between the U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida, Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95, effective March 24, 2008, available from the District upon request.

(6) Mitigation Bank Form Documents. The following forms are incorporated herein by reference and are available from the District's website at [www.watermatters.org](http://www.watermatters.org). or from the District upon request:

(a) Mitigation Bank Performance Bond to Demonstrate Construction and Implementation Financial Assurance, Form MB/PB (4/09);

(b) Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction and Implementation Financial Assurance, Form MB/ILC (4/09);

(c) Mitigation Bank Trust Fund Agreement to Demonstrate Construction and Implementation Financial Assurance, Form MB/CIFA (4/09); and

(d) Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Responsibility, Form MB/PMFA (4/09).

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

#### 40D-4.101 Content of Application.

(1) Applications for Environmental Resource Permits required by this chapter shall be filed with the District in accordance with the requirements of this chapter and Chapter 40D-1, F.A.C. The application shall consist of:

(a) The information required in subsection 373.413(2), F.S.;

(b) Five copies of the Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form No. 547.27/ERP (4/09), incorporated herein by reference identified in Chapter 40D-1, F.A.C., with applicable supplements, sections A through K, copies of which can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices;

(c) Five copies of drawings, calculations, environmental and construction information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed;

(d) The appropriate fee as specified in Chapter 40D-1, F.A.C.; and

(e) Such other information as is reasonably necessary to determine that the surface water management system meets the conditions of this chapter.

(2) through (6) No change.

(7) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.413 FS. History--Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(1), (2), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 12-16-97, 2-27-03, 9-10-08, \_\_\_\_\_.

#### 40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made by formal or Short Form modification:

(a) Formal modifications.

1. Except for those projects meeting the criteria for Short Form modifications in subsection (b), an alteration of the design of the surface water management system shall be reviewed in accordance with the same criteria as new applications pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C. Application for a formal modification of an Environmental Resource Permit shall be made using the same forms as are used for initial permit applications and which are incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.

2. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using the General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Commercial/Industrial Projects, District Form No. LEG-R.001.0100 (4/09) (2/05), incorporated herein adopted by reference in Rule 40D-1.659, F.A.C. A copy of the form can be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org). or from the District offices.

3. No change.

(b) Except for projects identified in ~~paragraph subsection~~ (2)(a), applications to modify a permit may be made by submittal of an “Environmental Resource Permit Modification Short Form,” Form No. LEG-R.013.01 (4/09) incorporated herein adopted by reference in Rule 40D-1.659, F.A.C., a copy of which can be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org) or from District offices, provided the requested modification does not:

1. Substantially alter the permit authorization,
  2. Increase the authorized off-site discharge,
  3. Impact the environmental features of the project,
  4. Decrease the required retention/detention,
  5. Decrease the required flood control elevations for roads or buildings, or
  6. Decrease pollution removal efficiency.
- (3) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History–Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, 12-24-07, 1-8-08, 5-12-08,\_\_\_\_\_.

40D-4.351 Transfer of Permits.

(1) Transfer of Ownership.

(a) A permittee shall notify the District within 30 days of any sale, conveyance or any other transfer for a permitted surface water management system or the real property at which the system is located. Submittal of a completed “Notification and Request for Transfer of Environmental Resource Permit,” Form No. LEG-R.043.00 (4/09), incorporated herein by reference is required. The form can be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org) or from District offices.

(b) through (d) No change.

(2) Conversion to Operation Phase.

(a) In order to convert an Environmental Resource Permit from the construction phase to the operational phase, the permittee shall submit the following:

1. A completed The Statement of Completion and Request for Transfer to Operation Entity, Fform 547.27/SOC (4/09), incorporated herein by reference, copies of which can be obtained from the District website at [www.watermatters.org](http://www.watermatters.org) or from the District offices identified in Chapter 40D-1, F.A.C.; and

2. Documentary evidence of satisfaction of permit conditions, other than long-term monitoring.

(b) through (d) No change.

(3) Operation Phase Inspection Requirements. Permittees required to conduct and report on periodic inspection of the permitted system shall submit a Statement of Inspection for Proper Operation and Maintenance, Form No. LEG-R.044.00

(4/09), incorporated herein by reference. Copies of the form can be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org) or District offices.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History–New 10-1-84, Amended 6-29-93, 10-3-95, 7-22-03, 2-1-05, 5-4-05, 12-24-07,\_\_\_\_\_.

40D-4.381 General Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40D-40, F.A.C.

(a) through (l) No change.

(m) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form adopted by reference in Rule 40D-4.351 40D-1.659, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

(n) through (x) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History–Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 10-11-01, 2-19-04, 12-24-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Martha A. Moore

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-26.201  
RULE TITLE: Program Application

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt and incorporate by reference a revised Facilitating Agricultural Resource Management Systems (FARMS) project application form.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures

Committee, District forms are being incorporated into the specific rule which addresses use of that form. Accordingly, Rule 40D-26.201, F.A.C., is amended to reference a revised Facilitating Agricultural Resource Management Systems application form which is revised to reference Rule 40D-26.201, F.A.C., instead of Rule 40D-1.659, F.A.C., as the rule into which the form is incorporated by reference. This change necessitates a new form number and effective date for the 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:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.0831(3), 373.196(1), 373.1961(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:** Martha A. Moore, Senior Attorney, 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-26.201 Program Application.

(1) No change.

(2) Applicants for funding shall submit to the District the information required on District Form LEG-R.22.0100 (4/09) (~~8/08~~) adopted and incorporated by reference in this rule. This form is available from the District's website at [www.watmatters.org](http://www.watmatters.org) or from the District upon request.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History—New 1-5-09, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Martha A. Moore

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 28, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** May 8, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-40.044	General Permit for Site Conditions Assessment
40D-40.112	Content of Application for General Permits
40D-40.331	Modification of Permits
40D-40.381	General Conditions

**PURPOSE AND EFFECT:** The District proposes amendments to incorporate by reference the forms relating to general Environmental Resource Permits (ERPs) into the ERP rules instead of into Rule 40D-1.659, F.A.C. The amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be re-numbered and revised to contain the specific citation to the rule in which the form will now be incorporated. **SUMMARY:** Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-40.044, F.A.C., is amended to incorporate by reference the form to be used in applying for a site conditions assessment permit. Rules 40D-40.112 and 40D-40.381, F.A.C., are amended to cite Rule 40D-4.101, F.A.C., instead of Rule 40D-1.659, F.A.C., as the rule incorporating the ERP application form. Rule 40D-40.331, F.A.C., is amended to cite Rule 40D-4.331, F.A.C., as the rule incorporating the Modification Short 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:** 373.044, 373.113, 373.118 FS.

**LAW IMPLEMENTED:** 373.117, 373.413, 373.414, 373.416, 373.416(1), 373.419, 373.429 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-40.044 General Permit for Site Conditions Assessment.

(1) This general permit identifies and documents the boundaries of certain existing topographic and environmental site conditions within the applicant's project area that are measurably associated with waters, as described in the application. To obtain a site conditions assessment permit, an applicant must submit five complete copies of a Permit Application for Site Conditions Assessment, Form 547.27/SCA (4/09), which form is incorporated herein by reference, and all requested supporting information. Copies of the form can be obtained from the District's website at [www.watmatters.org](http://www.watmatters.org) or at District offices.

(2) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History--New 7-23-96, Amended 9-26-02,\_\_\_\_\_.

40D-40.112 Content of Application for General Permits.

(1) To apply for a general permit, including an application for a general permit for minor surface water management systems, the applicant shall file with the District the application form identified and adopted by reference in paragraph 40D-4.101(1)(b) Rule 40D-1.659, F.A.C.

(2) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 10-16-96, 9-26-02, 2-19-04, 9-10-08,\_\_\_\_\_.

40D-40.331 Modification of Permits.

A request for modification to extend a permit issued under this chapter shall be made in accordance with this rule. Requests to modify permits shall be made:

(1) In accordance with Rules 40D-4.091, 40D-4.331, 40D-40.040, 40D-40.112, 40D-40.301 and 40D-40.302, F.A.C., for general construction and operation permits and as applicable for all site conditions assessment permits; or

(2) By submittal of a Modification Short Form application incorporated adopted by reference in paragraph 40D-4.331(2)(b), Rule 40D-1.659, F.A.C., for general construction and operation permits provided the requested modification does not exceed the conditions of paragraph 40D-4.331(2)(b), F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 4-17-97, 9-26-02, 5-12-08,\_\_\_\_\_.

40D-40.381 General Conditions.

The general permits issued pursuant to this chapter shall be subject to the following limiting conditions;

(1) No change.

(2) No change.

(a) through (b) No change.

(c) A site conditions assessment permit is the first phase of a construction permit. A site conditions assessment permit shall neither authorize construction, alteration, operation or maintenance of any surface water management system nor imply approval of any such activities in, on or over any wetlands or other surface waters, or elsewhere. At the time of application for modification of a site conditions assessment permit to a construction permit for a project area, the permittee shall submit a copy of the deed or other evidence or ownership, evidence of an easement or other documents evidencing authorization to perform the proposed work as provided in the environmental resource permit application form incorporated by reference in paragraph 40D-4.101(1)(b) Chapter 40D-1, F.A.C.

(3) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 9-26-02, 8-3-03, 2-19-04, 5-4-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Martha A. Moore

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-400.491	Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone
40D-400.500	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

PURPOSE AND EFFECT: The District proposes amendments to incorporate by reference the forms relating to noticed general Environmental Resource Permits (ERPs) into the ERP rules instead of into Rule 40D-1.659, F.A.C. The amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual

form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be re-numbered and revised to contain the specific citation to the rule in which the form will now be incorporated.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Rule 40D-400.491, F.A.C. is amended to cite paragraph 40D-4.351(2)(a), F.A.C., as the rule adopting by reference the Statement of Completion form. Rule 40D-400.500, F.A.C., is amended to incorporate by reference the form and instructions for applying for a noticed general permit for a minor silvicultural surface water management system.

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, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-400.491 Noticed General Permit for Raising the Height of Exiting Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.

A general permit is hereby granted to increase the height of an existing earthen embankment used for the impoundment of water at sand and limestone mining facilities, provided:

(1) through (6) No change.

(7) Within 30 days after completion of construction of the permitted activity, the permittee submits a written notice of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, to the permitting agency, in accordance with the Statement of Completion and Request for Transfer to Operation Entity form as adopted by reference in paragraph 40D-4.351(2)(a) Rule 40D-1.659, F.A.C.

Rulemaking Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History–New 1-24-02, Amended \_\_\_\_\_.

40D-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.

(1) through (2) No change.

(3) The Application shall include the information contained in the Application Procedure for a Noticed General Permit for a Minor Silvicultural Surface Water Management System and Notice of Intent to Construct a Minor Silvicultural Surface Water Management System Pursuant to Rule 40D-400.500, F.A.C., Form 547.27/NOI (4/09), which document is incorporated herein by reference and can be obtained from the District’s website at www.watermatters.org. or from District offices appropriate District form identified in Chapter 40D-1, F.A.C.

(4) No change.

(5) In order to qualify for this general permit, the systems identified in subsection (4) of this section must meet the following performance standards:

(a) through (g) No change.

(h) In addition to the performance standards set forth in paragraphs (a)-(g) above, the applicant, in undertaking the activities authorized herein, must utilize the best management practices set forth in the “Silviculture Best Management Practices Manual” (2008) (~~2003~~) published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, which is incorporated herein by reference and can be obtained from the Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(i) No change.

(6) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History–New 10-3-95, Amended 5-4-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-15.003  
 RULE TITLE: Advertising

PURPOSE AND EFFECT: The Board proposes to amend the rule to reorganize existing advertising rules.

SUMMARY: Existing advertising rules will be reorganized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule 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: 481.306 FS.

LAW IMPLEMENTED: 481.321 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-15.003 Advertising.

(1) Section 481.321(5), Florida Statutes, requires that each registered landscape architect, corporation or partnership display its certificate of registration number in any newspaper, telephone directory or other advertising medium. The term "other advertising medium" shall be deemed to include business cards, stationery, magazines, billboards, proposals, contracts, job site signs. The term "other advertising medium" shall not be deemed to include articles of clothing and other promotional novelty items.

(2) A landscape architect or his firm may advertise in any medium, including the telephone directory yellow pages, even if no office is physically present in the area of the advertisement. Such advertisement or listing in the telephone directory, however, shall not mislead the public into believing that the phone number and address given is capable of delivering landscape architectural services to the public at that location if in fact the phone number or address listed is not a landscape architectural office. Any marketing office or a construction, field or project office must be clearly identified as such.

Rulemaking Specific Authority 481.306 FS. Law Implemented 481.321 FS. History—New 12-6-89, Formerly 21K-15.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2009

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-15.005  
RULE TITLE: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect's Office

PURPOSE AND EFFECT: The Board proposes to amend the rule to clarify office supervision requirements.

SUMMARY: Office supervision requirements will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule 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: 481.306 FS.

LAW IMPLEMENTED: 481.321(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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-15.005 Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect's Office.

(1) Each office maintained for the preparation of drawings, specifications, reports, and other professional work shall have a landscape architect duly registered with the Board of Landscape Architecture ~~within that office~~ in full authority and responsible charge, having direct knowledge and supervisory control over such work.

~~(2) A landscape architectural office which is in a construction field or project office or is part of an expanded area for the production of landscape architectural documents, is not considered to be offering landscape architectural services to the public, and therefore, does not need a separate landscape architect assigned directly to such office.~~

~~(3) A landscape architect shall not be required to be assigned to a marketing office. A marketing office is defined as an office of a landscape architectural firm wherein no production of drawings, specifications reports or other professional work occurs and is intended solely for the purpose of advertising or marketing a landscape architectural firm's services to the public. The only client contact permitted at a marketing office by non-registered persons is providing the firm's qualifications and capabilities. Any other activities including entering into contracts between the landscape architect and the client or the beginning of conceptual drawings shall require the presence of a registered landscape architect at the office site.~~

~~(4) A landscape architect or his firm may advertise in any medium, including the telephone directory yellow pages, even if no office is physically present in the area of the advertisement. Such advertisement or listing in the telephone directory, however, shall not mislead the public into believing that the phone number and address given is capable of delivering landscape architectural services to the public at that location if in fact the phone number or address listed is not a landscape architectural office. Any marketing office or a construction, field or project office must be clearly identified as such.~~

~~(5) All firms shall notify the Board of Landscape Architecture of the location of all marketing offices and the individuals who will be assigned to such office within sixty (60) days of such an assignment. All firms shall notify the Board office of the location of all full service offices and the name of the landscape architect assigned to serve within the office. The Board must be notified of any change of the landscape architect to be assigned to each office.~~

Rulemaking Specific Authority 481.306 FS. Law Implemented 481.321(3), (5) FS. History--New 11-17-92, Formerly 21K-15.005, Amended 11-18-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Landscape Architecture  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE NO.: 61G14-19.001  
RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The Board proposes the rule amendment to require the state pilot associations to change their current methodology for computing the gross pilotage assessment from 8/10 of one percent to one percent.

SUMMARY: The rule amendment will revise language to change the state pilot associations' current methodology for computing the gross pilotage assessment from 8/10 of one percent to one percent.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared. The Commission determined the proposed rule will 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: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131, 310.185 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, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state one percent (1%) ~~eight tenths of one percent (.8%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) In order to insure compliance with the requirements of subsection (1), each pilot or the entity of which the pilot is a member shall, on an annual basis, not later than April 15, beginning with the fiscal year ending December 31, 1980:

(a) Submit to the Department a statement prepared by a certified public accountant showing the gross amount of pilotage earned during the previous year; or

(b) Submit to the Department the first page of the Federal Income Tax return filed by the pilot or entity for the previous year. If the income tax return discloses income other than pilotage, there must also be submitted any other schedules necessary to reconcile the amount of pilotage earned with the amount of the assessment submitted to the Department. In the event that the pilot or the entity of which the pilot is a member fails to submit either a statement prepared by a certified public accountant or the first page of the appropriate Federal Income Tax return and other required schedules, the Department shall hire certified public accountants to audit the pilot or the entity of which the pilot is a member for the purpose of determining the gross amount of pilotage earned during the previous year. The cost of such an audit will be borne by the pilot or the entity of which the pilot is a member.

Rulemaking Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, 2-1-06, 5-1-06, 7-1-06, 1-1-07, 8-1-07, 12-16-07, 7-1-08,\_\_\_\_\_.

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: April 2, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
61G15-37.001               Performance Standards and Measurable Outcomes

PURPOSE AND EFFECT: The Board proposes the rule amendment to update standards and measurable outcomes for Florida Engineers Management Corporation.

SUMMARY: Standards and measurable outcomes for Florida Engineers Management Corporation will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule 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: 471.038(3)(m) FS.

LAW IMPLEMENTED: 471.038(3)(m) 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:

61G15-37.001 Performance Standards and Measurable Outcomes.

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation (“FEMC”), the following performance standards and measurable outcomes are adopted:

(1) through (10) No change.

(11) FEMC shall maintain the Board’s web page and update the web page within 14 days of the date the updates go into effect. ~~Administrative complaints shall be posted no later than 30 days after the recommendation by the probable cause panel.~~ All final orders involving active disciplinary cases shall be posted on the web page, including the final action taken by the Board until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

Rulemaking Specific Authority 471.038(3)(m) FS. Law Implemented 471.038(3)(m) FS. History—New 11-12-02, Amended 4-8-07,\_\_\_\_\_.

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: April 8, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:                   RULE TITLE:  
64B8-13.005               Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete credit for serving on the Medical Advisory Committee since the Committee no longer exists.

SUMMARY: The proposed rule amendment deletes subsection (8) of the rule since the Medical Advisory Committee no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendment 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: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.  
(1) through (7) No change.

~~(8) In addition to the continuing medical education credits authorized above, any volunteer physician who serves as a member of the Medical Advisory Committee as a consultant for at least one full weekend of case reviews shall receive 15 hours of risk management continuing medical education credit toward license renewal for the biennium during which the work was performed.~~

(9) through (11) renumbered (8) through (10) No change.

Rulemaking Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08, 5-6-08, 11-25-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

## DEPARTMENT OF HEALTH

### Board of Optometry

RULE NO.: 64B13-4.004  
RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose and effect is to incorporate the updated application form.

SUMMARY: The updated application form is incorporated.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DH-MQA 1128, (Revised 8/08) DPR-OPA-0001 effective 4/8/92, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at <http://www.doh.state.fl.us/optometry>. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(8), F.A.C., the examination fee as specified in subsection 64B-1.016, F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(1) or (2), F.A.C. No application shall be deemed complete which does not set forth all the information required by said form and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) through (5) No change.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.013(7), 456.003, 463.006 FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05,\_\_\_\_\_.

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

## DEPARTMENT OF HEALTH

### Division of Emergency Medical Operations

RULE NO.: 64J-1.0201  
RULE TITLE: EMS Instructor Qualifications

PURPOSE AND EFFECT: The purpose of this rule is to define standards for EMS instructors teaching courses within a Florida-certified primary EMS training center. The proposed rule will ensure that any individual teaching emergency medical technicians and paramedics, in a Florida-approved training program has at least the required minimum qualifications. This will enhance the quality of education students receive and enhance the quality of EMS professionals graduating and seeking employment in EMS. The effect will be a new rule section as listed above.

SUMMARY: Currently there are no emergency medical services (EMS) instructor qualifications established in rule. The purpose of the rule is to establish minimum EMS instructor qualifications. The proposed rule will ensure that any individual teaching emergency medical technicians and paramedics, in a Florida approved training program, has at least the required minimum qualifications. This will enhance the quality of education students receive and enhance the quality of EMS professionals graduating and seeking employment in EMS.

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: 401.27, 401.2715 FS.

LAW IMPLEMENTED: 401.27, 401.2715 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: June 9, 2009, 3:00 p.m. – 4:00 p.m.  
Eastern Standard Time (EST)

PLACE: Florida Department of Health, 4025 Esplanade Way,  
3rd Floor, Room 301, Tallahassee, FL 32399

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in.

Toll free conference number: 1(888)808-6959; Conference code: 1454440

REQUEST FOR HEARING MUST BE RECEIVED IN WRITING TO: Lisa Walker, Government Analyst II at the address below.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Alexander Macy, Administrative Assistant I, Bureau of EMS, (850)245-4440, ext. \*2735, or by email at: Alexander\_Macy@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Walker, Government Analyst II, Bureau of EMS, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399; phone: (850)245-4440, ext. 2733; or email Lisa\_Walker2@doh.state.fl.us. NOTE: If you have written comments that you wish to be added to the record please send them to Lisa Walker before the hearing so your comments may be read into the record.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 64J-1.0201 EMS Instructor Qualifications.

(1) To be eligible for approval as an EMS Training Program, an applicant must ensure, with supporting documentation, that each instructor has met the standards listed below for their instructor position(s) as listed in the school's Emergency Medical Services Training Program's DH Form 1698, December 2008, Application for Approval of an Emergency Medical Services (EMS) Training Program, which is incorporated by reference in subsection 64J-1.020(2), F.A.C., and is available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.fl-ems.com>.

(2) Any lead or adjunct instructor currently teaching in a Florida-approved EMS Training Program that does not qualify for an exemption at the time of implementation of this rule may continue in their role and will have two years to complete the required coursework for the level of instruction they are employed.

#### (3) Emergency Medical Services (EMS) Instructors.

##### (a) Program Directors, Levels A and B.

1. Must have successfully completed Levels A and B coursework listed in Table I and Table II as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition, or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

2. Have a minimum of a Bachelor's degree from an institution whose accreditation is recognized by the United States Department of Education.

3. Program Directors who do not possess a Bachelor’s degree and are employed by a Florida-approved EMS Training Program at time of implementation of this rule will have until July 1, 2014 to obtain their Bachelor’s degree.

4. Be certified as a Florida paramedic, in good standing with the department, with at least four years field level provider experience in the prehospital environment with an Advanced Life Support (ALS) provider.

5. Must have a minimum of two years teaching experience as a Level B instructor.

(b) Lead Instructors, Program Coordinators, Levels A and B.

1. Has successfully completed the Levels A and B instructor coursework listed in Table I and Table II and as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

2. Be certified as a Florida paramedic in good standing with the department, with at least four years field level provider experience in the pre-hospital environment with an ALS provider.

3. Have a minimum of an Associate’s degree from an institution whose accreditation is recognized by the United States Department of Education.

4. Lead instructors who do not possess an Associate’s degree and are teaching in a Florida-approved EMS Training Program at time of implementation of this rule will have until July 1, 2013 to obtain their Associate’s degree.

5. Must have at least two years teaching experience in EMS education.

(4) Adjunct Faculty.

(a) Must have successfully completed the Level A coursework listed in Table I as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition, or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

(b) For First Responder or Emergency Medical Technician Training Programs, must be certified as a Florida emergency medical technician-basic in good standing with the department.

(c) For Paramedic Training Programs, must be certified as a Florida paramedic in good standing with the department or be a licensed Registered Nurse in good standing and have at least three years of field provider experience with an ALS provider.

(d) Adjunct instructors must possess a minimum of an Associate’s degree from an institution whose accreditation is recognized by the United States Department of Education.

(e) Adjunct instructors who do not possess an Associate’s degree and are employed by a Florida-approved EMS Training Program at time of implementation of this rule will have until July 1, 2011 to obtain their degree.

Table I EMS Instructor Course Curriculum

EMS instructor course objectives will be consistent with the National Guidelines for Educating EMS Instructors, August, 2002 edition.

Level A: Instructor Qualifications for Adjunct Faculty: Including Didactic, Laboratory, and Clinical Instructors.

<u>Course</u>	<u>Hours of Instruction</u>
<u>Introduction/Course Objectives</u>	<u>30 minutes</u>
<u>Module 2: Roles and Responsibilities</u>	<u>2 hours</u>
<u>Module 5: Ethics</u>	<u>2.5 hour</u>
<u>Module 6: The Learning Environment</u>	<u>2 hours</u>
<u>Module 7: Learning Styles</u>	<u>3 hours</u>
<u>Module 8: Domains of Learning</u>	<u>3 hours</u>
<u>Module 9: Goals and Objectives</u>	<u>3 hours</u>
<u>Module 11: Presentation Skills</u>	<u>2 hours</u>
<u>Module 12: Evaluation Techniques</u>	<u>3 hours</u>
<u>Module 15: Motivation</u>	<u>2 hours</u>
<u>Module 17: Teaching Psychomotor Skills</u>	<u>4 hours</u>
<u>Module 18: Affective/Cognitive Domains</u>	<u>3 hours</u>
<u>Module 20: Remediation (Practical exercises)</u>	<u>3 hours</u>
<u>Module 21: Cultural Awareness</u>	<u>2 hours</u>
<u>Practical Teaching Presentation</u>	<u>5 hours</u>
<u>Total Class Hours</u>	<u>40 Hours</u>

Table II EMS Instructor Course Curriculum

Level B: Instructor Qualifications for Program Coordinators and Lead Instructors

Prerequisites: Completion of Level A Coursework or qualify for an exemption listed in subsection 64J-1.0201(5), F.A.C.

<u>Course</u>	<u>Hours of Instruction</u>
<u>Module 10: Lesson Plans</u>	<u>1 hour</u>
<u>Module 26: Pediatric Education</u>	<u>1 hour</u>
<u>Module 13: Facilitation Techniques</u>	<u>1 hour</u>
<u>Module 14: Communication and Feedback</u>	<u>2 hours</u>
<u>Module 16: Teaching Thinking Skills (Critical)</u>	<u>2 hours</u>
<u>Module 19: Discipline</u>	<u>1 hours</u>
<u>Module 22: Teaching Resources</u>	<u>1 hour</u>
<u>Module 3: Administrative Issues</u>	<u>1 hour</u>
<u>Module 4: Legal Issues In EMS Education</u>	<u>1 hour</u>
<u>Module 23: Research</u>	<u>1 hour</u>
<u>Creating Learning Objectives &amp; Lesson Plans</u>	<u>3 hours</u>
<u>Total Class Hours</u>	<u>15 Hours</u>

(5) Exemptions.

(a) Program Directors, Program Coordinators, Lead Instructors, Course Coordinators, and Adjunct faculty who have attained any of the following criteria prior to the implementation of this rule are exempt from both Levels A and B coursework:

1. Individuals with a Bachelor’s degree or higher from an institution whose accreditation is recognized by the United States Department of Education with 4 years teaching experience in EMS education and 2 years experience as a Program Coordinator/Director are exempt from Levels A and B coursework.

2. Individuals with an Associate of Science degree from an institution is recognized by the United States Department of Education 8 years teaching experience in EMS education and a minimum of 5 years experience as a Program Coordinator are exempt from Levels A and B coursework.

3. Physicians licensed under Florida Statute 458 and/or 459 are exempt from Levels A and B coursework.

4. Completion of Fire Service Instructor Course Delivery and Fire Service Instructor Course Design (80 hours) or Florida certification in Fire Instructor II or III with 2 years teaching experience in EMS education are exempt from Levels A and B coursework.

5. Individuals with current certification as a Florida Department of Law Enforcement (FDLE) Instructor (80 hour course) with 2 years teaching experience in EMS education are exempt from Levels A and B coursework.

(b) Program Directors, Program Coordinators, Lead Instructors, Course Coordinators, and Adjunct faculty who have attained any of the following prior to the implementation of this rule are exempt from Level A coursework:

1. Individuals with an Associate in Science Degree from an institution whose accreditation is recognized by the United States Department of Education with 6 years teaching experience in EMS education are exempt from level A coursework.

2. Individuals with a Associate in Science Degree from an institution whose accreditation is recognized by the United States Department of Education plus 20 contact hours of educational/instructor courses with 2 years teaching experience in EMS education are exempt from Level A coursework.

3. Individuals who have successfully completed the National Association of EMS Educator’s Instructor Course or obtained National Instructor Level I (National EMS Instructor certification) are exempt from Level A coursework. Individuals with National Instructor level II are exempt from Level A and B coursework.

(c) Subject matter experts are exempt from all certification levels provided they do not provide greater than five percent of the total hours of instruction in either the didactic, laboratory, or clinical portions of the programs contact hours.

(d) These exemptions will only remain in effect until July 1, 2013.

Rulemaking Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John C. Bixler, Paramedic, RN, BSN, Chief, Bureau of EMS,  
Florida Department of Health, 4052 Bald Cypress Way,  
Tallahassee, FL 32399

NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: State Surgeon General Ana Viamonte  
Ros, Florida Department of Health, 4052 Bald Cypress Way,  
Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 13, 2008, Vol. No. 34/24;  
December 24, 2008 Vol. No. 34/52

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.:  
64J-2.010

RULE TITLE:  
Apportionment of Trauma Centers  
within a Trauma Service Area  
(TSA)

PURPOSE AND EFFECT: To revise the number of trauma  
center slots in Trauma Service Area One.

SUMMARY: The proposed rule revises the number of trauma  
center slots in Trauma Service Area One from two to three, and  
increases the statewide total number of trauma center slots  
from 42 to 43.

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: 395.505 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.405  
FS.

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

DATE AND TIME: Thursday, June 11, 2009, 10:00 a.m.  
Central Time/11:00 a.m. Eastern Time

PLACE: Okaloosa County Health Department, Auditorium,  
221 Hospital Drive, N.E., Ft. Walton Beach, FL 32358

DIRECTIONS: Please contact Tammy Brown at  
(850)833-9240.

If a hearing is requested, the hearing will also be held via  
conference call for individuals who cannot attend in person.  
The conference call number is: (888)808-6959 and conference  
code: 2354440. Updates on the status of the hearing will be  
posted on the Office of Trauma website at:  
<http://www.doh.state.fl.us/demo/Trauma/notices.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Janet Collins (850)245-4444, ext. 2775. 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: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan\_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-2.010 Apportionment of Trauma Centers within a Trauma Service Area (TSA).

(1) through (2) No change.

(3) The number of trauma center positions for each TSA is as follows:

TSA	Counties	Trauma Centers
1	Escambia; Okaloosa; Santa Rosa; Walton	<del>3</del>
2	Bay; Gulf; Holmes; Washington	1
3	Calhoun; Franklin; Gadsden; Jackson; Jefferson; Leon; Liberty; Madison; Taylor; Wakulla	1
4	Alachua; Bradford; Columbia; Dixie; Gilchrist; Hamilton; Lafayette; Levy; Putnam; Suwannee; Union	2
5	Baker; Clay; Duval; Nassau; St. Johns	2
6	Citrus; Hernando; Marion	1
7	Flagler; Volusia	2
8	Lake; Orange; Osceola; Seminole; Sumter	3
9	Pasco; Pinellas	3
10	Hillsborough	2
11	Hardee; Highlands; Polk	3
12	Brevard; Indian River	2
13	DeSoto; Manatee; Sarasota	3
14	Martin; Okeechobee; St. Lucie	1
15	Charlotte; Glades; Hendry; Lee	2
16	Palm Beach	2
17	Collier	1
18	Broward	3
19	Dade; Monroe	6
	TOTAL	<del>43</del> <sup>42</sup>

(4) No change.

Rulemaking Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.405 FS. History—New 12-10-92, Formerly 10D-66.1075, Amended 6-9-05, 12-18-06, Formerly 64E-2.022, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan\_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2009

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-6.0011	Possession of Wildlife in Captivity; Permit Requirements
68A-6.002	Categories of Captive Wildlife
68A-6.0021	Possession or Transfer of Class I Wildlife as Personal Use Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements
68A-6.0024	Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee
68A-6.0025	Sanctuaries; Retired Performing Wildlife Identification
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.0041	Exceptions to Standard Caging Requirements for Captive Wildlife
68A-6.005	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern
68A-6.0071	Record Keeping and Reporting Requirements

PURPOSE AND EFFECT: The purpose and effect of this rule is to address the possession, housing and transportation of captive wildlife. The proposed rules will clarify record keeping, documentation of experience, and housing

requirements for the possession of captive wildlife. The proposed rules will address changes in classification of captive wildlife and public contact with captive wildlife. Additionally, the proposed new rule establishes requirements for the operation of captive wildlife sanctuaries.

SUMMARY: These rules address classification of wildlife; possession, transportation and housing of captive wildlife; public contact with captive wildlife; record keeping requirements; and captive wildlife sanctuaries.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3711, 379.3761, 379.3762 FS.

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-6.0011 Possession of Wildlife in Captivity; Permit Requirements.

(1) No change.

(2) The provisions of this chapter shall not apply to entities operating solely as research facilities, which are registered and regulated as such in accordance with Animal Welfare Act (7 U.S.C. 2131, et. seq.) and regulations promulgated thereunder, provided the following requirements are met:

(a) Such facilities must maintain on premises a detailed research proposal which shall state with particularity the research objectives, methodology, and study duration, and outline planned safeguards to assure proper containment of the wildlife. Maintain an annual record of progress toward the research project objectives. Such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(b) Such facilities housing wildlife must maintain such wildlife in cages or enclosures which meet the structural requirements as specified in Rule 68A-6.003, F.A.C.

(3) The provisions of this chapter shall not apply to persons possessing the following non-native wildlife species exclusively for the purpose of production of meat, skins or hides, feathers or progeny thereof, and not for personal possession or public display or exhibition:

(a) through (d) No change.

(e) Bison.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History—New 6-21-82, Amended 7-5-84, Formerly 39-6.011, Amended 6-1-86, 5-10-87, 4-13-88, 12-19-89, 7-1-90, 4-20-93, Formerly 39-6.0011, Amended \_\_\_\_\_.

68A-6.002 Categories of Captive Wildlife.

(1) The Commission hereby establishes the following categories of wildlife including their taxonomic successors and subspecies thereof:

(a) Class I:

1. through 2. No change.

3. Gibbons and Siamangs (family Hylobatidae) (~~genus *Hylobates*~~)

4. through 5. No change.

6. Baboons (~~genus *Papio*~~ ~~*Papio*~~)

7. Siamangs (~~genus *Symphalangus*~~)

8. through 17. renumbered 7. through 16. No change.

~~17, 18. Cape buffalos and Gaur (family Bovidae) (*Syneerus caffer caffer*)~~

~~18, 19. Crocodiles (except dwarf and Congo) (family Crocodylidae ~~Crocodylidae~~)~~

20. through 22. renumbered 19. through 21. No change.

22. Hyenas and Aardwolf (family *Hyaenidae*)

23. Cougars, panthers (*Puma concolor*)

24. Cheetahs (*Acinonyx jubatus*)

(b) Class II:

1. through 3. No change.

4. Guenons (~~genus *Cercopithecus*~~ ~~*Cercopithecus*~~)

5. Patas monkeys (~~genus *Erythrocebus*~~)

6. Vervet, Grivet or Green monkeys (~~genus *Chlorocebus*~~)

~~7.5. Bearded Sakis (~~genus *Chiropotes*~~ and *Pithecia*)~~

- ~~8.6.~~ Guereza monkeys (*genus Colobus*)
- ~~7.~~ Celebes black apes (*genus Cynopithecus*)
- ~~9.8.~~ Idris (*genus Indri*)
- ~~10.9.~~ Macaques and Celebes black apes (*genus Macaca*)
- ~~11.10.~~ Langurs (*genus Presbytis*)
11. through 15. renumbered 12. through 16. No change.
- ~~16.~~ Cougars, panthers (*Puma concolor*)
17. Bobcats (*Lynx rufus*)
- ~~18.~~ Cheetahs (*Acinonyx jubatus*)
- ~~18.19.~~ Caracals (*Caracal caracal*)
20. through 24. renumbered 19. through 23. No change.
- ~~24.25.~~ Wolves, coyotes, jackals (family Canidae) (~~*Canis latrans*~~)
- ~~26.~~ Gray wolves (*Canis lupus*) (including wolf x domestic hybrids which are 25 percent or less domestic dog)
- ~~27.~~ Red wolves (*Canis niger*) (including wolf x domestic hybrids which are 25 percent or less domestic dog)
- ~~28.~~ Asiatic jackals (*Canis aureus*)
- ~~29.~~ Black backed jackals (*Canis mesomelas*)
- ~~30.~~ Side striped jackals (*Canis adustus*)
31. through 37. renumbered 25. through 31. No change.
- ~~38.~~ Hyenas (all species) (family *Hyaenidae*)
- ~~32.39.~~ Dwarf crocodiles (*Osteolaemus tetraspis*)
- ~~33.40.~~ Alligators, caimans (except American alligator) (family Alligatoridae)
41. through 42. renumbered 34. through 35. No change.
- ~~36.~~ Giraffe and Okapi (family Giraffidae).
- ~~37.~~ Tapir (family Tapiridae).
- ~~38.~~ Wild cattle; forest, woodland and aridland antelope; and similar species of non-native hoofstock (family *Bovidae*)  
Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.
- (c) No change.
- (d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be substantially indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.
- (2) through (4) No change.
- (5) Persons possessing Class III wildlife as personal use wildlife shall obtain a no-cost permit from the Executive Director. ~~American alligators shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under Rule 68A 9.002, F.A.C., Section 379.3751 or 379.3761, F.S.~~

(6) Fox, skunks, bats, raccoons, or white tail deer taken from the wild shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under Rules 68A-9.002 and 68A-9.006, F.A.C., or Section 379.3761, F.S.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. FS. History—New 8-1-79, Amended 12-3-79, 6-4-81, 6-21-82, Formerly 39-6.02, Amended 6-1-86, 7-1-90, 7-1-92, 9-15-96, Formerly 39-6.002, Amended

68A-6.0021 Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife.

(1) Any Class I wildlife possessed for personal use on August 1, 1980, shall be eligible for a permit in accordance with the provisions for Class II wildlife. Any Class II wildlife possessed as personal use wildlife in accordance with 379.3762, F.S., that is uplisted to Class I upon the effective date of Rule 68A-6.002, F.A.C., shall be eligible for a permit in accordance with the provisions of Class II wildlife. No other Class I wildlife shall be transferred or kept for personal use.

(a) All Class I wildlife possessed for personal use in accordance with the provisions for Class II Wildlife, shall be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic identification, or other method that clearly and permanently identifies that particular specimen so as to be distinguished from other specimens of the same species.

1. For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

2. Record of identification including PIT tag numbers where applicable, along with information about the specimen being identified (species, method of identification, specimen name or number, gender and age) must be maintained in the possessors records for as long as the specimen is possessed. Such records shall be made available for inspection, upon request, of commission personnel. A copy of such record shall be provided to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, upon annual renewal of the license issued in accordance with Section 379.3761, F.S., and authorizing possession of such wildlife.

(b) Effective Date: All permanent identification requirements in this rule shall not take effect until January 1, 2010.

(2) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. The recipient's name, address and the permit or license

~~number if required shall be entered in the transferor's records and made available for inspection upon request of Commission employees for a period of one year after the transfer.~~

~~(2)(3)~~ No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 379.3711, 379.372, 379.3761, 379.3762 FS. History-- New 6-21-82, Formerly 39-6.021, Amended 6-1-86, 4-11-90, Formerly 39-6.0021, Amended \_\_\_\_\_.

68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements.

(1) No change.

(2) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

(a) through (b) No change.

(c) Honey possums, sugar gliders, ~~brush-tailed possums~~

(d) through (v) No change.

(3) through (4) No change.

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

All applicants shall qualify for permits as follows:

(a) through (b) No change.

(c) Experience Requirement for Class I permits:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological family order (except ratites which shall be in the same biological sub-order; and cougars, panthers or cheetahs which shall remain at the genus level), which are substantially similar in size, characteristics, behavior, habits, care and nutritional requirements to the species for which the permit is sought.

2. For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

a. A description of the specific experience acquired.

b. The dates and times the experience was obtained and the specific location(s) where acquired.

c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience; ~~One of these references of which~~ must be licensed by the commission for wildlife of the same family and the same or higher class for which the applicant is seeking authorization or a representative of a professional organization or governmental institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.

d. No change.

3. through 4. No change.

(d) Experience and examination requirements for Class II permits:

1. Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in subparagraphs 68A-6.0022(5)(c)1.-4., F.A.C., above. If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 ~~400~~ hours of substantial practical experience (with documentation and compliance procedures as noted in subparagraphs 68A-6.0022(5)(c)1.-4., F.A.C., above) in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one-year/1,000-hour requirement. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

2. The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

3. The above requirements shall not apply to applicants for permits to possess American alligators in accordance with Section 379.3751, F.S.

4. The above requirements shall not apply to applicants for permits to possess species of the family Bovidae in accordance with Sections 379.3711 and 379.3712, F.S.

(e) Any licensed corporation applying for a permit or authorized to possess Class I or Class II wildlife must have qualified personnel responsible for the care of such wildlife. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in subparagraphs 68A-6.0022(5)(c)1.-4. and (d)1., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified person.

(f) Any person authorized pursuant to Section 379.3761, F.S., to exhibit or sell Class I wildlife shall obtain and maintain a current and valid USDA license, where applicable, pursuant to the Animal Welfare Act and Animal Welfare Regulations of Title 9CFR. Such USDA license shall be obtained within 180 days of initial licensing by the Florida Fish and Wildlife Conservation Commission. Failure to obtain and maintain a

current and valid USDA license may result in denial or revocation of any Class I authorizations issued by the Florida Fish and Wildlife Conservation Commission.

(6) No change.

(7) Disaster and Critical Incident Plans: Applicants for permits to possess wildlife in captivity as authorized pursuant to Sections 379.3761 or 379.303, F.S., or the provisions of this chapter shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE\_619 (06/09 02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at [www.myfwc.com/permits](http://www.myfwc.com/permits). This form shall consist of two parts. Part A of form FWCDLE\_619 shall be submitted at the time of initial application or renewal; and Part B shall be retained in the permittee's files ~~on file~~ at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining captive wildlife in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with Class I or Class II wildlife. In this instance Part B must accompany the Class I or Class II wildlife while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS, History—New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended 4-30-00, 1-1-08,\_\_\_\_\_.

68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements.

(1) No change.

(2) Caging Requirements:

(a) All wildlife possessed in captivity shall, except when supervised and controlled in accordance with subsection (3) hereof, be maintained in cages or enclosures constructed and maintained in compliance with the provisions of Rules 68A-6.003, ~~and~~ 68A-6.004, and 68A-6.007, F.A.C.

(b) No change.

(c) All cages or enclosures less than 1,000 square feet shall be covered at the top to prevent escape (except paddocks, reptile enclosures and habitats specified below). Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet, except as specified in Rule

68A-6.004, F.A.C. All outdoor enclosures for non-native venomous reptile species and reptiles of concern shall be topped with close-meshed wire or an equivalent barrier to provide additional security as specified in Rule 68A-6.007, F.A.C. For the purpose of this section, the following definitions apply:

1. Paddocks: Areas enclosed by fencing, railing or other Commission-approved structures which allow animals to graze or browse.

2. Reptile enclosures: Areas encompassed by smooth walls or other Commission-approved materials which provide safe keeping of venomous and non-venomous snakes, crocodylians and other reptiles.

3. Open air habitats or moated areas: Areas enclosed by Commission-approved fences, walls, or moats which provide safe keeping of species specified in Rule 68A-6.004, F.A.C.

(d) Caging considered unsafe or otherwise not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Commission, be immediately placed in an approved facility, at the expense of the permittee, owner, or possessor, until such time as the unsafe condition is remedied. In instances where wildlife is seized or taken into custody by the Commission, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of Chapter ~~379 372~~ or 828, F.S., or rules of the Commission, or if such violation is disposed of under Section 921.187, F.S. Failure to pay such expenses shall be grounds for revocation or denial of permits to such individuals to possess wildlife.

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be teathered or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph (2)(b) above, must be present to prevent physical contact with unconfined Class I or Class II wildlife, except as follows:

(a) Public contact exhibition.

1. General: All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary

precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

2. Class I wildlife shall only be permitted to come into physical contact with the public in accordance with the following:

a. Full contact: For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another. Full contact with Class I wildlife is authorized only as follows:

I. Class I cats (Felidae only) that weigh not more than twenty-five (25) pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than twenty-five pounds;

III. Gibbons and siamangs not less than four (4) months of age and not more than two (2) years of age;

IV. Elephants as approved in Rule 68A-6.0042, F.A.C.

b. Incidental contact: For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:

I. Class I carnivores except cheetahs and cougars that weigh not more than 40 pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than 40 pounds;

III. Gibbons and siamangs that are not less than four (4) months of age: no maximum poundage or age limit;

IV. Elephants;

V. Incidental contact with other Class I wildlife must be approved in writing by the Commission prior to the use of the wildlife for incidental contact with the public. Factors to be considered when approving such contact are found in subparagraph (3)(a)1.

3. Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity, and duration so that such handling will not adversely affect the health, welfare, or safety of the animals, nor expose the public to injury.

(4) through (5) No change.

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of

all changes in inventory including births, deaths, acquisitions and sales or transfers of all wildlife. Such records shall be open to inspection upon request by commission personnel.

(a) Records of births or deaths must include the date of the birth or death and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch or litter.

(b) Records of acquisition must include the date of acquisition; quantity and species of wildlife acquired; name and complete address of the supplier and permit or license identification number of the supplier where applicable.

(7) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. No person shall sell or transfer wildlife without documenting such sale or transfer. The record of sale or transfer must be entered in the transferor's records and made available for inspection upon request of Commission personnel for a period of three years after the sale or transfer.

(a) Records of sale or transfer shall include the date of sale or transfer; quantity and species of wildlife sold or transferred; name and complete address of the recipient; and permit or license identification number of the recipient where applicable.

(b) Records of sale or transfer are not required for wildlife that may be possessed for personal use without a permit as specified in paragraphs 68A-6.0022(2)(a)-(v), F.A.C., unless such record keeping requirements are otherwise regulated by other rules of the Commission.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.304, 379.303 FS. History--New 7-1-90, Amended 2-1-98, Formerly 39-6.0023, Amended \_\_\_\_\_.

68A-6.0024 Commercialization of Wildlife; ~~Public Contact~~; Bonding or Financial Responsibility Guarantee.

(1) Because the possession of wildlife in accordance with Section 379.3761, F.S., is commercial in nature any person permitted to possess wildlife per Section 379.3761, F.S., shall demonstrate consistent and sustained commercial activity in the form of exhibition or sale of such authorized wildlife. Consistent and sustained commercial activity may be demonstrated by the following examples of business procedures including, but not limited to:

(a) A regular media advertising campaign, or Internet Web site;

(b) Signs, billboards or flyers advertising commercial wildlife services or operations;

(c) Regular business hours during which the premises is open for commercial activity.

(d) Written business is conducted on printed letterhead, indicating the name of the company or business;

(e) Documented exhibition of wildlife to the public, with or without a charge;

(f) Sale of wildlife including any lesser acts thereof as defined in Rule 68A-1.004, F.A.C.

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

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.374, 379.305, 379.304, 379.303 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.372, 379.373, 379.374, 379.305, 379.304 FS. History—New 2-1-08, Amended \_\_\_\_\_.

68A-6.0025 Sanctuaries; Retired Performing Wildlife and Identification.

(1) Only a corporation that is licensed in accordance with Section 379.3761, F.S., and exempt from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code, may operate a wildlife sanctuary for captive wildlife. For the purposes of this section a “wildlife sanctuary for captive wildlife” is defined as a facility established for the sole purpose of providing lifetime care for unwanted or infirmed captive wildlife. Such wildlife sanctuary for captive wildlife shall be operated in compliance with the provisions of Chapter 68A-6, F.A.C., and this section.

(a) Each wildlife sanctuary for captive wildlife must maintain and have available for inspection proof of current status as a Florida registered not-for-profit corporation and proof of current exemption from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code.

(b) Acts which perpetuate the commercial trade in wildlife, including the trade, sale, offering for trade or sale, breeding except as authorized herein, or buying of captive wildlife or parts thereof, by any such wildlife sanctuary for captive wildlife are prohibited.

(c) Full or incidental contact between the public and such captive wildlife as defined in subparagraphs 68A-6.0023(3)(a)2.-3., F.A.C., is prohibited.

(d) All wildlife maintained by such sanctuary for captive wildlife shall be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic identification, or other method that clearly and permanently identifies that particular specimen so as to be distinguished from other specimens of the same species.

1. For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

2. Record of identification including PIT tag numbers where applicable, along with information about the specimen being identified (species, method of identification, specimen

name or number, gender and age) must be maintained in the possessors records for as long as the specimen is possessed. Such records shall be made available for inspection, upon request, of commission personnel. A copy of such record shall be provided to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, upon annual renewal of the license issued in accordance with Section 379.3761, F.S., and authorizing possession of such wildlife.

(e) Rare, endangered or otherwise protected specimens of wildlife may be transferred for breeding purposes in instances where such breeding program clearly enhances the survival potential of the species.

(f) Any sanctuary exhibiting Class I wildlife as listed in Rule 68A-6.002, F.A.C., must meet the bonding or financial responsibility guarantee requirements of paragraphs 68A-6.0024(3)(a)-(f), F.A.C.

(2) Any person licensed in accordance with Section 379.3761, F.S., who possesses performing wildlife that due to its age or physical condition may no longer perform, may retain such retired performing wildlife for the purposes of providing lifetime care for said wildlife. Such retired performing wildlife shall be permanently identified and records maintained and submitted as prescribed in paragraphs (1)(d)1.-2., above.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921 FS. History—New \_\_\_\_\_.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., Class I and Class II animals shall be caged in accordance with the following requirements:

(a) No change.

(b) All cages or enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. Cages shall be constructed using metal clamps, ties or braces of equivalent strength as the material required for cage construction for the particular species. Cages or enclosures using the ground as flooring must meet the following requirements:

1. For enclosures housing wildlife that exhibits a behavior of digging or burrowing: Enclosures shall have a footer or bottom apron constructed of concrete, chainlink or equivalent strength material as specified in this rule for the housing of such wildlife. The footer must be a depth of 3 feet. In the instance of a bottom apron, the bottom apron must be securely attached to the bottom of the enclosure fencing or wall and extend inward into the enclosure a minimum of 3 feet. The bottom apron must be buried to prevent injury to the captive wildlife in the enclosure.

2. For enclosures affected by erosion: Measures must be taken to stop the erosion. Such measures may include, but are not limited to, a footer or bottom apron as described above or other measures capable of ensuring the structural integrity of the enclosure and preventing the escape of the captive wildlife.

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

(a) Notification of escapes: Any person authorized to possess any Class I wildlife as listed pursuant to Rule 68A-6.002, F.A.C., must report any escapes from the primary caging or enclosures or the approved facility location; or other enclosure, cage, leash or other constraint when wildlife is away from such approved facility location, to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement. Such reporting shall occur immediately upon discovery of the escape. Any person authorized to possess Class I wildlife shall maintain a list of the current contiguous land owners or neighbors in Part B of the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE\_619 (06/09 02-06), as required in subsection 68A-6.0022(7), F.A.C. Such list shall include the name, address and contact phone number for contiguous land owners or neighbors. For the purposes of this section a "contiguous land owner or neighbor" shall mean the current resident for all properties sharing a common boundary with the facility location. The entire width of a dedicated roadway shall be considered sharing a common boundary in instances of a dedicated roadway between neighboring properties.

- (b) No change.
- (c) Facility requirements:
  - 1. through 4. No change.
  - 5. Zoning:

Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.

- a. through f. No change.
- g. Cape Buffalos and Gaur (family *Bovidae*) (~~*Syneerus caffer caffer*~~)
- h. Hyenas and Aardwolf (family *Hyaenidae*)

(d) Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements of subparagraphs (2)(c)1.-4., as listed above:

- 1. through 3. No change.

4. Non-human primates: Uakaris (genus *Cacajao*), Bearded Sakis (genus *Chiropotes and Pithecia*), and Guenons (genus *Cercopithecus*) not including Patas monkeys (genus *Erythrocebus*), De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(e) Any Class I or Class II wildlife exempt from meeting the facility requirements of subparagraphs (2)(c)1.-4., of this rule must meet the following:

- 1. through 3. No change.
- (f) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History--New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08, 1-8-08,\_\_\_\_\_.

68A-6.004 Standard Caging Requirements for Captive Wildlife.

(1) No captive wildlife shall be confined in any cage or other enclosure which contains more individual animals, or is smaller in dimension than as specified in this section, or is not equipped as specified in this section, except as defined in Rule 68A-6.0041, F.A.C., or as authorized in accordance with the following:

Requests for deviations from standard caging or enclosure requirements may be granted to allow for different size configuration (length, width and height) if the required square footage is adequate and if the locomotory needs of the animal(s) are not compromised. Wet or dry moats may be substituted for the required fencing for retaining some species of wildlife. Any proposed deviations from the standard caging or enclosure requirements, or proposals to use wet or dry moats to substitute for fencing, or proposals to use open air habitats except as provided herein, must be approved in writing by the Commission prior to the use of the cage or enclosure for housing animals.

- (2) through (3) No change.
- (4)(a) through (c) No change.
- (d) Pandas (red).
- 1. through 3. No change

In addition to the requirements for this section, each cage or enclosure shall be provided with an environment or devices that allows for temperature regulation necessary to ensure the well-being of the species. Each cage or enclosure shall have an accessible device to provide physical stimulation or

manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, climbing apparatus, foraging/browse items, pools of water, etc.

- (e) through (q) No change.
- (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004, Amended 1-1-08, \_\_\_\_\_.

68A-6.0041 Exceptions to Standard Caging Requirements for Captive Wildlife.

Wildlife may be temporarily housed in cages or enclosures smaller than the sizes set forth in Rule 68A-6.004, F.A.C., only under the following circumstances:

- (1) through (2) No change.
- (3) The standard caging requirements, as defined in Rule 68A-6.004, F.A.C., except for the fencing requirements, shall not apply to facilities possessing ratites (ostriches, rheas, emus, and cassowaries) for propagation purposes only and not for public exhibition or as personal pets. Facilities possessing bison for propagation purposes only and not for public exhibition or as personal pets are exempt from the standard caging requirements, as defined in Rule 68A-6.004, F.A.C.

(4) Newborn and juvenile mammals may be temporarily kept in enclosures below the standard caging requirements and are exempted from the ~~facility multi-unit/land~~ requirements of subparagraphs ~~68A-6.003(2)(e)1.-2, 68A-6.0022(5)(e)~~, F.A.C., and structural strength requirements, Rule 68A-6.003, F.A.C., as follows:

- (a) through (b) No change.
- (5) through (9) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.302, 379.303, 379.3711FS. History—New 7-1-90, Amended 7-1-92, 2-1-98, Formerly 39-6.0041, Amended \_\_\_\_\_.

68A-6.005 Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals.

(1) This rule section applies to all Class I, all Class II and all Class III animals except those listed in subsection 68A-6.0022(2), F.A.C.

(2)(+) General requirements for transporting wildlife in vehicles. No vehicle shall be used in transporting any wildlife except as follows:

- (a) through (f) No change.

(g) Wildlife must be transported in a cage or enclosure. The cage or enclosure must be labeled “Live Animal” and list the number of specimens and common and scientific name of the wildlife. For wildlife that is transported in a trailer or compartment of a trailer, a label stating “Live Animal” must be affixed to the trailer access or loading door and the list. The list containing the number of specimens and common and scientific name of the wildlife must be maintained in the vehicle. The animal’s cage or enclosure shall be as follows:

- 1. Be of sufficient strength and security to prevent escape.
- 2. ~~The cage or enclosure shall be~~ Large enough to ensure that each specimen has sufficient space to turn, stand erect, and lie naturally. Provided, however that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons. Elephants shall be tethered during transport (except nursing young).

- (h) through (i) No change.
- (2) through (3) renumbered (3) through (4) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.05, Amended 5-10-87, 2-1-98, Formerly 39-6.005, Amended \_\_\_\_\_.

68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern.

(1) Any person who keeps, possesses, exhibits or sells any venomous reptiles or reptile of concern shall comply with Sections 379.372, 379.373, 379.374, 379.305, 379.304, ~~and 379.303, and 379.3761~~, F.S., and the provisions of this rule. The following reptiles, including their taxonomic successors, ~~any~~ subspecies or hybrids thereof, are designated as reptiles of concern:

- (a) through (c) No change.
- (d) Amethystine or Scrub python (*Morelia amethystinus* spp.) (all species exceeding 12 feet in length upon maturity)
- (e) through (f) No change.
- (2) No change.

(3) Experience requirements: Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

- 1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for

which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

- a. A description of the specific experience acquired.
- b. The dates the experience was obtained and the specific location(s) where acquired.
- c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience. ~~One of these references of which~~ must be licensed by the commission for venomous reptiles of the same family for which the applicant is seeking authorization or a representative of a professional organization or governmental institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.

d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. through 3. No change.

4. Any licensed corporation authorized to do business in Florida may apply for a permit or other authorization to possess venomous reptiles. Such corporation must have qualified personnel responsible for the care of such venomous reptiles. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in paragraphs 68A-6.007(2)(a)-(b) and subparagraphs (3)(a)1.-3., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified personnel.

(b) No change.

(4) Facility requirements: All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper housing for said reptiles in cases, cages, pits or enclosures. It shall be unlawful for any person whether licensed or not to keep, possess, or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the Florida Fish and Wildlife Conservation Commission. Venomous reptiles or reptiles of concern shall be kept in cages, cases, pits or enclosures of the following specifications:

(a) through (b) No change.

(c) Outdoor open-topped enclosures:

1. through 4. No change.

(5)5. Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible cage enclosure identification system identifying the venomous reptiles housed or maintained on the premises.

~~(a)4.~~ Bite or Exposure Protocol: Facilities or premises where venomous reptiles are housed or maintained shall have posted on the premises a venomous reptile bite protocol. Such protocol shall include: identification of the species by common and scientific name, emergency contact information, type of antivenin required for treatment of bites or exposures from the species housed or maintained, a plan of action to be taken in the event of a bite or exposure, and location of antivenin if stored on premises. In lieu of antivenin on premises contact information shall be provided for an antivenin bank or medical facility that maintains antivenin for the species possessed. Such protocol shall be clearly visible and posted in the room, building or other structure and in close proximity to where venomous reptiles are housed or maintained.

~~(b)5.~~ Cage Enclosure Identification System: Each cage or enclosure housing venomous reptiles shall be clearly marked with a card or sign clearly stating "Danger Venomous Reptile" and identifying the species contained therein by common and scientific name. Such card or sign shall be clearly visible. A card or sign shall accompany the venomous reptile when it is removed from the cage or enclosure for handling or transport purposes.

~~(c)6.~~ Facilities with one or more licensee at the same facility location may not commingle their respective live venomous reptile or reptile of concern inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

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

~~(8)7.~~ Transporting: Any person transporting venomous reptiles shall comply with Section 379.372 ~~372.86~~, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap or box of solid construction which is locked or otherwise secured. The sack, trap or box shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes which shall be screened. Boxes containing venomous reptiles shall be prominently labeled "Danger – Venomous Reptiles."

~~(9)8.~~ Disaster and Critical Incident Plans: Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE\_619 (06/09 02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at [www.myfwc.com/permits](http://www.myfwc.com/permits). This form shall consist of two parts. Part A of form FWCDLE\_619 shall be submitted at the time of initial application or renewal; and Part

B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining venomous reptiles or reptiles of concern in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with venomous reptiles or reptiles of concern. In this instance Part B must accompany the venomous reptile or reptile of concern while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.373, 379.374 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.372, 379.373, 379.374, 379.3761, 379.303, 379.304, 379.3762, 379.305 FS. History–New 1-1-08, Amended 1-8-08,\_\_\_\_\_.

68A-6.0071 Record Keeping and Reporting Requirements.

Any person who possesses any live venomous reptile or reptile of concern shall have a permit issued in accordance with Section 379.372, and if applicable Section 379.3761, F.S., and if applicable Section 379.304, F.S., and comply with Sections 379.304, F.S. and the provisions of this rule, Rule 68A-6.007, F.A.C., and, if applicable, Rule 68A-6.0072, F.A.C.

(1) Record Keeping: Possessors shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all venomous reptiles or reptiles of concern. Such records shall be kept on the licensed premises on a Captive Wildlife Inventory-Reptile form, FWCDLE\_620IV-R (06/09 ~~12-06~~), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by commission personnel.

(a) through (c) No change.

(2) Reporting:

(a) Persons exhibiting or selling live venomous reptiles or reptiles of concern in accordance with Section 379.372 or 379.3761 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE\_620IV-R (06/09 ~~12-06~~), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and six months thereafter.

(b) Persons possessing any live venomous reptile or reptile of concern in accordance with Section 379.372 and 379.304, F.S., ~~or any live reptile of concern in accordance with Section~~

~~379.303, F.S.,~~ for personal use shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE\_620IV-R (06/09 ~~12-06~~), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and upon any instance of inventory change.

(c) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.372, 379.373, 379.374 FS. History–New 1-1-08, Amended 1-8-08,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to remove the cost and number of Recreational User Permits (RUPs) available on two privately owned Wildlife Management Areas (WMAs), as requested by the landowners. The effect of the proposed rule changes will be to remove these areas from the WMA system.

SUMMARY: The proposed rule change as requested by the landowners would remove the cost and number of permits available for two WMAs as follows:

San Pedro Bay WMA – Remove the cost of the permits (\$225) and the number available (310).

Robert Brent WMA – Remove the cost of the permits (\$150) and the number available (100).

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: Article IV, Section 9, Florida Constitution; 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 375.591, 379.1025, 379.2223 FS.

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida 34429

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 372.57(8)(g)1., F.S.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 372.57(8)(g)1., F.S., shall be:

1. No change.

~~2. San Pedro Bay WMA — \$225~~

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

~~5. Robert Brent — \$150~~

6. through 9. renumbered 4. through 7. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 372.57(8)(g)1., F.S., shall be:

1. No change.

~~2. San Pedro Bay WMA — 310~~

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

~~5. Robert Brent — 100~~

6. through 9. renumbered 4. through 7. No change.

(d) through (f) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS. Law Implemented 379.1025, 379.2223, 375.313, 375.591 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 7-15-04, 6-1-05, 4-3-08, 4-1-09, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-9.006  
 RULE TITLE: Wildlife Rehabilitation Permit

PURPOSE AND EFFECT: The purpose and effect of this rule is to address the rehabilitation of injured, orphaned or otherwise impaired wildlife. The proposed rule will clarify the length of time wildlife may be possessed for rehabilitation purposes and final disposition of such wildlife. The rule will be considered together with proposed changes to Rule Chapter 68A-6, F.A.C., relating to wildlife in captivity.

SUMMARY: The proposed rule addresses the requirements for the rehabilitation of native wildlife.

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: Article IV, Section 9, Florida Constitution.

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

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

DATES AND TIME: During the Commission's regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 68A-9.006 Wildlife Rehabilitation Permit.

(1)(a) No person shall possess any sick, injured, orphaned, or otherwise impaired wildlife for rehabilitation purposes without a permit from the executive director in accordance with this rule section, ~~and, if possessing migratory birds, a joint state-federal permit from the executive director, approved by the director of the United States Fish and Wildlife Service.~~

(2) A federal permit authorizing rehabilitation of migratory birds, approved by the director of the United States Fish and Wildlife Service, is required if possessing migratory birds for rehabilitation purposes.

(3)(2) Application requirements:

(a) An applicant shall make written application to the Commission by completing the Joint State/Federal Special Purpose Permit Application for Wildlife and Migratory Bird Rehabilitation application form. Such application form shall be available at the Florida Fish and Wildlife Conservation Commission's Tallahassee and regional offices, or at [http://www.myfwc.com/RULESANDREGS/Rules\\_Captive\\_in\\_dex.htm](http://www.myfwc.com/RULESANDREGS/Rules_Captive_in_dex.htm). ~~Rehabilitator Application Form (FWC Form 2000~~

~~WR, effective 11-6-94, and incorporated herein by reference and available at the Commission's Tallahassee and regional offices).~~ An applicant must be 18 years of age, or older.

(b) through (d) No change.

(e) A rehabilitation permit ~~is not shall not be~~ required for care or treatment of exotic or non-native wildlife, provided that persons possessing Class I, ~~or Class II or Class III~~ exotic wildlife are licensed according to Rule 68A-6.002, F.A.C.; and persons possessing venomous reptiles or reptiles of concern are licensed in accordance with Rule 68A-6.007, F.A.C. Sick or injured exotic or non-native wildlife shall not be comingled in the same cage or enclosure with sick, injured or otherwise impaired native wildlife.

(f) Exotic or non-native wildlife or domestic animals may be used for fostering orphaned native wildlife.

(g)(4) In addition to the above requirements, applications shall be subject to general application requirements and standards of Rule 68A-5.004, F.A.C.

(4)(3) The inspection requirements for wildlife rehabilitation facilities are as follows:

(a) through (c) No change.

(5)(4) Standards for Wildlife Rehabilitation.

(a) Care, disposition, dispersal, or release of wildlife, their carcasses, parts, products or progeny shall be as follows:

1. Wildlife possessed for rehabilitation purposes may be held no longer than 180 days before it must be released, transferred or euthanised. Wildlife shall be rehabilitated in such a manner as to be able and ready to survive release into the wild. Species of native wildlife that fully recover shall be released into the wild, except American alligators and American crocodiles. Fully recovered individual animals of these species must be placed into a properly licensed exhibition, educational, or breeding facility as directed by commission personnel. The release of native wildlife shall occur at or near the point of capture, or onto habitat where such wildlife naturally occur, and which will biologically support the species.

2. Wildlife may be retained for rehabilitation purposes longer than the 180-day period in instances where a licensed veterinarian has certified that a longer holding period is necessary in the interest of the health and welfare of the wildlife. Medical records concerning all wildlife for which an extension of the 180-day period is obtained shall be maintained at the facility and made available for inspection, upon request, by Commission personnel.

3.2. Wildlife undergoing rehabilitation or medical treatment shall not be exhibited. Permittees may keep wildlife with permanent physical impairments for educational display under permit in accordance with Section 379.3761, F.S., and Chapter 68A-6, F.A.C.

~~4.3.~~ When wildlife has been diagnosed as “psychologically impaired or imprinted” by an independent rehabilitator and a veterinarian it shall not be considered non-releasable unless such finding is approved by the Commission.

5. When wildlife has been diagnosed as “physically impaired” it shall be evaluated by an independent rehabilitator or veterinarian and an authorized Commission representative before it is considered to be non-releasable due to its physical impairment.

6.4. Permittees shall place non-releasable wildlife in a properly licensed exhibition, educational, or breeding facility.

7.5. Wildlife may be transferred or relocated to other licensed rehabilitation facilities at the discretion of the Commission to facilitate alternative treatments and optimum care.

~~8.6.~~ When euthanasia of wildlife is necessary, euthanasia shall be humane.

(b) through (i) No change.

(j) Permittees receiving any species classified as state endangered shall notify the Tallahassee office of the Commission’s Division of Law Enforcement within seventy-two (72) hours of the receipt of the wildlife.

(k) through (m) No change.

~~(6)(5)~~ Under certain emergency conditions, such as oil spills, hurricanes, floods, and other natural or manmade disasters, the Commission may impose additional restrictions or provide for permit exemptions as may be necessary to safeguard affected wildlife such as, but not limited to, the coordination and direction of rehabilitation permittees and their facilities, the assignment of zones for implementing rehabilitative services, and the authorization of additional volunteers to aid in the capture and treatment of wildlife.

~~(7)(6)~~ The permit may be subject to revocation, suspension, or non-renewal in accordance with Rule 68A-5.004, F.A.C.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-6-94, Formerly 39-9.006, Amended \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Colonel Julie Jones, Director, Division of Law Enforcement,  
Florida Fish and Wildlife Conservation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-12.011  
RULE TITLE: Regulations Governing the Establishment and Operation of Game Farms

PURPOSE AND EFFECT: The purpose and effect of this rule is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace substantive portions of existing statute, Section 379.302, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

SUMMARY: The proposed rule addresses and clarifies the requirements for establishment and lawful operation of game farms in Florida.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 379.3711 FS.

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

DATES AND TIME: During the regular meeting of the Commission; June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.011 Regulations Governing the Establishment and Operation of Game Farms.

(1) Any person may establish, maintain, or operate a game farm within this state for the protection, propagation, raising or production of native or non-native game for private or commercial purposes. Before a game farm is established the owner or operator must be licensed and comply with the provisions of this rule.

(a) Such game farm must not exceed an area of 640 acres owned or leased and no game farm may join or be connected to another game farm. In the event that the facility location is under lease to the applicant, said lease must be for a term sufficient to cover the term of the license and such lease is subject to review and approval by commission personnel as a condition to the granting of the license.

(b) All game farms must be fenced in such manner that domestic game thereon may not escape and wild game on surrounding lands may not enter. Game farms are subject at any time to inspection by commission personnel, for compliance with Commission rules and other applicable laws. No game farm license shall be issued for the possession of game until the premises of such game farm has been inspected and approved by commission personnel.

(c) Game reared or produced on game farms is considered personal property and may be sold or disposed of as such.

(d) It is unlawful to buy, sell or transfer any live game to or from any unlicensed entity within Florida. Game raised or produced on game farms may be purchased, sold, shipped, and transported for propagation, restocking or food purposes. Recipients of any live game received from a game farm must be licensed pursuant to this rule. Section 379.3761 or 379.3712, F.S., unless exempt from the licensing provision.

(e) The licensing provisions of this rule shall not apply to:

1. The possession, protection, propagation, raising or production of bison for commercial farming purposes.

2. The protection, propagation, raising or production of 50 or fewer live bob white quail or non-native game birds (except non-native ducks and geese) for personal use, consumption, educational, dog training or other not-for-sale or exhibition purpose.

3. Persons purchasing or receiving eggs for food or consumptive purposes.

(2) All game farms established under the provisions of this section must comply with Chapter 68A-6, F.A.C., concerning the provisions of food, humane treatment, sanitary conditions, housing and transportation. Those game farms acquiring,

possessing, selling or otherwise disposing of deer, elk or other members of the Family *Cervidae* must also comply with Rules 68A-4.005, 68A-4.0051 and 68A-4.0053, F.A.C., concerning introduction, importation, movement, and transportation requirements. Those game farms acquiring, possessing, selling or otherwise disposing of mallard ducks must also comply with Rule 68A-4.0052, F.A.C.

(3) The person holding a game farm license must maintain a record of each of the following changes in inventory: acquisitions of game, animals harvested for personal consumption, and sale or transfer of game, alive or dead. Such records shall be open to inspection upon request by commission personnel:

(a) Records of acquisition must include the date of acquisition; quantity and species of game acquired; name and complete address of supplier; and license identification number of supplier, where applicable.

(b) Records of sale or transfer must include the date of sale or transfer; quantity and species of game sold or transferred; name and complete address of the entity to which game is sold or transferred; and license identification number of the recipient, where applicable.

(c) Any person holding a game farm license who imports or conducts intrastate movement of deer, elk, or other members of the Family *Cervidae* must keep and maintain copies of all records of compliance with Rules 68A-4.0051 and Chapter 5C-26, F.A.C., regarding the importation or intrastate movement of such deer, elk, or other members of the Family *Cervidae*.

(4) All game sold for food or consumptive purposes must be killed on the premises of the game farm or transported to a licensed processing facility for immediate processing. In instances where live game is transported to a licensed processing facility for immediate processing a copy of the current and valid game farm license of the farm where such game was produced must accompany the live game in transport. In instances where live game is sold or transferred, the transporter of such game must comply with the provisions of subsection (7) herein.

(a) Game for which there is an open season may not be killed by shooting, except during the open season for such game.

(b) Only the game farm licensee or the licensee's bona fide employee may kill game on the game farm premises. For each bona fide employee the licensee must make available for inspection the employee's employment file or other proof of employment status.

(5) Harvested game sold or transferred for food or consumptive purposes must comply with the following provisions:

(a) The sale of deer meat (venison) from species of deer native to the state is prohibited.

(b) Each game bird or the sealed container in which game birds are placed must be clearly marked with the species and the name, complete address, and license identification number of the game farm producing the game.

(c) Deer meat (venison) from species of deer not native to the state may only be sold when packaged in a tamper-proof container clearly marked with a label stating "NON-NATIVE VENISON (species identified) PRODUCED ON A LICENSED GAME FARM." Additionally, each container must be clearly marked to indicate the name, complete address, and license identification number of the game farm producing the game.

(d) If harvested game stored on the premises of the game farm has been sold or transferred, it must be clearly marked or tagged to reflect the name and complete address of the recipient, and the date of sale or transfer.

(e) Game harvested on a game farm and stored on the premises may not be commingled with game taken from the wild.

(f) This section shall not supersede any rules of any state or Federal agency or any laws regarding quality control, inspections, transportation, sale or regulation of foodstuff and meat products.

(6) Unless otherwise provided in this section, no person or common carrier may purchase, receive, possess, or transport any game originating from a game farm without a bill of sale or transfer clearly indicating: the quantity and species of game; the name, complete address and license identification number of the game farm producing the game; the date of sale or transfer; and the name, complete address and, where applicable, license identification number of the recipient. Any person licensed pursuant to the provisions of this rule transporting game for personal consumption, which was produced under the authorization of their license, may transport game without a bill of sale or transfer, provided their valid Game Farm License accompanies the shipment. Any package or container containing such game must be clearly marked as follows:

(a) Any package or container containing harvested game for food or consumptive purposes must be clearly marked as provided in this rule.

(b) Any container containing live game must be clearly marked to indicate: the quantity and species of game contained there in; the name, complete address, and license identification number of the game farm producing the game; the date of sale or transfer; and the name, complete address, and license identification number of the recipient, where applicable.

(7) An applicant must make written application to the Commission by completing the Game Farm License application form. Such application form may be obtained online at <http://www.myfwc.com/license> or by contacting the Florida Fish and Wildlife Conservation Commission, Division

of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600. The applicant for a Game Farm License must provide the following information:

(a) The business name of the proposed game farm, where applicable.

(b) The complete mailing address to include city, state and zip code for the applicant.

(c) The complete facility address where the game farm is located to include city, state, and zip code. If the address is a rural route, the applicant must provide directions to the location of the game farm.

(d) The County where the game farm is located.

(e) The list of game to be raised on the game farm.

(f) The applicant's printed name, signature, and contact information to include home phone number and business phone number.

(g) The applicant's biographical information to include Date of Birth, Social Security Number, height, hair color, sex and race.

(h) A copy of the valid and current lease agreement in the event that the facility location is under lease to the applicant.

(i) Submission of an e-mail address for the applicant is optional.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.302, 379.3711 FS. History—New \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region

**PURPOSE AND EFFECT:** The purpose of the proposed rule change is to eliminate the rules for the San Pedro Bay Wildlife Management Area (WMA). The effect would be that the area would be removed from the WMA system; at the request of the landowner.

**SUMMARY:** The proposed rule change would eliminate the rules for the San Pedro Bay Wildlife Management Area at the request of the landowner.

**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:** Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

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

**DATES AND TIME:** During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day.

**PLACE:** Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

(1) through (20) No change.

~~(21) San Pedro Bay Wildlife Management Area.~~

~~(a) Open season:~~

~~1. General gun – November 14 through January 10.~~

~~2. Small game – January 11 through March 7.~~

~~3. Spring turkey – March 20 through April 25.~~

~~4. Archery – September 26 through October 25.~~

~~5. Muzzleloading gun – October 31 through November 8.~~

~~6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.~~

~~7. Fishing and frogging – During periods the area is open.~~

~~8. Trapping – January 11 through March 1.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. Deer dogs may be trained between the established muzzleloading gun season and general gun season.~~

~~2. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 68A-13.003, F.A.C.~~

~~3. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.~~

~~4. Public access to the area is prohibited from one and one-half (1.5) hours after sunset to one and one-half (1.5) hours before sunrise.~~

~~5. Vehicles may only enter and exit the area at designated entrances.~~

~~6. Horses are permitted only during periods closed to hunting.~~

~~7. Fires are prohibited.~~

~~8. Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S.~~

(22) through (42) renumbered (21) through (41) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-15.063  
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Northwest Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the Robert Brent Wildlife Management Areas (WMA). The effect would be that the area would be removed from the WMA system; at the request of the landowner.

SUMMARY: The proposed rule change would eliminate the rules for the Robert Brent Wildlife Management Area at the request of the landowner.

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: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day  
 PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

(1) through (7) No change.

~~(8) Robert Brent Wildlife Management Area:~~

~~(a) Open season:~~

~~1. General gun – November 26-29 and December 12 through February 3.~~

~~2. Small game – November 14-25, November 30 through December 11 and February 4 through March 7.~~

~~3. Spring turkey – March 20 through April 25.~~

~~4. Archery – October 17 through November 15.~~

~~5. Muzzleloading gun – November 20-22.~~

~~6. Archery and muzzleloading gun – February 18-28.~~

~~7. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.~~

~~8. Fishing and frogging – Throughout the year.~~

~~9. Trapping – January 1 through March 1 by permit from the Panama City regional office only.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 26-29 and from December 12-23. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. The take of wild hog is prohibited during small game season. Wild hog: daily bag, 1; possession limit, 2.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. The use of all terrain vehicles is prohibited.~~

~~2. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.~~

~~3. Vehicular access will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2 or Road 1 only.~~

~~4. Taking wildlife with dogs other than bird dogs is prohibited.~~

~~5. Taking of wildlife by use of a gun on or from right-of-way of State Road 65 is prohibited as provided by Rule 68A-4.008, F.A.C.~~

~~6. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken, during the muzzleloading gun, general gun and archery/muzzleloading gun seasons.~~

~~7. Taking or attempting to take wildlife on, upon or from the rights-of-way of any named or numbered road is prohibited.~~

(9) through (26) renumbered (8) through (27) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History— New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-15.064  
 RULE TITLE: Specific Regulations for Wildlife Management Areas – South Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the Frog Pond Wildlife Management Area (WMA). The effect would be that the area would be removed from the WMA system.

SUMMARY: The proposed rule change would eliminate the rules for the Frog Pond Wildlife Management Area.

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: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.064 Specific Regulations for Wildlife Management Areas – South Region.

(1) through (5) No change.

~~(6) Frog pond—Dade County.~~

~~(a) Open season:~~

~~Dove—The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third and fifth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.~~

~~(b) Legal to take: Mourning and white-winged doves.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. Persons must possess a special opportunity dove permit to hunt doves.~~

~~2. All hunters shall check in and out at a designated check station when entering or exiting the area. Hunters may enter the area beginning at 11:00 a.m. and must exit the area by one (1) hour after sunset.~~

~~3. Taking wildlife with firearms other than shotguns is prohibited. Taking wildlife with shotshells containing shot sizes other than No. 7 1/2, 8, 8 1/2, and 9 is prohibited.~~

~~4. Hunting with dogs other than retrievers is prohibited.~~

~~5. The use of vehicles off established roads is prohibited.~~

~~6. Hunt stations shall be assigned on a first come, first served basis at the check station. Hunters shall be within 100 feet of their assigned hunt station marker when taking or attempting to take doves.~~

~~7. Shooting hours: Noon until sunset.~~

(7) through (12) renumbered (6) through (11) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

~~Rulemaking Specific~~ Authority Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-25.002  
 RULE TITLE: General Provisions for Taking Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to change the allowable number of freshwater turtles and the types of freshwater turtles that may be harvested in order to protect freshwater turtles from over exploitation.

SUMMARY: The proposed rule would address the taking and possession of wild native Florida freshwater turtles as follows: prohibit the selling of native Florida turtles taken from the wild; prohibit take of turtle eggs from the wild; possession or transportation turtles listed as Species of Special concern would be prohibited; prohibit the take of specified turtles; set a season for take of Soft-shell turtles; limit each person to taking one turtle daily of the species for which take is allowed; preserve the current possession limit of two for certain specified turtles; impose a transport limit of one turtle with exceptions; and allow Certified turtle aquaculture facilities to collect wild turtles as brood stock under a permitting system that would be reviewed in the calendar year 2011.

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: Article IV, Section 9, Florida Constitution.

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

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL 34429

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles

(1) through (5) No change.

(6) Turtles.

(a) Take and possession –

1. No person shall take, transport, or possess any turtle listed in Rule 68A-27.005, F.A.C. (alligator snapping turtle (*Macrochelys temminckii*), Barbour’s map turtle (*Graptemys barbouri*) or Suwannee cooter (*Pseudemys suwanniensis*), their eggs, or parts thereof except as provided in Rule 68A-27.005, F.A.C.

2. For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

a. No person shall take more than one turtle per day unless authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C.

b. Turtle eggs may not be taken from the wild.

c. Turtles may only be taken by hand, baited hooks, minnow seine nets or dip nets.

d. No person shall take Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* spp.) or snapping turtles (*Chelydra* spp.) from the wild.

e. No softshell turtles (*Apalone* spp.) may be taken from the wild during the period May 1 to July 31.

f. No person shall possess more than two Escambia map turtles (*Graptemys ernsti*), two diamond-backed terrapins (*Malaclemys terrapin*), two box turtles (*Terrapene carolina*), or two loggerhead musk turtles (*Sternotherus minor*).

g. The Commission recognizes aquaculture as an alternative to commercial harvest of wild populations of freshwater turtles. An owner, manager, agents or director of an aquaculture facility certified by the Florida Department of Agriculture and Consumer Services pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C., may harvest freshwater turtles as brood stock for scientific or commercial aquaculture as authorized by permit from the executive director limiting the location of harvest activities, duration of harvest activities, species of turtles to be harvested, number and size of turtles to be harvested to prevent overharvest of freshwater turtles.

(b) Transport – No person shall transport more than one turtle or any turtle eggs unless authorized by one of the following:

1. A permit from the executive director as provided in Rule 68A-9.002, F.A.C. An individual transporting turtles under the authority of this permit shall possess a copy of the permit.

2. An aquaculture facility certification issued by the Florida Department of Agriculture and Consumer Services under Section 597.004, F.S. and Chapter 5L-3, F.A.C. An individual transporting turtles under the authority of this certification shall possess a copy of such certificate.

3. A license for sale or exhibition of wildlife under Section 379.3761, F.S. An individual transporting more than one turtle under the authority of this license shall possess a copy of such license.

4. Documentation of the source and supplier of the turtles, indicating the purchase date; quantity and species of turtles acquired; name and complete address of supplier; and license identification number of supplier where applicable.

(c) Sale – No person shall buy, sell, or possess for sale turtles, their eggs or parts thereof, that have been taken from the wild.

No person shall take more than a total of five (5) native Florida freshwater turtles each day unless authorized by permit from the Executive Director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C., except that holders of commercial freshwater fishing licenses as provided in Section 379.363, F.S., may take an additional fifteen (15) Florida softshell turtles (*Apalone ferox*) for a total of 20 turtles in the aggregate per day. Freshwater turtles may be taken as prescribed in Rules 68A-23.012 and 68A-23.003, F.A.C., and

manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. The taking of turtles by bucket traps, snares, or shooting with firearms is prohibited. No person shall buy, sell, or possess for sale any alligator snapping turtle (*Macrolemys temmincki*), box turtle (*Terrapene carolina*), Barbour's map turtle (*Graptemys barbouri*), Escambia River map turtle (*Graptemys ernsti*), diamondback terrapin (*Malaclemys terrapin*), river cooter (*Pseudemys concinna*), or loggerhead musk turtle (*Sternotherus minor*), or parts thereof. No person shall possess more than two Barbour's map turtles, two Escambia River map turtles, two diamondback terrapins, two river cooters, two box turtles, two loggerhead musk turtles, or one alligator snapping turtle unless authorized by permit from the executive director as provided in Rule 68A-9.002 and Chapter 68A-27, F.A.C. River cooters may not be taken from 15 April to 31 July.

(7) No softshell turtles (*Apalone* spp.) or their eggs may be taken from the wild during the period 1 May to 31 July.

(8) No person shall possess more than 50 eggs taken from the wild. Eggs of those turtle species enumerated in subsection 68A-25.002(6), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(9) through (13) renumbered (7) through (11) No change.

(14) On or after July 1, 1990, and until January 1, 2008, any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

(a) Submit documentation in accordance with the criteria specified in paragraph 68A-6.0022(5)(e), F.A.C., showing a minimum of one (1) year substantial practical experience in the care, feeding, handling and husbandry of the family of venomous reptiles for which the permit is sought.

(b) Shall not have been convicted of a violation of venomous reptile regulations for three (3) years prior to application for such permit.

(c) Must be at least 18 years old at the time of application. PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08,

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Breault, Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-25.032  
 RULE TITLE: Regulations Governing the Establishment of Alligator Management Programs

PURPOSE AND EFFECT: The proposed changes would eliminate the requirement that all farming and trapping agent license holders assist in permitted activities only while in the presence of specific alligator farming or alligator trapping license holders, respectively, under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple farming or trapping agent licenses when assisting more than one farmer or trapper, respectively, giving farmers and trapper’s greater flexibility in collecting alligator eggs and hatchlings and harvesting alligators.

SUMMARY: The proposed changes would eliminate the requirement that all farming and trapping agent license holders assist in permitted activities only while in the presence of specific alligator farming or alligator trapping license holders, respectively, under which the agent licenses were issued.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3012 FS.

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as “public lands” in this section) under the following conditions:

- (1) No change.
- (2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.
  - (a) through (d) No change.
  - (e) Any person possessing a valid alligator trapping or trapping agent’s license ~~The designee’s agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in the presence of that trapper~~ may take non-hatchling alligators provided they are authorized to do so by the designee. Authorized licensees taking non-hatchling alligators independently of the designee shall be in possession of a copy of the harvest permit.
  - (f) through (g) No change.
- (3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.
  - (a) through (g) No change.
  - (h) Any person possessing a valid alligator farming or farming agent’s license ~~The designee’s agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator farmer and licensed agent(s) for that farmer while in the presence of that farmer~~ may take alligator eggs or hatchlings as provided in the harvest permit provided they are authorized to do so by the designee. Authorized licensees taking alligator hatchlings or eggs independently of the designee shall be in possession of a copy of the harvest permit.
    - (i) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-25.042  
 RULE TITLE: Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

PURPOSE AND EFFECT: The proposed change would eliminate the requirement that all trapping agent license holders assist in permitted activities only while in the presence of specific alligator trapping license holders under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple trapping agent licenses when assisting more than one trapper, giving trappers greater flexibility in harvesting alligators.

SUMMARY: The proposed change would eliminate the requirement that all trapping agent license holders assist in permitted activities only while in the presence of specific alligator trapping license holders under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple trapping agent licenses when assisting more than one trapper, giving trappers greater flexibility in harvesting alligators.

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: Article IV, Section 9, Florida Constitution; 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 375.591, 379.1025, 379.2223 FS.

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) through (2) No change.

(3) Alligator trapping requirements:

(a) through (f) No change.

(g) Any person possessing a valid alligator trapping or trapping agent’s license ~~The permittee’s agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in presence of that trapper~~ may take alligators as provided in the harvest permit but only in the presence of the permittee.

(h) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.003  
 RULE TITLE: Designation of Endangered Species; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of this rule change is to remove the peregrine falcon (*Falco peregrinus*) from the State list of endangered species. The effect of this rule change is to change the status of the peregrine falcon from an endangered species to an unlisted migratory bird species.

SUMMARY: The Florida Fish and Wildlife Conservation Commission pursuant to Rule 68A-27.0012, F.A.C., determined that removing the peregrine falcon from the State list of endangered species was warranted. This rule change implements that decision.

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: Article IV, Section 9, Florida Constitution.

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

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be endangered and shall be afforded the protective provisions specified. No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.

(a) through (l) No change.

~~(m) Peregrine falcon (*Falco peregrinus*)~~

(n) through (nn) renumbered (m) through (mm) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: April 15, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: December 5, 2008

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.00355 68B-14.0036	Size Limits for Importation and Sale Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption
68B-14.0039 68B-14.0045	Recreational Grouper Season Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
68B-14.0046	Transit Through State Waters During Closed Seasons

**PURPOSE AND EFFECT:** The purpose of these rule amendments is to modify the Commission’s Reef Fish Rule to become mostly consistent with federal reef fish regulations in the Gulf of Mexico. The National Marine Fisheries Service has published rules containing regulatory actions for gag grouper, which is undergoing overfishing, red grouper, and other federally designated shallow water groupers. Federal rule changes will become effective in 2009 subject to approval by the Secretary of Commerce. The Commission is considering changes to state regulations that would: 1) decrease the minimum size of commercially caught red grouper in the Gulf of Mexico from 20 inches to 18 inches total length, 2) reduce the size limit for the importation and sale of red grouper from 20 inches to 18 inches total length, 3) reduce the aggregate bag limit for all Gulf grouper from 5 grouper per person per day to 4 grouper per person per day, and 4) include additional shallow water groupers (red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp) in the February 1 through March 31 recreational gag grouper harvest closure. The closure includes other shallow water grouper species because fishing for them affects the discard mortality of gag grouper.

In addition, there are two final rule amendments proposed for state waters that are not consistent with proposed federal rules: 1) The current commercial closed season of February 15 through March 14 for red, black, and gag grouper will be modified to prohibit all commercial and recreational harvest from February 1 through March 31. Additional shallow water grouper species will be included in the closure (adding

yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp). The effect of this amendment will be to create one closed season for all commercial and recreational harvest of shallow water groupers in Gulf state waters. 2) The direct transit of commercially harvested shallow water groupers legally caught in the Gulf federal waters offshore of Florida will be allowed through state waters of Florida during the February 1 through March 31 closed season in state waters.

The effect of these rule amendments is that federal and state regulations can be applied more consistently to all fishing activity in the Gulf of Mexico. There will be some inconsistency with federal regulations due to the prohibition of commercial fishing in state waters from February 1 through March 31. The overall effect, however, is to more consistently apply regulations to minimize confusion for the public and aid in enforcement of both state and federal fishery regulations. By adopting these regulations the State of Florida will also be contributing to the gulf-wide effort to reduce fishing pressure on gag grouper and allow populations of this species and others to expand. This will help ensure a larger sustainable harvest for the future.

**SUMMARY:** Rule 68B-14.0035 F.A.C. (Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper) would be amended to reduce the commercial size limit for red grouper in the Gulf from 20 to 18 inches total length. Rule 68B-14.00355 F.A.C. (Size Limits for Importation and Sale) would be amended to reduce the size limit for the importation and sale of red grouper from 20 inches to 18 inches total length. Rule 68B-14.0036, F.A.C. (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjack, Exception, Wholesale/Retail Purchase Exemption) would be amended to reduce the aggregate bag limit for Gulf grouper from 5 grouper per person per day to 4 grouper per person per day. Rule 68B-14.0039, F.A.C. (Recreational Grouper Season) would be amended to include additional shallow water groupers (including red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp) in the February 1 through March 31 gag grouper closure. In Rule 68B-14.0045, F.A.C. (Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits) the current commercial closed season of February 15 through March 14 for red, black, and gag grouper would be modified to prohibit commercial harvest from February 1 through March 31. Additional shallow water grouper species would also be included in the closure (adding yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp). The effect of this amendment would be to create one closed season for all commercial and recreational harvest of shallow water groupers in Gulf state waters. Rule 68B-14.0046, F.A.C. (Transit Through State Waters During Closed Season) would be created to allow the direct transit of commercially harvested shallow water groupers legally caught

in Gulf federal waters through Gulf state waters of Florida during the February 1 through March 31 closed season in state waters.

**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:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

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

**DATES AND TIME:** During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

**THE FULL TEXT OF THE PROPOSED RULES IS:**

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

- (1) through (3) No change.
- (4) Grouper (measured in terms of total length).
- (a) through (d) No change.
- (e) 1. Red grouper harvested recreationally statewide and commercially from the Atlantic Ocean 20 inches.
- 2. Red grouper harvested commercially from the Gulf of Mexico 18 inches.
- (f) through (h) No change.
- (5) through (7) No change.

**PROPOSED EFFECTIVE DATE:** As soon as possible following Commission action.

**Rulemaking Specific Authority** Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, 4-1-08, 1-6-09,\_\_\_\_\_.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) through (c) No change.
- (d) Grouper (measured in terms of total length).
  - 1. through 2. No change.
  - 3. Red grouper 18 20 inches.
  - 4. through 5. No change.
- (e) through (f) No change.
- (2) through (4) No change.

**PROPOSED EFFECTIVE DATE:** As soon as possible following Commission action.

**Rulemaking Specific Authority** Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-03, Amended 9-16-05, 7-1-06, 7-1-07, 4-1-08,\_\_\_\_\_.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

- (1)(a) through (e) No change.
- (f) Cubera snapper.
  - 1. Cubera snapper of a total length less than thirty inches (30") shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in subsection (~~8~~7).
- 2. No change.
- (2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 4 5 grouper per day in the Gulf of Mexico excluding waters of Monroe County in any combination of species, or more than a total of 5 grouper per day in the Atlantic Ocean and all waters of Monroe County, in any combination of species.

- (b) through (g) No change.
- (3) through (9) No change.

**PROPOSED EFFECTIVE DATE:** As soon as possible following Commission action.

**Rulemaking Specific Authority** Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09,\_\_\_\_\_.

68B-14.0039 Recreational Grouper Season.

In all state waters of the Gulf of Mexico, the closed season for the recreational harvest and possession of gag grouper, red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp shall be from February 1 through March 31, each year.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-6-09, Amended \_\_\_\_\_.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.
  - (a) through (d) No change.
  - (e)1. No change.

2. Except as provided in Rule 68B-14.0046, F.A.C., beginning February 1 15 and continuing through March 31 14 of each year, the harvest, possession, or landing of in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, black grouper, or red grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp harvested from state waters of the Gulf of Mexico, except from all waters of Monroe County, is prohibited.

- (f) through (h) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07, 4-1-08, \_\_\_\_\_.

68B-14.0046 Transit Through State Waters During Closed Seasons.

The season, possession and bag limit restrictions contained in Rule 68B-14.0045, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters of the Gulf of Mexico with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be removed from the

rod holder and stowed securely on or below deck. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

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

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

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE NO.: 5B-57.012                      RULE TITLE: *Casuarina Cunninghamiana* Windbreaks

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. 18, May 8, 2009 issue of the Florida Administrative Weekly.

5B-57.012 *Casuarina Cunninghamiana* Windbreaks.

- (1) No change.
- (2)(a) through (d) No change.
- (e) Within 30 days of receipt of a complete permit application and signed compliance agreement that meet the requirements of this rule, the Department shall issue the

applicant a Special Permit for Propagation of *Casuarina cunninghamiana* (DACS 08455, Rev. 02/09). The form titled Special Permit For Propagation Of *Casuarina cunninghamiana* (DACS-08455, Rev. 02/09) is hereby adopted and incorporated herein by reference. The form may be obtained from the Florida Department of Agriculture and Consumer Services; Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(f) through (h) No change.

(3) No change.

(4)(a) through (f) No change.

(g) Within 30 days of receipt of a complete application and signed compliance agreement that meets the requirements of this rule, the Department shall issue the applicant a Special Permit For *Casuarina cunninghamiana* Windbreak (DACS 08454, Rev. 02/09) or notify the applicant in writing of the reasons that the permit will not be issued and any corrective measures that applicant must take to obtain approval of the permit. The form titled Special Permit For *Casuarina cunninghamiana* Windbreaks (DACS-08454, Rev. 02/09) is hereby adopted and incorporated herein by reference. The form may be obtained from the Florida Department of Agriculture and Consumer Services; Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100.

(h) through (i) No change.

(5) through (6) No change.

(7)(a) No change.

(b) Within 60 days, a time specified by the Department if the Department determines that female flowers or cones have been produced on any *Casuarina cunninghamiana* plant within a windbreak.

(c) No change.

(d) In cases governed by subparagraphs 5B-57.012(7)(c)1.-3., above, the Department shall may issue an immediate final order, which shall be immediately appealable or enjoined as provided by Chapter 120, Florida Statutes, directing the permit holder to immediately remove and destroy the *Casuarina cunninghamiana* authorized to be planted under the special permit.

(e) The permit holder may make a written request to the Department for a 60 day specified extension of time to remove and destroy the *Casuarina cunninghamiana* as ordered in the immediate final order. The request must demonstrate specific facts showing why the *Casuarina cunninghamiana* could not reasonably be removed and destroyed in the applicable timeframe.

(f) Upon a showing that the permit holder has demonstrated the need for additional time to destroy the trees, the Department shall may specify a later date by which the trees subject to the special permit must be destroyed.

(g) If upon issuance by the Department of an immediate final order to the permit holder, the permit holder fails to remove and destroy the *Casuarina cunninghamiana* subject to

the special permit within 60 days after issuance of the order, such other extended time as granted by the Department, or such shorter period as is designated in the order as public health, safety, or welfare requires, the Department shall may remove and destroy the *Casuarina cunninghamiana* that are the subject of the special permit.

(h) No change.

(i) If the party to which the immediate final order has been issued fails to reimburse the state within 60 days, the Department shall may record a lien on the property. The lien shall be enforced by the Department.

(8) through (10) No change.

Rulemaking Authority 570.07(23), 581.031(1), (3), (8), 581.091 FS. Law Implemented 570.07(2), (13), 570.32(5), (6), 581.031(1), (17), 581.091 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE NOS.:

RULE TITLES:

5K-4.027

Standard of Identity – Honey.

5K-4.028

Adulteration and Misbranding –  
Honey

**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. 10, March 13, 2009 issue of the Florida Administrative Weekly.

5K-4.027 Standard of Identity – Honey.

(1) through (3) No change.

(4)(a) through (c) No change.

(d) The styles of honey identified in subparagraphs (4)(e)2. and 3. shall be declared on packaging labeling as ‘Comb Honey’, ‘Cut Comb in Honey’, ‘Honey with Comb’ or ‘Chunk Honey’ as appropriate.

(e) No change.

Rulemaking Authority 500.09, 570.07(23), 586.10 FS. Law Implemented ~~500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50, 586.02, 586.10~~ FS. History--New \_\_\_\_\_.

5K-4.028 Adulteration and Misbranding – Honey.

The following shall be *prima facie* evidence of adulteration under Section 500.10(2)(d) ~~and Section 586.10, F.S.,~~ or misbranding under Section 500.11(1)(g) ~~and Section 586.10, F.S.,~~ of any product sold or offered for sale as honey:

(1) through (5) No change.

Rulemaking Authority 500.09, 570.07(23), 586.10 FS. Law Implemented ~~500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50, 586.02, 586.10~~ FS. History--New \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.101  
 RULE TITLE: Routine Mail  
 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. 48, November 26, 2008 issue of the Florida Administrative Weekly.

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence shall be written in either English or Spanish. Inmates who cannot read and write in English or Spanish shall request approval from the warden to correspond and receive correspondence in the language which the inmate can read and write using Form DC6-236, Inmate Request. The warden shall approve such requests when there are department staff who can translate the correspondence or when it is otherwise possible to obtain translation services at de minimus cost to the Department. Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts, cards which are constructed in such a way as to permit concealment of contraband, or which are larger than 8"x10" will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) through (d) No change.

(e) Blank greeting cards (no larger than 8"x10"), stationery or other blank writing paper (lined or unlined), or envelopes. Such items may only be white, off-white, or yellow and may not include borders or graphics. ~~Card stock, sketch paper, and other types of craft paper may not be included.~~ These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 each in number, with a total possession limit of 15 of each item. Card stock, sketch paper, and other types of craft paper may not be included.

(f) No change.

(3) through (22) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.101  
 RULE TITLE: Incentive 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.

33-601.101 Incentive Gain Time.

(1) through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating award which can be modified by the correctional probation officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) No change.

(b) Inmates who are out of the department's custody during the month on escape, out to court status, or on furlough shall not be eligible to receive incentive gain time for that period of the month, except inmates in out to court status for a full month shall be eligible to receive incentive gain time as noted below unless otherwise ineligible:

1. Inmates sentenced for offenses committed on or between April 17, 1994 and September 30, 1995 and which fall within levels 1 through 7 of the sentencing guidelines offense severity ranking chart located in Section 921.0012, F.S., shall receive 11 days incentive gain time for each month in out to court status.

2. Inmates sentenced for offenses committed on or between April 17, 1994 and September 30, 1995 and which fall within levels 8 through 10 of the sentencing guidelines offense severity ranking chart located in Section 921.0012, F.S., shall receive 8 days incentive gain time for each month in out to court status.

3. Inmates sentenced for offenses committed on or after October 1, 1995 shall receive 4 days incentive gain time for each month in out to court status.

(c) No change.

(7) through (8) No change.

Rulemaking Specific Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History–New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.065, Amended\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.105  
 RULE TITLE: 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.

(a) Restoration of gain time will be considered only when the inmate has met the criteria specified in subsections (1) and (2) of this rule.

(b) There is no entitlement for consideration based upon an inmate's request.

(c) The inmate must submit the request to his or her classification officer. Requests submitted to other department staff will not be processed.

(d) If the inmate meets the criteria in subsection (2), the classification officer shall forward the request to the institutional classification team (ICT) with a recommendation either for or against restoration. If the inmate does not meet the criteria in subsection (2), the classification officer shall return the request to the inmate, indicating in writing which criteria is not met.

(e) The ICT shall consider the request based upon the criteria in subsections (1) and (2). If the ICT recommends restoration of forfeited gain time, the recommendation shall be forwarded to the final approving authority for final action. If the ICT does not make a recommendation for restoration to the final approving authority, the request shall be returned to the inmate along with the basis for the denial.

(f) The final approving authority for restoration of forfeited gain time will be the Assistant Secretary of Institutions or designee. Upon receipt of the recommendation from the ICT, the final approving authority shall approve or deny the recommendation based upon the criteria in subsections (1) and (2).

(g) The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision and the basis for 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, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-3.101	Content of Application
40B-3.411	Completion Report

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The Statement of Estimated Regulatory Costs (SERC) has been revised for each of these rules. The SERC has been amended to include the number of licensed water well contractors in SRWMD.

A copy of the SERC is available at SRWMD headquarters by contacting: Linda Welch, Rules Coordinator, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386)362-1001, or toll free in Florida at (800)226-1066.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-22.006  
 RULE TITLE: Facials (Including Skin Care and Hair Removal)

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 8, of the February 27, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns by the Board in that incorrect text was published in the February 27, 2009. The change is as follows:

The paragraph 61G5-22.006(6)(j) shall read as:

(j) Skin Theory, Disease and Disorders of the Skin.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-520.600  
 RULE TITLE: Ground Water Monitoring Requirements and Exemptions

**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. 26, June 27, 2008 issue of the Florida Administrative Weekly.

The Department inadvertently omitted a change from its April 24, 2009, Notice of Change, that had been discussed at the rule adoption public hearing on July 25, 2008.

62-520.600 Ground Water Monitoring Requirements and Exemptions.

(1) through (6) No change.

(a) through (h) No change.

(i) Within ~~60~~ 30 days after installation of any monitoring well, a properly scaled figure depicting monitoring well locations (active and abandoned) with identification numbers shall be submitted to the appropriate permitting program at the Department's District office that issued the permit. The figure also shall include the monitoring well, top of casing, and ground water surface elevations referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD 1988) and measured to the nearest 0.01 foot, along with monitoring well location latitude and longitude to the nearest 0.1 seconds;

(j) through (l) No change.

(7) through (11) No change.

**Section IV  
 Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section V  
 Petitions and Dispositions Regarding Rule  
 Variance or Waiver**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the South Florida Water Management District (District), received a petition for waiver from Lisa Strader, Application No. 09-0422-1, for utilization of Works or Lands of the District known as the C-10 Spur Canal for the proposed installation of a retaining wall and for existing fence and lights to remain within the north right of way of the C-10 Spur, located adjacent

to 3126 N. 34th Street (Emerald Hills Subdivision); Section 05, Township 51 South, Range 42 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 semi-permanent above-ground structures within 40 feet of top of 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.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Agency for Health Care Administration has issued an order.

On February 9, 2009, the Agency for Health Care Administration, received a Petition for Variance from Rule 59G-13.083, Florida Administrative Code ("Petition"), from K. S. c/o G. H. ("Petitioner"). Rule 59G-13.083, Florida Administrative Code ("F.A.C."), entitled Developmental Disabilities Waiver Services, governs all developmental disabilities waiver services providers enrolled in the Florida Medicaid program, and incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007 ("Handbook"). Petitioner seeks variance from a portion of the Environmental Accessibility Adaptations provision of the Handbook. The Petition was published in the Florida Administrative Weekly on March 6, 2009. On April 29, 2009, AHCA granted the Petition. The general basis for this decision was that Petitioner met the general requirements for variance:

- (a) Petitioner has provided facts that constitute competent, substantial evidence to support a variance of Rule 59G-13.083, F.A.C. If this relief is not granted, the literal application of Rule 59G-13.083, F.A.C., to Petitioner would violate the principles of fairness.
- (b) AHCA finds that Petitioner has established that a strict application of Rule 59G-13.083, F.A.C. and the subject handbook provision under the circumstances of this case would lead to unreasonable, unfair, and unintended results, as it may pose a threat to Petitioner's safety and well-being. Additionally, the cost and financial obligations related to environmental adaptations may pose a substantial hardship for Petitioner.

A copy of the Order may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Station 3, Tallahassee, Florida 32308.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on April 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for variance from Martin Cole, President, Alanik Properties, LLC on behalf of Red Roof Inn, Clearwater. The petitioner is requesting a variance from Rule 2.2.5, ASME A17.1. which prohibits gases, vapors or liquids not connected with the operation of the elevator within the machinery spaces. (VW 2009-105)

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety.

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NOTICE IS HEREBY GIVEN THAT on April 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Lisa Gerard of the David Associates on behalf of Holiday Towers in Holiday, FL. The petition requests until March 1, 2010 to comply with Rule 2.7.4, ASME A17.3, 1996 edition, which requires restricted door opening outside of the landing zone. (VW 2009-106)

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on April 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Debra Spruell of C&S Condominium Management Services on behalf of Sunbow Bay Association in Holmes Beach, FL. The petition requests unspecified time to comply with ASME A17.3, 1996 edition requiring restricted door opening outside the landing zone and A17.1, 2005 edition requiring a car stop switch. (VW 2009-108)

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on April 24, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for temporary variance from Debra Spruell of C&S Condominium Management Services on behalf of Sunbow Bay Association in Holmes Beach, FL. The petition requests unspecified time to comply with Rule 2.7.4, ASME A17.3, 1996 edition requiring restricted door opening outside the landing zone. (VW 2009-109)

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, from New China Restaurant located in Miami. The above referenced F.A.C. addresses the requirement that customer bathrooms be of easy and convenient access. They are requesting to utilize a bathroom for customer use that has a travel distance over 300 feet.

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 April 13, 2009, the Board of Accountancy, received a petition for Yamira Gonzalez, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

#### **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**

The Board of Dentistry hereby gives notice that it has received a petition, filed on May 5, 2009, by Sergio R. Casiano, Jr., Esq. on behalf of Eduardo J. Rodriguez, seeking a variance or waiver of paragraph 64B5-2.0146(2)(a), F.A.C., with regard to the requirement that each applicant for a Florida dental license successfully completes a full-time, matriculated, 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.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a petition, filed on May 5, 2009, by Sergio R. Casiano, Jr., Esq. on behalf of Sharon T. Schmeiser, seeking a variance or waiver of paragraph 64B5-2.0146(2)(a), F.A.C., with regard to the requirement that each applicant for a Florida dental license successfully completes a full-time, matriculated, 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.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on April 6, 2009, the Board of Massage Therapy, received a petition for Sandra Mack, seeking a variance or waiver of paragraph 64B7-28.009(3)(a), F.A.C., which requires that effective September 1, 2001, at least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the Board of Massage Therapy, received a petition for Calvin Roberts, Jr., on behalf of Beachside Massage Therapy, Inc., seeking a variance or waiver of paragraph 64B7-26.003(1)(c), F.A.C., which requires that central toilet facilities shall be within three hundred (300) feet of the massage establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06,

Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the Board of Massage Therapy, received a petition for Teresa Shaw, seeking a variance or waiver of paragraph 64B7-28.009(3)(a), F.A.C., which requires that effective September 1, 2001, at least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Board of Medicine received a petition filed on behalf of Louise Johnson Wunsch, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the passing score on the FLEX examination. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on April 22, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.010(3), Florida Administrative Code, from Cornerstone Adoption Services, Inc. assigned Case No. 09-016W. Subsection 65C-15.010(3), F.A.C., requires a licensed child-placing agency to annually obtain an audit of its financial records.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on April 27, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code, from Family Preservation Services and Addie Walker,

assigned Case No. 09-017W. Subsection 65C-15.017(2), F.A.C., requires agency staff responsible for case work services shall have a bachelor's or master's degree of social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

The **State Library and Archives of Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 3, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Third Floor, Conference Room, Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2009 grant applications for Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Dorothy Frank, LSTA Coordinator at (850)245-6631 or TDD (850)922-4085.

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: Dorothy Frank at (850)245-6631 or TDD (850)922-4085. 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: Dorothy Frank at (850)245-6631 or TDD (850)922-4085.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2009, 10:00 a.m. (EDT)

PLACE: Florida Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Silviculture Best Management Practices Technical Advisory Committee.

A copy of the agenda may be obtained by contacting: Jeff Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, FL, (850)414-9969.

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: Jeff Vowell, Division of Forestry at (850)414-9969. 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: Jeff Vowell at (850)414-9969.

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The **Clam Industry Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 3, 2009, 11:00 a.m. – 2:00 p.m.

PLACE: Conference Call: (888)808-6959; Conference Code: 4884033

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the Florida clam industry.

A copy of the agenda may be obtained by contacting: Anne Cerwin at (850)488-4033.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Anne Cerwin at (850)488-4033. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Berrigan or Anne Cerwin at (850)488-4033.

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## DEPARTMENT OF EDUCATION

The **Articulation Coordinating Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 27, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: 325 West Gaines Street, Room 1721/25, Turlington Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the agenda may be obtained by contacting: Shruti.Graf@fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Shruti.Graf@fldoe.org. If you are hearing or

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

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The **Department of Education**, Digital Divide Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2009, 2:00 p.m – 4:00 p.m.

PLACE: Ocala/Marion County Government Complex, 315 S. E. 25th Avenue, Ocala, Florida 34471. Conference Call: 1(888)808-6959, Conference Code: 2450557.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Digital Divide Council to provide the status of the pilot program, plans for future sites and the sharing of statewide programs to provide digital equity.

A copy of the agenda may be obtained by contacting: Kate Kemker at (850)245-5053, kate.kemker@fldoe.org.

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The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 5, 2009, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind., including Public Hearing on Rules 6D-7.006 Student Progression Plan and Requirements for Graduation, 6D-8.002 Food Service Staff, 6D-8.003 Food Service Responsibilities.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

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: (904)827-2200. 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.

For more information, you may contact: L. Daniel Hutto at the aforementioned address.

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The Board of Trustees Endowment Investment Committee of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 5, 2009, 11:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L. Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084-2799, (904)827-2200.

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: (904)827-2200. 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.

For more information, you may contact: L. Daniel Hutto at the aforementioned address.

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The **Commission for Independent Education** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 1, 2009, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2453206

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the application for recognition of The Higher learning Commission of the North Central Association of Colleges and Schools, as an accrediting body for the purpose of Licensure by Means of Accreditation, pursuant to Section 1005.32, Florida Statutes and subsection 6E-2.002(3), Florida Administrative Code. The Commission will make a determination of acceptance based on the report from the Accreditation Review Committee.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, Department of Education, Florida Education Center, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, Department of Education, Florida Education Center, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 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: Commission for Independent Education, Florida Education Center, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399.

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The Florida **Community College at Jacksonville District**, Board of Trustees announces the following budget workshop/meeting to which the public is invited.

BUDGET WORKSHOP

DATE AND TIME: May 28, 2009, 12:00 Noon – 2:00 p.m.

PLACE: Donald T. Martin Center for College Services, Boardroom 451, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: May 28, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with: College President, Florida Community College at Jacksonville, on or before May 28, 2009. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

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The **Indian River State College** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2009, 10:00 a.m.

PLACE: Treasure Coast Public Safety Training Complex, 4600 Kirby Loop Road, Fort Pierce, FL 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: Indian River State College, Criminal Justice Training Institute announces a public meeting for the Region XI Council to provide update on training classes and any other issues involving the Region.

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**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIMES: May 26, 2009, 9:30 a.m. – Until Completion; Administrative Technical Advisory Committee, 11:00 a.m. – Until Completion; Plumbing Technical Advisory Committee

PLACE: Public Point of Access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida, Conference: 1(888)808-6959, Code: 1967168

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statements and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Mo Madani, 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, 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. Mo Madani, 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, Fax: (850)414-8436, Website: [www.floridabuilding.org](http://www.floridabuilding.org).

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The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 26, 2009, 2:00 p.m. – Until Completion

Fire Technical Advisory Committee

PLACE: Meetings to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168. Public Point of Access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statements and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Mo Madoni, 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, 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. Mo Madoni, 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, Fax: (850)414-8436, Website: [www.floridabuilding.org](http://www.floridabuilding.org).

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The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 5, 2009, 10:00 a.m. – 11:30 a.m.

PLACE: Meetings to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Code: 1967168

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Program Oversight Committee Meeting.

A copy of the agenda may be obtained by contacting: Ms. Ila Jones, 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, 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: Ms. Ila Jones, 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, Fax: (850)414-8436, Website: [www.floridabuilding.org](http://www.floridabuilding.org).

**The State Emergency Response Commission**, Sub-Committee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 28, 2009, 10:00 a.m. – 11:00 a.m

PLACE: This is a telephone conference call which can be attended via the internet, telephone or in person. To attend by telephone, Dial: (712)338-7121, Access Code: 176-458-986, Audio PIN: Shown after joining the meeting. To join by internet go to: <https://www2.gotomeeting.com/join/176458986> Use your microphone and speakers (VoIP) – a headset is recommended. To attend in person please go to: Division of Emergency Management, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Room 325E, Tallahassee, Florida 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued Tox – Medic issues and concerns.

A copy of the agenda may be obtained by contacting: The Division of Emergency Management, Technological Hazards Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9952.

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: Isabell Parker at (850)413-9952. 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 LAW ENFORCEMENT

The **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 28, 2009, 1:00 p.m.

PLACE: Hilton Hotel, 3600 Southwest 36th Avenue, Ocala, Florida 34474, (352)854-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

A copy of the agenda may be obtained by contacting: Mrs. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

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: Mrs. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mrs. Victoria P. Gardner, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, FL 32302, (850)410-8600.

#### 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 **Florida Hurricane Catastrophe Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2009, 9:00 a.m. (ET)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to authorize the Florida Hurricane Catastrophe Fund to file Rule 19-8.028, F.A.C., Reimbursement Premium Formula, for adoption. In addition, the Trustees may address other general business.

A copy of the agenda may be obtained by contacting: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1341.

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: Tracy Allen at the address listed above. If you are

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

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The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2009, 2:00 p.m.

PLACE: Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Audit 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 7 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).

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The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 18, 2009, 8:30 a.m., recessing at the end of each session and reconvening, as necessary the next business day at 8:30 a.m. or such other time and date as is posted at the meeting room prior to 8:30 a.m. of the day proceeding the day of the meeting, until business has been concluded.

PLACE: Florida Prepaid College Board Office, 2nd Floor, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and score responses received from the Invitation to Negotiate for Investment Reporting Services, ITN #09-01.

A copy of the agenda may be obtained by contacting: Marie Cushman at (850)413-1409.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 18, 2009, 10:00 a.m., recessing at the end of each session and reconvening, as necessary the next business day at 10:00 a.m. or such other time and date as is posted at the meeting room prior to 10:00 a.m. of the day proceeding the day of the meeting, until business has been concluded.

PLACE: Florida Prepaid College Board Office, 2nd Floor, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and score responses received from the Invitation to Negotiate for Investment Consultant Services, ITN #09-02.

A copy of the agenda may be obtained by contacting: Marie Cushman at (850)413-1409.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### **FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, June 3, 2009; June 10, 2009; June 17, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

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: Florida Parole Commission at [ada@fpc.state.fl.us](mailto:ada@fpc.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.

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: June 2, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

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The Florida **Public Service Commission** announces its Internal Affairs Meeting for June 2, 2009, to which all interested persons are invited.

DATE AND TIME: June 2, 2009, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the: Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

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The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATES AND TIME: Wednesday, June 3, 2009, 9:30 a.m.; Thursday, June 4, 2009, if needed, with starting time to be announced at the hearing on June 3, 2009

PLACE: Florida Public Service Commission, Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080244-EI – Petition for approval of underground conversion tariff revisions, by Florida Power & Light Company.

DOCKET NO. 070231 – Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

The purpose of the hearing is to determine the appropriate underground residential distribution (URD) and underground commercial distribution (UCD) tariffs, and the appropriate underground conversion contributions in aid of construction (CIAC) charges, and what is the appropriate relief if the Commission determines that the temporary charges allowed were too high.

EMERGENCY CANCELLATION OF HEARING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 10, 2009, 6:00 p.m.

PLACE: River Greens Club House, 47 W. Lake Damon Drive, Avon Park, Florida 33825

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080709-WS – Application for staff-assisted rate case in Highlands County by Damon Utilities, Inc. The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

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 workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 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.

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The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2009, 6:00 p.m.

PLACE: 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.

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The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2009, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**The North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 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.

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**The Northeast Florida Regional Council**, Local Emergency Planning Committee, District IV announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 20, 2009, 10:00 a.m.

PLACE: St. Johns County Emergency Operations Center, 100 EOC Dr., St. Augustine, FL 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Northeast Florida Regional Council Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited. Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at this meeting.

A copy of the agenda may be obtained by contacting: Jason Taylor at (904)279-0885, ext. 136.

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: Jason Taylor at (904)279-0885, ext. 136 or jtaylor@nefrc.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: Jason Taylor at (904)279-0885, ext. 136 or jtaylor@nefrc.org.

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**The East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 20, 2009, 10:00 a.m.

PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Ruth Little at rlittle@ecfrpc.org, or on the web at www.ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Ruth Little at rlittle@ecfrpc.org or by phone at (407)623-1075. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**The Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2009, 9:00 a.m.

PLACE: Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Selection of a consultant for the Joint Land Use Study for the Avon Park Air Force Range.

A copy of the agenda may be obtained by contacting: Helen D. Sears, Principal Planner at (863)534-7130.

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: Helen D. Sears, Principal Planner, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 1, 2009, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting. Any proposed Local Government Comprehensive Plan received prior to the meeting. Any adopted Local Government Comprehensive Plan received prior to the meeting. Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting. Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Adopted Local Government Comprehensive Plan Amendments for Miami-Dade County. Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting. Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call: Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (954)985-4416.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 3, 2009, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 08-09.

A copy of the agenda may be obtained by contacting: Manuel Cela at (954)985-4416 or celam@sfrpc.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 1 day before the workshop/meeting by contacting: Manuel Cela at (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Manuel Cela at (954)985-4416 or celam@sfrpc.com.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 28, 2009, 10:30 a.m. (ET)

PLACE: Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue, East, Blountstown, FL 32424.

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.

## REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a hearing to which all persons are invited.

DATE AND TIME: May 22, 2009, 9:30 a.m.

PLACE: Board Room, South Florida Regional Transportation Authority, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Public Hearing and Intent To Eliminate Bus Route FLA 2 from the Fort Lauderdale/Hollywood International Airport at Dania Beach Station to Port Everglades.

NOTICE IS HEREBY GIVEN THAT at its meeting on May 22, 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 the SFRTA's intent to eliminate bus route FLA 2 from the Fort Lauderdale/Hollywood International Airport, Dania Beach Station, 500 Gulf Stream Way, Dania Beach, FL 33004, to Port Everglades. All interested individuals and/or groups are invited to attend this meeting and will have an opportunity to present their views and comments, or to comment in writing: South Florida Regional Transportation Authority, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064. The following is a description of the proposed route to be eliminated:

Description: Route FLA 2 bus service departs from the Dania Beach Station to Port Everglades where it has seven stops in the Port and returns to the Dania Beach Station. It has 1 hour service frequencies during a.m. and p.m. peak hours Monday through Friday and operates all day Saturday and Sunday.

Those wishing to review or obtain a copy of any materials pertaining to this public hearing may contact the SFRTA Executive Office at (954)788-7917, if hearing impaired, telephone 1(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.

Unless amended, this will serve as the final notice for the elimination of the FLA 2 Port Everglades bus route.

A copy of the agenda may be obtained by contacting: SFRTA Executive Office at (954)788-7917.

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: South Florida Regional Transportation Authority, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: South Florida Regional Transportation Authority, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 22, 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 **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 28, 2009, 10:00 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: Operations Technical Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Operations Office at (954)788-7945.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### **WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2009, 1:00 p.m. (CDT)  
 PLACE: Northwest Florida Water Management District, Crestview Field Office, 800 Hospital Drive, Crestview, Florida 32539

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Governing Board Meeting – to consider District business.

Other Meetings held on May 28, 2009:

- 11:00 a.m. – 12:00 Noon (CDT) District Lands Committee – to discuss Land Acquisition Matters
- 12:00 Noon – 12:30 (CDT) Administration, Budget and Finance Committee – to consider Amendment to the Fiscal Year 2008-2009 Budget
- 1:15 p.m. (CDT) Public Hearing on Regulatory Matters
- 1:20 p.m. (CDT) Public Hearing on Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Robin Tucker, Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at [www.nfwmd.state.fl.us](http://www.nfwmd.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 72 hours before the workshop/meeting by contacting: Mr. Larry Wright. 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 **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, May 28, 2009, Green Industry Advisory Committee, 9:00 a.m.; Agricultural Advisory Committee, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Southwest Florida Water Management District meeting to discuss committee business. (Ad order 11108)

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, Planning Department, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL Only), or Teri Hudson at (352)796-7211, ext. 4402.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District’s Human Resources Director at

1(800)423-1476, ext. 4702; TDD (FL only) 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD at the address above.

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: May 29, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Osceola County Commission Chambers, Administration Building, 1 Courthouse Square, Fourth Floor, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Additional rule development workshop to adopt new Rules 40E-2.091, 40E-20.091, 40E-10.011, 40E-10.021, 40E-10.031 and 40E-10.051, F.A.C., to establish a water reservation for the portions of the Kissimmee River (upstream of S-65E), Floodplain and Upper Chain of Lakes, in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife. The District is working with Osceola County staff to webcast this meeting. If interested in the webcast, please contact: Bill Graf at (407)858-6100, ext. 3837, prior to the meeting date for the web link (if available). Further information on the Kissimmee Water Reservation and its related rulemaking is located on the District’s website: [www.sfwmd.gov](http://www.sfwmd.gov), click on “Kissimmee” in left-hand column, then “Kissimmee Water Reservation”.

A copy of the agenda may be obtained by contacting: Bridgett Tolley, Community Outreach/Media Specialist, South Florida Water Management District at (407)858-6100, ext. 3806.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk at 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6544 or 1(800)432-2045, ext. 6544, [sburns@sfwmd.gov](mailto:sburns@sfwmd.gov); Beth Ross, Senior Supervising Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6257 or 1(800)432-2045, ext. 6257, [bross@sfwmd.gov](mailto:bross@sfwmd.gov). For procedural questions contact: Jan Sluth, Sr. Paralegal, South Florida Water

Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6299 or 1(800)432-2045, ext. 6299, jsluth@sfwmd.gov.

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### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 27, 2009, 2:00 p.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32399, (850)410-5700. Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for the Transportation Disadvantaged will hold a meeting to discuss and deliberate regarding the Executive Director position.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

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### AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida **Statewide Advocacy Council**, Policies and Procedures Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 21, 2009, 9:30 a.m.

PLACE: Dial in number: 1(888)808-6959, Conference Code: 4886175#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the provisions of Sections 402.164-.167, Florida Statutes.

A copy of the agenda may be obtained by contacting: 1(800)342-0825, or by visiting our website: <http://www.dms.myflorida.com/fsac>. Please be aware that all Statewide Advocacy Council and Local Advocacy Council meetings, agendas and minutes are posted to this website, which is updated regularly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Susan Counts via email: [susan.counts@myflorida.gov](mailto:susan.counts@myflorida.gov) or by phone (850)488-6173. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Health Care Administration**, on behalf of the Florida Health Choices Corporation Board announces a public meeting to which all persons are invited.

DATE AND TIME: May 29, 2009, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308  
GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be an organizational meeting for the Florida Health Choices Corporation.

A copy of the agenda may be obtained by contacting: Elizabeth Tull or Carol Barr Platt in the Bureau of Managed Health Care at (850)487-0640.

For more information, you may contact: Elizabeth Tull or Carol Barr Platt in the Bureau of Managed Health Care at (850)487-0640.

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### DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 25, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com).

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The **Agency for Workforce Innovation, Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 18, 2009, 5:30 p.m. – 7:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL, (813)879-5151, 1(800)228-9290. Conference Call: 1(888)-808-6959, Conference Code: 9213217 (then press #)

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2009-2010 Funding and other board business.

A copy of the agenda may be obtained by contacting: Natalie Sellars at (850)921-3173 or natalie.sellars@flaawi.com.

The **Agency for Workforce Innovation, Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 19, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL. A sleeping room block has been reserved at the Tampa Airport Marriott. Please contact this hotel at 1(800)228-9290 and reference that you are with the “Agency for Workforce Innovation” group to obtain the rate of \$129 per night. Reservations must be made by June 5, 2009. Conference Call Dial-In Number 1(888)808-6959, Access Code 9213167.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Early Learning Advisory Council Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Lisa K. Billups at (850)921-3413 or lisa.billups@flaawi.com.

The **Department of Management Services** announces a joint meeting for the Standard Operating Procedures and Technical Committees of the Joint Task Force on State Agency Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: May 20, 2009, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Pin: 4108307. Woodcrest Office Complex, Building K, 325 John Knox Road, Tallahassee, Florida 32303.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: An agenda will be forwarded to expected participants when available.

For more information, you may contact: Vic Cullars, Florida Department of Law Enforcement at (850)410-8307 or Todd Preston, Fish and Wildlife Conservation Commission at (850)410-0656, ext. 17120.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: June 29, 2009, 9:00 a.m.; June 30, 2009, 9:00 a.m., if necessary

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coastline Drive, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rate Rehearing for the Port of Jacksonville.

A petition for a change in the rates of pilotage charged by the licensed state pilots and certified deputy pilots at St. Johns Bar Pilot Association has been filed with the Pilotage Rate Review Board, pursuant to Section 310.151, Florida Statutes, and Chapter 61E13, Florida Administrative Code. The last rate change (increase) granted to the Port of Jacksonville was January 1, 2004. The board intends to consider the following requested rate change (increase) for the Port of Jacksonville.

Effective, after the hearing, for the first year:

Deepest Draft charge increase from \$21.20 per foot to \$22.90 per foot, minimum of 15 feet. International Gross Registered Tonnage (GRT) charges increase from \$0.04640 minimum, to \$0.0501 per ton, minimum of 3000 GRT. Fee for use of escort tugs \$230 (Tethered escort required to maneuver the vessel.) Detention of pilot from \$200 per hour or fraction thereof, \$400 max, to \$250 per hour or fraction thereof, \$500 max. Cancelled or delayed sailing after pilot reports aboard (not due to weather) from \$200 per hour or fraction thereof, \$400 max, to \$250 per hour or fraction thereof, \$500 max. Failure to amend ETA before pilot arrives on station from \$200 per hour or fraction thereof, \$400 max, to \$250 per hour or fraction thereof, \$500 max. Standby of pilot when presence is required onboard as in, but not limited to, a vessel at anchor from \$200 per hour or fraction thereof, no maximum, to \$250 per hour or fraction thereof, no maximum. Fuel surcharge: The difference between the current price of fuel per gallon and the price of fuel on 1 January 2004 (\$1.00) times 15 gallons per trip. To be set the first day of each month. Based on the cost of fuel at last delivery. The 15 gallon per trip figure was developed as follows. In 2007, 3926 vessel movements used pilot boat services. In 2007, 59,396 gallons of diesel fuel were purchased. This produces an average of 15.1 gallons per trip.

Effective the second year:

Deepest Draft charge increase from \$22.90 per foot to \$24.70 per foot, minimum of 15 feet. GRT charges increase from \$0.0501 per ton, to \$0.0540 per ton, 3000 minimum GRT.

Effective the third year:

Deepest Draft charge increase from \$24.70 per foot to \$26.50 per foot, minimum of 15 feet. GRT charges increase from \$0.0540 per ton, to \$0.0580 per ton, minimum of 3000 GRT.

A copy of the agenda may be obtained by contacting: DBPR/Pilotage Rate Review Board, 1940 North Monroe St., Tallahassee, FL 32399-0773.

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: Pilotage Rate Review Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Department of Business and Professional Regulation, Barbers Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 18, 2009, 9:00 a.m. or soon thereafter

PLACE: Hyatt Regency Jacksonville-Riverfront, 225 East Coastline Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Barbers Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-6096.

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: Florida Barbers Board Office, Robyn Barineau, Executive Director at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Department of Business and Professional Regulation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 28, 2009, 1:00 p.m.

PLACE: Florida State University, Doak Campbell Stadium, University Center Club, Building B, One Champion Way, Tallahassee, FL 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff of the Department of Business and Professional Regulation will be conducting a continuing education provider seminar. Presenters will include department staff, members of the Construction Industry Licensing Board Continuing Education Committee, and counsel for the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

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The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 26, 2009, 9:00 a.m.

PLACE: Conference Call: 1(888)808.6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

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: Department of Business and Professional Regulation, Pilot Commissioners. 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.

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The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, June 9, 2009, Probable Cause, 9:00 a.m. – until all business is concluded; Tuesday, June 9, 2009, Long Range Planning and Rules, 1:00 p.m. – until all business is concluded; Wednesday, June 10, 2009, Board meeting, 9:00 a.m. – until all business is concluded

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Long Range Planning Committee will meet to discuss long range issues. This is a public meeting. The Rules Committee will meet to discuss possible changes to rules. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: June Carroll. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: June Carroll.

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: May 27, 2009, 9:00 a.m. – 12:00 Noon

PLACE: City Hall, 2nd Floor, Hagler-Mason Conference Room, 222 W. Main Street, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss technical issues related to the Bayou Chico Basin Management Action Plan (BMAP). The primary topic of discussion during this meeting will be the BMAP development process.

A copy of the agenda may be obtained by contacting: Ms. Bonita Gorham, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3000, Tallahassee, Florida 32399-2400, e-mail: [bonita.gorham@dep.state.fl.us](mailto:bonita.gorham@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bonita Gorham at (850)245-8513. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 3, 2009, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Southwest District Office, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, Florida

DATE AND TIME: Wednesday, June 17, 2009, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

DATE AND TIME: Tuesday, July 7, 2009, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

DATE AND TIME: Wednesday, August 5, 2009, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Southwest District Office, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: All meetings, except the meeting on June 17, 2009, in Tallahassee, are meetings of the Numeric Nutrient Criteria Technical Advisory Committee. The meeting on June 17, 2009, in Tallahassee is a public workshop. The public is invited to all meetings, however, and will have the opportunity to participate in discussions. These meetings will continue discussion of numeric nutrient criteria for streams, lakes, and springs, and will address the Department's proposed numeric nutrient criteria for streams, lakes, and springs under Chapters 62-302 and 62-303, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: [eric.shaw@dep.state.fl.us](mailto:eric.shaw@dep.state.fl.us).

Further information also may be obtained from the Department's website at: <http://www.dep.state.fl.us/water/wqssp/nutrients/index.htm>.

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: Eric Shaw at (850)245-8429. If you are hearing or

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

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, June 8, 2009, 10:00 a.m. – 12:00 Noon or until Council business is concluded

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4513843

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado at [rebecca.prado@dep.state.fl.us](mailto:rebecca.prado@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Prado at [rebecca.prado@dep.state.fl.us](mailto:rebecca.prado@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** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 15, 2009, 8:30 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-3250

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to review with the healthcare associations the long-range policy planning and monitoring process to include recommendations specific to each profession.

A copy of the agenda may be obtained by contacting: Stacey Wolf, Government Analyst, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #COO, Tallahassee, Florida 32399-3253.

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: MQA Director's Office at (850)245-4224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Medicine**, Surgical Care Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 4, 2009, 5:00 p.m. or soon thereafter

PLACE: Ft. Lauderdale Marriott North, 6650 N. Andrews Avenue, Ft. Lauderdale, FL 33309, (954)771-0440.

The Board of Medicine is announcing that certain Committee meetings will be held on the Thursday, June 4, 2009, prior to the Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Website at: [www.Floridashealth.com](http://www.Floridashealth.com) for cancellations or changes to meeting dates, or call the Board of Medicine at (850)245-4131 for more information.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto: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](mailto: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 Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

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

PLACE: Marriott Ft. Lauderdale North, 6650 North Andrews Avenue, Ft. Lauderdale, FL, (954)771-0440

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee approve minutes from previous meeting; review various rules in progress under Chapters 64B16-26, 64B16-27, and 64B16-28, F.A.C.; and General Committee Business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

The **Board of Pharmacy**, Tripartite Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 2009, 4:00 p.m.

PLACE: Marriott Ft. Lauderdale North, 6650 North Andrews Avenue, Ft. Lauderdale, FL 33309. The meeting will also be available via conference call, Conference Call: 1(888)808-6959, Conference Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will approve minutes from previous meeting, provide orientation refresher/overview, Pharmacy Technician Training Programs Update, and open discussion.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at: [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2009, 8:00 a.m.

PLACE: Marriott Ft. Lauderdale North, 6650 North Andrews Avenue, Ft. Lauderdale, FL 33309, (954)771-0440

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy).

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 14 days before the workshop/meeting by contacting: Board of Pharmacy at (840)245-4292. 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 Podiatric Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, May 29, 2009, 8:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, Conference Call: 1(888)808-6959, Conference Code: 9849329103

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Podiatric Medicine at (850)245-4444, ext. 3617.

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: Sherra W. Causey at (850)245-4444, ext. 3617. If

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: May 26, 2009, 10:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 6, Room 299A, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The entire Managing Entity Rule Chapter 65D-31, F.A.C.

For more information, you may contact: Cynthea Panzarino at (850)921-2495, [cynthea\\_panzarino@dcf.state.fl.us](mailto:cynthea_panzarino@dcf.state.fl.us).

#### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the 2008 Annual Financial Statements of Florida Housing Finance Corporation with the Board of Directors and respond to any comments or questions from the Florida Housing Finance Corporation Board of Directors.

A copy of the agenda may be obtained by contacting: Juanita Boothe-Thompson at (850)488-4197.

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: Juanita Boothe-Thompson at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2009, 4:00 p.m. – 6:00 p.m.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Florida Housing Finance Corporation's Strategic Plan.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at: [www.floridahousing.org](http://www.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. 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 Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: June 5, 2009, 8:30 a.m. – until adjourned

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.

10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the June 5, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at: [www.floridahousing.org](http://www.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, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. 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 Housing Finance Corporation II, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 5, 2009, 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, FL 32827

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Conduct business necessary for the organization of FHFC II, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the June 5, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at: [www.floridahousing.org](http://www.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, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. 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.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 4, 2009, 6:00 p.m. – 9:00 p.m.

PLACE: The Plantation Golf Resort & Spa, 9301 West Fort Island Trail, Crystal River, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This will be a "listening session" to gather information on human/manatee interactions in the Crystal River area and review harassment laws as they apply to these interactions. Among other possible outcomes, we hope to gather ideas on ways to better manage human/manatee interactions.

A copy of the agenda may be obtained by contacting: Ms. Bonnie Dunson at (850)488-5600, ext. 17158 or by sending an e-mail: [manatee.interaction@myfwc.com](mailto:manatee.interaction@myfwc.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Fish and Wildlife Conversation at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT**

The **William "Bill" W. Hinkley Center for Solid and Hazardous Waste Management** announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2009, 8:00 a.m.

PLACE: Bob Martinez Building, 2600 Blairstone Road, Room 354, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Research Selection Committee (RSC).

DATE AND TIME: May 15, 2009, 8:00 a.m.

PLACE: The Hinkley Center Advisory Board, Room 609, Bob Martinez Building, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To hear proposal presentations. The Advisory Board meeting will also be available through teleconference. Please contact the Center for call in information.

A copy of the agenda may be obtained by contacting: Center for Solid and Hazardous Waste Management at (352)392-6264.

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: Center for Solid and Hazardous Waste Management at (352)392-6264. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: May 20, 2009, 2:00 p.m.

PLACE: Technological Research and Development Authority, Business Innovation Center, 1050 West NASA Boulevard, Melbourne, FL 32901

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Board of Directors.

The Technological Research and Development, Foundation Board of Directors will convene immediately following the adjournment of the Technological Research and Development Authority Board meeting for a General Meeting.

For more information, contact: Dave Kershaw at email: dkershaw@trda.org or call: (321)872-1050, ext. 102.

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#### **FLORIDA COMMUNITY COLLEGES RISK MANAGEMENT CONSORTIUM**

The **Florida Community Colleges Risk Management Consortium** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 21, 2009, 10:00 a.m. – 2:00 p.m.

PLACE: Renaissance Hotels and Resorts, 5445 Forbes Place, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Community Colleges Risk Management Consortium, 5700 S. W. 34th Street, Suite 1205, Gainesville, FL 32608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **SMALL BUSINESS REGULATORY ADVISORY COUNCIL**

The **Small Business Regulatory Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 22, 2009, 9:00 a.m. (Eastern Time); to be continued (if needed) on May 29, 2009, 9:00 a.m. (Eastern Time)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4737801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please visit <http://floridasbrac.org> for more information.

A copy of the agenda may be obtained by contacting: Jennifer Crews, Coordinator at (850)473-7817 or email: [jennifer.crews@floridasbrac.org](mailto:jennifer.crews@floridasbrac.org).

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#### **MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **Moffitt Cancer Center and Research Institute** announces a public meeting to which all persons are invited.

DATE AND TIME: May 26, 2008, 11:00 a.m.

PLACE: Stabile Research Building Trustee Board Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by contacting: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive – MCC-VP, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive – MCC-VP, Tampa, FL 33612. 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: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive – MCC-VP, Tampa, FL 33612.

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The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: May 26, 2009, 1:30 p.m.

PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lori Payne at (813)745-1798. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **WORKFORCE FLORIDA**

The **Workforce Florida** announces a public meeting to which all persons are invited.

DATES AND TIMES: May 26, 2009, 1:30 p.m. – 5:00 p.m. (EDT), Partners Council; May 27, 2009, 8:30 a.m. – 5:30 p.m. (EDT), Council Meetings; May 27, 2009, 5:30 p.m. – 7:00 p.m. (EDT), Reception-Governors Club; May 28, 2009, 8:30 a.m. – 12:30 p.m. (EDT), Board of Directors meeting

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board meeting, Council meetings discussing workforce issues.

A copy of the agenda may be obtained by contacting: [www.workforceflorida.com](http://www.workforceflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Peggy Dransfield at (850)921-1119. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### **FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION, INC.**

The Special Committee to Review Functional and Structural Issues of the **Florida Workers' Compensation Insurance Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 28, 2009, 9:00 a.m. (EST)

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding functional and structural issues of the Association.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200, ext. 1810.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200, ext. 1810. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### **FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION**

The **Florida Substance Abuse and Mental Health Corporation** announces a public meeting to which all persons are invited.

DATES AND TIMES: June 2, 2009, 8:00 a.m. – 5:00 p.m.; June 3, 2009, 8:00 a.m. – 12:00 Noon

PLACE: Embassy Suites Deerfield Beach, 950 South Ocean Drive, Deerfield Beach, Florida 33441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Director's meeting. Committee Reports, annual goal setting. Updates from the Department of Children and Families. Updates on the Criminal Justice Mental health and substance Abuse Reinvestment Grant.

A copy of the agenda may be obtained by contacting: [linda@samhcorp.org](mailto:linda@samhcorp.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Linda Rayner at (850)410-1575. 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: Linda Rayner at (850)410-1575 or [linda@samhcorp.org](mailto:linda@samhcorp.org).

#### **REGION XII TRAINING COUNCIL**

The **Region XII Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2009, 8:45 a.m.

PLACE: Clayton Hutchinson Agricultural Center, Exhibit Hall "B", 559 North Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates: Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola at (561)868-3403.

#### **FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

The **Florida Developmental Disabilities Council, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: June 11, 2009, 8:30 a.m. – 6:30 p.m.; June 12, 2009, 8:30 a.m. – 2:30 p.m. (Meeting times are subject to change)

PLACE: Hyatt Regency Jacksonville – Riverfront, 225 East Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings and Full Council Meeting.

A copy of the agenda may be obtained by contacting: Bonnie Newsome, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301 or call toll free 1(800)580-7801; local (850)488-4180 or TDD Toll Free 1(888)488-8633.

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: Bonnie Newsome at (850)488-4180. 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: Bonnie Newsome at (850)488-4180.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Mary Mead. It has been assigned the number DCA09-DEC-115. The petition seeks the agency's opinion as to the applicability of local ordinances as it applies to the petitioner.

Petitioner asks the Florida Building Commission's opinion on the applicability of local ordinances to the use of her property for commercial functions such as wedding receptions.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399.

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### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Joseph E. Adams, attorney for St. Kitts Condominium Association, Inc., on April 22, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.110(9), Florida Statutes, as it applies to the petitioner.

Whether St. Kitts Condominium Association, Inc. may approve amendments to the declaration of condominium correcting an ambiguous drafting error or omission to clearly designate terraces and screen porches as part of the unit and not part of the common elements under Section 718.110(9), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Anthony Apfelbeck, In Re: Capistrano Condominium Association, Inc., on December 12, 2008. The following is a summary of the agency's disposition of the petition:

It is ordered that Capistrano Condominium Association, Inc. may not opt out of a stand alone fire alarm system under Section 718.112(2)(1), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Leonardo Gomez, President of Galenus Complex Condominium Association, Inc., on May 6, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division was not provided the governing documents and, therefore, lacks authority to issue a declaratory statement when the record contains no competent substantial evidence to support the declaration; where issues have already taken place; or where owners who will be affected by the decision are not parties to the petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from David and Carole A. Munro, Petitioners/Unit Owners, Hamilton Club Condominium Association, Inc. The petition seeks the agency's opinion as to the applicability of Section 718.111(12), Florida Statutes, as it applies to the petitioner.

Whether Hamilton Club Condominium Association, Inc. may define the draft minutes and notes of an officer as the officer's private property and not official records of the association to deny a unit owner access to those documents under Section 718.111(12), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Peter J. Trapani, Vice President of Whitehall Condominiums of Pine Island Ridge II Association, Inc. on March 6, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division was not provided the governing document and, therefore, lacks authority to issue a declaratory statement when the record contains no competent substantial evidence to support the declaration; where issues have already taken place; where facts are in dispute; or where owners who will be affected by the decision are not parties to the petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice that on March 11, 2009, it received a Petition for Declaratory Statement filed by Rod Smith, Esq. on behalf of Mid-Florida Heating and Air, Inc. The petition seeks the Board's interpretation of Rule 61G4-15.012, F.A.C., and Section 489.105(3), Florida Statutes, to determine whether Petitioner may install solar water heating systems with a certified Class A air conditioning contractor license.

Copies of the petition may be obtained from: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN THAT the Florida Real Estate Commission has received the petition for declaratory statement from Auction Educations, Inc. The petition seeks the agency's opinion as to the applicability of Sections 475.004(1)(a) and 468.381, F.S., as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 475.004(1)(a), F.S., and Rule 61G2-8.010, F.A.C., which define real estate brokers and auctions, and Section 468.381, F.S., which states in part, "The Legislature finds that unqualified auctioneers and apprentices and unreliable auction businesses present a significant threat to the public. It is the intent of the Legislature to protect the public by creating a board to regulate auctioneers. . . ." The Petitioner seeks a Declaratory Statement that a licensed auctioneer, who is not licensed as a real estate broker or sales associate, may be hired by a licensed real estate broker to auction real estate, provided the auctioneer is supervised by a licensed real estate broker.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

#### **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 FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Bonita Springs Fire Control and Rescue District on April 30, 2009. The petition

seeks the agency’s opinion as to the applicability of FFPC NFPA 101 4.6.1 thru 4.6.1.3 and FFPC NFPA 101 38.2.4.1 as it applies to the petitioner.

1) Can the local authority having jurisdiction waive code safety requirements that are specifically provided by Code? FFPC NFPA 101 4.6.1 thru 4.6.1.3; and question 2) From a review of Exhibit A, does the single stair (means of egress) with two exit doors comply with code section FFPC NFPA 101 38.2.4.1?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238; Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to: Lesley.Mendelson@myflorida.cfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Priority Fire Company, Inc., on April 24, 2009. The petition seeks the agency’s opinion as to the applicability of NFPA 13 Sections 24.1 (1), (2), and (3) and Section 633.539(3), Florida Statutes, as it applies to the petitioner.

Priority Fire is being substantially affected under the present circumstances.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340, (850)413-3604, (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**PROFESSIONAL SERVICES FOR  
ARCHITECTURAL/ENGINEERING SERVICES**

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NUMBER: FSDB-20090002

PROJECT NAME: Collins Rehabilitation Building #39

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

SERVICES TO BE PROVIDED: Architectural/Engineering services for a Historical Rehabilitation to provide an honor dormitory with mixed residential uses. The applicant firm needs to demonstrate experience in projects using the Secretary of Interior Standards and Interior Space Planning. The project shall conform to the FSDB Construction Standards and shall be LEED Certified.

The facility is a 4,351 square foot two story structure originally constructed in 1930, which consist of dormitory areas and residential living areas.

PROJECT BUDGET: \$1,380,000.00

CONSTRUCTION BUDGET: \$1,110,000.00

FSDB PROJECT MANAGER: Steve Armstrong

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: Monday, June 15, 2009, no later than 3:00 p.m.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access [www.fsdb.k12.fl.us](http://www.fsdb.k12.fl.us). Administrative Information – Business Services – Construction Services – Selection Info – Selection of Architect/Engineering Firms.

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#### CONSTRUCTION MANAGEMENT SERVICES

The Florida School for the Deaf and the Blind (FSDB) announces that construction management services are required for the project listed below.

PROJECT NUMBER: FSDB-20090002

PROJECT NAME: Collins Rehabilitation Building #39

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

SERVICES TO BE PROVIDED: The Florida School for the Deaf and the Blind (FSDB) requests qualifications from Construction Management firms to provide Construction Management at Risk for a Historical Rehabilitation to provide an honor dormitory with mixed residential uses. The applicant firm needs to demonstrate construction and staff experience in Historical Rehabilitation projects. The project shall conform to the FSDB Construction Standards and shall be LEED Certified.

The facility is a 4,351 square foot two story structure originally constructed in 1930, which consist of dormitory areas and residential living areas.

PROJECT BUDGET: \$1,380,000.00

CONSTRUCTION BUDGET: \$1,110,000.00

FSDB PROJECT MANAGER: Steve Armstrong

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: Monday, June 15, 2009, no later than 3:00 p.m.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access [www.fsdb.k12.fl.us](http://www.fsdb.k12.fl.us). Administrative Information – Business Services – Construction Services – Selection Info – Selection of Construction Management Firms.

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#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

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#### DEPARTMENT OF MANAGEMENT SERVICES

##### BIDS FOR GENERAL CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: DEM 25070326

PROJECT NAME: Special Needs Shelter (SpNS) Generator Renovations, Jackson High School

PROJECT LOCATION: 1751 N. W. 36th Street, Miami, Florida

ESTIMATED BASE BID CONSTRUCTION BUDGET: 1,250,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." [http://fcn.state.fl.us/owa\\_vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs_www.main_menu).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### FLORIDA HOUSING FINANCE CORPORATION

RFP 2009-01 Nine Percent Low-Income Tax Credits for SAIL and RRLP Program Applicants whose Funds Were De-Obligated

The Florida Housing Finance Corporation invites all State Apartment Incentive Loan (SAIL) Program and Rental Recovery Loan Program (RRLP) applicants whose funds were de-obligated at the April 24, 2009, Board of Directors meeting pursuant to Rule 67ER09-3, to submit proposals in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2009-01. Proposals shall be accepted until 2:00 p.m., Eastern Time, on Friday, May 29, 2009, to: Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org). The RFP will be posted to the Florida Housing website on May 22, 2009. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to: Attention: Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation website: <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

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## CITY OF FORT LAUDERDALE

### NOTICE TO CONTRACTORS

Sealed bids will be received until 2:00 p.m., Wednesday, June 10, 2009, in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT 11119A – CITY-WIDE FORCE MAINS, SYSTEM INTERCONNECT AND TRANSMISSION SYSTEM IMPROVEMENTS.

This project consists of Drawing File No. WS-06-09 consisting of 24 sheets.

The work includes: installation of approximately 20 LF of 8" D.I.P. force main relocation from P.S. A-35, 55 LF of 10" D.I.P. watermain at N.W. 19th Street and N.W. of 21st Avenue, 10 LF of 14" D.I.P. 40 LF of 16" D.I.P. 400 LF of 18" D.I.P. and 1,440 LF of 24" D.I.P. force main on N. W. 6th Street, approximately 850 LF of 24" D.I.P. force main on Birch Road south to Banyan Street then east to Seabreeze Boulevard, and capping force main on N. W. 27th Avenue at N. W. 6th Street including connection to existing force main, abandonment of existing force mains and all restoration.

Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 2:00 p.m., Wednesday, May 20, 2009, at the Program Management Team office at 200 North Andrews Avenue, Suite 300 (Third Floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory.

**ADDENDA AND INTERPRETATIONS** – No interpretations of the meaning of the plans, specifications or other contract documents will be made orally to any bidder. Prospective bidders must request from the Engineer such interpretation in writing. To be considered, such request must be received by 5:00 p.m., May 20, 2009. Requests submitted after the aforementioned deadline will not be considered, regardless of when the plans were purchased from the Office of the City Engineer.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the

provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line at (954)828-5688. For general inquiries – please call: (954)828-5772.

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## W. G. MILLS, INC.

Remodel Restrooms at Joseph Stilwell Middle School No. 219 W. G. Mills, Inc., as Construction Manager for Duval County Public Schools, will be accepting bids on May 20, 2009 before 2:00 p.m., from qualified sub-contractors and vendors for the Remodel Restrooms at Joseph Stilwell Middle School No. 219 project in Jacksonville, Florida, DCPS Project #M-84530. Certified Minority Owned Businesses are encouraged to participate. This Project is scheduled to commence construction in early June of 2009. All interested subcontractors and vendors must be pre-qualified with W. G. Mills Inc. to submit proposals. Contact W. G. Mills, Inc. at (904)281-7718, for information on this project.

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## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

#### NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES DCA DOCKET NUMBER 05-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by the Cities of Cape Canaveral, Cocoa, Cocoa Beach, Palm Bay, the Town of Melbourne Beach, and the Brevard County School Board, pursuant to Section 163.3177, F.S., to be consistent with the minimum requirements of Sections 163.3177(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: School Board of Brevard County, Planning and Project Management, 2700 Judge Fran Jamieson Way, Viera, Florida 32940-6601.

Any affected person, as defined in Section 163.3177(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 163.3177(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly,

and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the Cities of Cape Canaveral, Cocoa, Cocoa Beach, Palm Bay, the Town of Melbourne Beach, and the Brevard 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: 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.

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-s-Mike McDaniel, Chief  
 Office of Comprehensive Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 56-02

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the St. Lucie County School Board and each of the City of Fort Pierce, 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 Fort Pierce, Community Development Department, Planning Division, 100 North US Highway 1, Fort Pierce, Florida 34954-1480.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to St. Lucie County School Board and the City of Fort Pierce. 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.

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-s-Mike McDaniel, Chief  
 Office of Comprehensive Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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Public Comment on DRAFT American Recovery and  
 Reinvestment Act (ARRA) of 2009 Community Services  
 Block Grant (CSBG) Program State Plan

To obtain input and recommendations from the public and interested parties concerning the ARRA 2009 CSBG State Plan that will be submitted to the United States Department of Health and Human Services.

A copy of the draft state plan may be obtained by contacting: Department of Community Affairs, Mr. Rozz McKay, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Copies may also be obtained by calling (850)488-7541, Fax: (850)488-2488 or email: [rozell.mckay@dca.state.fl.us](mailto:rozell.mckay@dca.state.fl.us).

A copy will also be available at the Department of Community Affairs, Community Services Block Grant Program website: <http://www.floridacommunitydevelopment.org/csbg/index.cfm>. Written comments and recommendations will be accepted by the Department until close of business, Thursday, May 21, 2009.

**NOTICE OF FUNDING AVAILABILITY (NOFA) –  
CITIZEN CORPS/CERT (Community Emergency Response  
Team) – FLORIDA DIVISION OF EMERGENCY  
MANAGEMENT**

The Florida Division of Emergency Management is providing you with this advance notification of funding availability and formally requests proposals from counties interested in offering an Advanced Community Emergency Response Team (CERT) Academy. The local program is required to host the academy on behalf of their region. We anticipate the official NOFA will be published in the May 15, 2009, edition of the Florida Administrative Weekly, with an application submission deadline of June 15, 2009.

All training offered under this program must support and enhance the CERT. The Advanced CERT Academy must engage Florida citizens through education in disaster preparedness, fire safety, search and rescue, team organization and disaster medical operations.

All counties with active CERT programs are encouraged to participate and apply.

For further information, visit: [citizenscorps@em.myflorida.com](mailto:citizenscorps@em.myflorida.com), or call Donna Ray at (850)413-9966.

**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 Voltage Vehicles, intends to allow the establishment of Allchin Florida Corporation d/b/a Automotion Ft. Myers, as a dealership for the sale of low speed vehicles manufactured by China Qingqi Group Co. Ltd. (QING) at 3621 Cleveland Avenue, Fort Myers (Lee County), Florida 33901, on or after April 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Allchin Florida Corporation d/b/a Automotion Ft. Myers are dealer operator(s): Denis Allchin,

3621 Cleveland Avenue, Fort Myers, Florida 33901; principal investor(s): Denis Allchin, 3621 Cleveland Avenue, Fort Myers, Florida 33901.

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: Jackson Long, Voltage Vehicles, 501 Forth Street, Santa Rosa, California 95401.

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 Red Streak Scooters, LLC, intends to allow the establishment of Harbor Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 3315-A Tamiami Trail, Punta Gorda (Charlotte County), Florida 33950, on or after April 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Harbor Scooters, LLC are dealer operator(s): Erica Raffel, 3315-A Tamiami Trail, Punta Gorda, Florida 33950; principal investor(s): Erica Raffel, 3315-A Tamiami Trail, Punta Gorda, Florida 33950.

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: Beverly Fox, President, Red Streak Scooters, LLC, 427 Doughty Boulevard, Inwood, New York 11096.

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 Red Streak Scooters, LLC, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after April 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 228 3rd Street North, Jacksonville Beach, Florida 32250; principal investor(s): Rustin Murray, 228 3rd Street North, Jacksonville Beach, Florida 32250.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, President, Red Streak Scooters, LLC, 427 Doughty Boulevard, Inwood, New York 11096.

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 Red Streak Scooters, LLC, intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after April 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Rustin Murray, 228 3rd Street North, Jacksonville Beach, Florida 32250; principal investor(s): Rustin Murray, 228 3rd Street North, Jacksonville Beach, Florida 32250.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, President, Red Streak Scooters, LLC, 427 Doughty Boulevard, Inwood, New York 11096.

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 Red Streak Scooters, LLC, intends to allow the establishment of Austin Global Enterprises, LLC d/b/a New Scooters 4 Less, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 118 Northwest 14th Avenue, Suite D, Gainesville (Alachua County), Florida 32601, on or after April 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises, LLC d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 118

Northwest 14th Avenue, Suite D, Gainesville, Florida 32601; principal investor(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601.

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: Beverly Fox, President, Red Streak Scooters, LLC, 427 Doughty Boulevard, Inwood, New York 11096.

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.

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: Beverly Fox, President, Red Streak Scooters, LLC, 427 Doughty Boulevard, Inwood, New York 11096.

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

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Scooters, LLC, intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after April 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062.

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: Beverly Fox, President, Red Streak Scooters, LLC, 427 Doughty Boulevard, Inwood, New York 11096.

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

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Scooters, LLC, intends to allow the establishment of Austin Global Enterprises, LLC d/b/a New Scooters 4 Less, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 118 Northwest 14th Avenue, Suite D, Gainesville (Alachua County), Florida 32601, on or after April 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises, LLC d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601; principal investor(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601.

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

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Lifan Industry, Inc., intends to allow the establishment of Daniel Nettuno, Sr., LLC d/b/a West Side Auto, as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group (CHOL) at 4520 Manatee Avenue West, Bradenton (Manatee County), Florida 34209, on or after April 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Daniel Nettuno, Sr., LLC d/b/a West Side Auto are dealer operator(s): Daniel Nettuno, Sr., 4520 Manatee Avenue West, Bradenton, Florida 34209; principal investor(s): Daniel Nettuno, Sr., 4520 Manatee Avenue West, Bradenton, Florida 34209.

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: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

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

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**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

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

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**DECISION ON EXPEDITED APPLICATION**

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Orange Service District: 7

CON#: 10049 Decision Date: 5/5/2009 Decision: A  
Facility/Project: Commons at Orlando Lutheran Towers  
Applicant: Orlando Lutheran Towers, Inc.

Project Description: Add nine sheltered nursing home beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**NOTICE OF RECEIPT OF APPLICATIONS FOR PERMIT  
COVERAGE UNDER THE GENERIC PERMIT FOR  
STORMWATER DISCHARGE FROM PHASE II  
MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

The Department announces the receipt of the below listed applications for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane, Tallahassee, Florida 32301, (850)523-1449. Any comments related to the noticed applications or objections to the use of

the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received March 18, 2009 – April 13, 2009

1. Lake County – FLR04E106
2. City of Fruitland Park – FLR04E114
3. City of DeBary – FLR04E120
4. City of Minneloa – FLR04E111
5. Green Cove Springs –FLR04103

Comments may be mailed to the following address:

Steven Kelly  
 NPDES Stormwater Section  
 2600 Blair Stone Road, MS #2500  
 Tallahassee, Florida 32399-2400

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing: Bhupendra H. Vora, P.E., Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8380.

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**NOTICE OF AVAILABILITY  
 WELLINGTON, FLORIDA**

The Department of Environmental Protection has determined that Wellington’s proposed project to expand the capacity of existing wastewater treatment facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$21,642,000. 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 Categorical Exclusion Notice can be obtained by writing to: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

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**NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
 CITY OF TAMPA**

The Florida Department of Environmental Protection has determined that the City of Tampa’s project to replace existing mains in its water distribution system will not adversely affect the environment. The total cost of the project is estimated to be \$25,000,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Paul Brandl, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8373.

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**FLORIDA STATE CLEARINGHOUSE**

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

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**NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE  
 TOHOPEKALIGA WATER AUTHORITY, FLORIDA**

The Department of Environmental Protection has determined that Tohopekaliga Water Authority’s proposed projects for the rehabilitation of lift station number 60 and 97 and reclaimed water facilities will not have a significant adverse affect on the environment. The total project cost is estimated at \$8,807,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

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**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted one new policy and one revised policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html).

Requests for Department Records (FDJJ 1910 – revised policy) sets forth the Department’s process for the request and production of public records.

Contract and Grant Monitoring Policy (FDJJ 2000 – new policy) establishes contract and grant monitoring for all contracted programs and services within the Department of Juvenile Justice.

The policies are posted for a single 20 working day review and comment period, with the closure date for submission of comments on the policy of June 12, 2009. Responses to

comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

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The Florida Department of Juvenile Justice has posted one revised policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html).

Computer Malware Protection, previously titled Computer Virus Protection (FDJJ – 1205.20) establishes requirements that must be met by all computers connected to the Department of Juvenile Justice’s internal network to ensure effective malware detection and prevention.

The policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on the policy of June 12, 2009. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

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#### DEPARTMENT OF HEALTH

On May 4, 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 Malaine Geffrard, L.P.N. license number PN 5168223. 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.

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On April 30, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Angela Dawn Hawthorne, R.N. license number RN 9229949. 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.

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On May 4, 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 Lisa C. Lusardi, R.N. license number PN 9212359. 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.

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On April 29, 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 Melanie Lynn Ostrovsky, L.P.N. license number PN 1209291. 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.

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On May 5, 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 John Edward Sowell, Jr., L.P.N. license number PN 1359441. 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.

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On April 28, 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 Raymond Anderson, C.R.T. license number TT 7463. 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.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: 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., June 5, 2009):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: First Bank of the Palm Beaches, West Palm Beach, Florida

Proposed Purchasers: Dr. Krishna Tripuraneni and Nirmala Tripuraneni, Wellington, Florida; and Dr. Javaram Chigurupati and Padmasree Chigurupati, Jupiter, Florida

Received: May 4, 2009

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN April 27, 2009  
 and May 1, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
63E-8.009	4/28/09	5/18/09	35/5	
63E-8.010	4/28/09	5/18/09	35/5	
63E-8.011	4/28/09	5/18/09	35/5	
63E-8.012	4/28/09	5/18/09	35/5	
63E-8.013	4/28/09	5/18/09	35/5	35/13
63E-8.014	4/28/09	5/18/09	35/5	
63E-8.015	4/28/09	5/18/09	35/5	

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Housing and Community Development**

9B-72.090	5/1/09	5/21/09	35/3	35/12
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**STATE BOARD OF ADMINISTRATION**

19-9.001	4/29/09	5/19/09	35/11	
19-11.003	4/29/09	5/19/09	35/11	
19-11.005	4/29/09	5/19/09	35/11	
19-11.006	4/29/09	5/19/09	35/11	
19-11.007	4/29/09	5/19/09	35/11	
19-12.007	4/29/09	5/19/09	35/11	

**DEPARTMENT OF CORRECTIONS**

33-601.820	4/28/09	5/18/09	35/7	35/12
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**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-2.041	4/27/09	5/17/09	35/7	
40D-4.091	4/27/09	5/17/09	35/5	

**DEPARTMENT OF MANAGEMENT SERVICES**  
**Personnel Management System**

60L-32.007	5/1/09	5/21/09	34/46	35/14
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Board of Cosmetology**

61G5-18.0055	4/29/09	5/19/09	35/10	
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**DEPARTMENT OF JUVENILE JUSTICE**  
**Division of Commitment**

63E-8.001	4/28/09	5/18/09	35/5	
63E-8.002	4/28/09	5/18/09	35/5	
63E-8.003	4/28/09	5/18/09	35/5	
63E-8.004	4/28/09	5/18/09	35/5	
63E-8.005	4/28/09	5/18/09	35/5	
63E-8.006	4/28/09	5/18/09	35/5	35/13
63E-8.007	4/28/09	5/18/09	35/5	
63E-8.008	4/28/09	5/18/09	35/5	

**DEPARTMENT OF HEALTH**  
**Board of Medicine**

64B8-1.007	4/30/09	5/20/09	35/11	
64B8-30.003	4/30/09	5/20/09	35/11	
64B8-31.003	4/30/09	5/20/09	35/11	

**Board of Osteopathic Medicine**

64B15-6.003	4/30/09	5/20/09	35/11	
64B15-7.003	4/30/09	5/20/09	35/11	

**Board of Physical Therapy Practice**

64B17-3.001	5/1/09	5/21/09	35/2	35/13
64B17-3.002	5/1/09	5/21/09	35/2	35/13
64B17-3.003	5/1/09	5/21/09	35/2	
64B17-4.001	5/1/09	5/21/09	35/2	35/13
64B17-4.002	5/1/09	5/21/09	35/2	35/13
64B17-4.003	5/1/09	5/21/09	35/2	
64B17-7.0027	5/1/09	5/21/09	35/2	35/13
64B17-9.001	5/1/09	5/21/09	35/2	35/13

**Board of Speech-Language Pathology and Audiology**

64B20-7.004	4/30/09	5/20/09	35/11	
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**Council of Licensed Midwifery**

64B24-2.001	4/27/09	5/17/09	35/7	
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**Dental Laboratories**

64B27-1.003	5/1/09	5/21/09	35/11	
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**DEPARTMENT OF FINANCIAL SERVICES**  
**Division of Consumer Services**

69J-2.003	4/30/09	5/20/09	35/11	
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**Funeral and Cemetery Services**

69K-12.011	4/29/09	5/19/09	35/9	
69K-17.003	4/29/09	5/19/09	35/9	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
69K-17.0030	4/29/09	5/19/09	35/9	
69K-22.003	4/29/09	5/19/09	35/9	
69K-23.004	4/29/09	5/19/09	35/9	
69K-24.020	4/29/09	5/19/09	35/9	
69K-24.030	4/29/09	5/19/09	35/9	
69K-24.040	4/29/09	5/19/09	35/9	

**Division of Workers' Compensation**

69L-56.001	4/27/09	5/17/09	34/51	
69L-56.002	4/27/09	5/17/09	34/51	35/10
69L-56.100	4/27/09	5/17/09	34/51	
69L-56.110	4/27/09	5/17/09	34/51	
69L-56.200	4/27/09	5/17/09	34/51	
69L-56.205	4/27/09	5/17/09	34/51	
69L-56.210	4/27/09	5/17/09	34/51	
69L-56.300	4/27/09	5/17/09	34/51	35/10
69L-56.301	4/27/09	5/17/09	34/51	35/10
69L-56.3012	4/27/09	5/17/09	34/51	
69L-56.3013	4/27/09	5/17/09	34/51	
69L-56.304	4/27/09	5/17/09	34/51	
69L-56.3045	4/27/09	5/17/09	34/51	
69L-56.307	4/27/09	5/17/09	34/51	
69L-56.310	4/27/09	5/17/09	34/51	
69L-56.330	4/27/09	5/17/09	34/51	

**NOTICE OF CORRECTION**

The following rules were inadvertently omitted from the May 8, 2009, Florida Administrative Weekly.

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**REGIONAL PLANNING COUNCILS  
Southwest Florida Regional Planning Council**

29I-1.001	4/24/09	5/14/09	34/51	
29I-1.002	4/24/09	5/14/09	34/51	
29I-1.003	4/24/09	5/14/09	34/51	
29I-1.004	4/24/09	5/14/09	34/51	35/10
29I-1.005	4/24/09	5/14/09	34/51	
29I-1.006	4/24/09	5/14/09	34/51	
29I-1.008	4/24/09	5/14/09	34/51	
29I-1.010	4/24/09	5/14/09	34/51	
29I-4.001	4/24/09	5/14/09	34/51	
29I-4.004	4/24/09	5/14/09	34/51	
29I-4.006	4/24/09	5/14/09	34/51	
29I-4.007	4/24/09	5/14/09	34/51	
29I-4.011	4/24/09	5/14/09	34/51	
29I-4.012	4/24/09	5/14/09	34/51	
29I-4.013	4/24/09	5/14/09	34/51	
29I-5.003	4/24/09	5/14/09	34/51	
29I-7.004	4/24/09	5/14/09	34/51	35/10