

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-5.002
RULE TITLE: Weighing or Measuring Device Permits; Requirements and Fees

PURPOSE AND EFFECT: To create and administer a program to permit commercially operated weighing and measuring devices in the State of Florida, in accordance with the mandates of Sections 531.60-.66, F.S.

SUBJECT AREA TO BE ADDRESSED: Establishes requirements, fees, and adopt such forms as are necessary to create and administer a program, in accordance with newly enacted Sections 531.60-.66, F.S., (effective July 1, 2009) for the permitting of commercially operated weighing and measuring devices in the State of Florida.

RULEMAKING AUTHORITY: 531.66 FS.

LAW IMPLEMENTED: 531.60-.66 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: Max Gray, Chief, Bureau Chief of Weights and Measures, 3125 Conner Blvd, Tallahassee, FL 32399, phone: (850)488-9140

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.: 9K-7.001, 9K-7.002, 9K-7.003, 9K-7.004, 9K-7.005, 9K-7.006
RULE TITLES: Purpose, Definitions, General Requirements and Eligibility Standards, Submission of Application and Application Materials, Communications to the Governing Board, Application Review

9K-7.007 Project Evaluation Criteria
 9K-7.008 Ranking and Selection of Applications
 9K-7.009 Project Approval
 9K-7.010 Modification to Expand the Project Boundary
 9K-7.011 Preparation and Acceptance of the Management Plan
 9K-7.012 Title, Acquisition Procedures, Project Plans, Lease Agreements and Transfer of Title
 9K-7.013 Annual Stewardship Report Requirement

PURPOSE AND EFFECT: To implement rules to govern the Florida Communities Trust's Parks and Open Space Florida Forever Program.

SUBJECT AREA TO BE ADDRESSED: Florida Communities Trust's Parks and Open Space Florida Forever Program.

RULEMAKING AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.507 FS.

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

DATE AND TIME: July 30, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Randall Kelley Training Center, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida and via teleconference at the locations listed below:

Hillsborough County Civic Center, 601 E. Kennedy Boulevard, 26th Floor, Conference Rooms A & B, Tampa, Florida 33602; and Broward County Government Center, County Commission Chambers, Room 422, 115 S. Andrews Avenue, Fort Lauderdale, Florida 33301

Pursuant to the provisions of 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: Kugler, Department of Community Affairs, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)922-1711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)922-1711

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-8.001	Purpose
9K-8.002	Definitions
9K-8.003	General Information
9K-8.004	Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title
9K-8.005	Title Report and Evidence of Marketable Title
9K-8.006	Certified Survey
9K-8.007	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price
9K-8.008	Confidentiality of Appraisals, Other Reports Relating to Value, Offers and Counteroffers
9K-8.009	Negotiation of Offers and Counteroffers
9K-8.010	Purchase Agreements
9K-8.011	Preparation and Acceptance of Project Plans
9K-8.012	Examination for Hazardous Materials Contamination
9K-8.013	Trust Governing Board Action
9K-8.014	Closing

PURPOSE AND EFFECT: To implement rules to govern the Florida Communities Trust’s Parks and Open Space Florida Forever Program.

SUBJECT AREA TO BE ADDRESSED: Florida Communities Trust’s Parks and Open Space Florida Forever Program.

RULEMAKING AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.507 FS.

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

DATE AND TIME: July 30, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Randall Kelley Training Center, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida and via teleconference at the locations listed below:

Hillsborough County Civic Center, 601 E. Kennedy Boulevard, 26th Floor, Conference Rooms A & B, Tampa, Florida 33602; and Broward County Government Center, County Commission Chambers, Room 422, 115 S. Andrews Avenue, Fort Lauderdale, Florida 33301

Pursuant to the provisions of 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: Pam Kugler, Department of Community Affairs,

Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)922-1711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)922-1711

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

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-91.007	Selection and Award Process

PURPOSE AND EFFECT: A new subsection (9) is added to Rule 14-91.007, F.A.C., to clarify the compensation of short-listed design-build firms.

SUBJECT AREA TO BE ADDRESSED: A new subsection (9) is being added to Rule 14-91.007, F.A.C.

RULEMAKING AUTHORITY: 334.044(2), 337.11(7)(b), 337.11(8) FS.

LAW IMPLEMENTED: 337.025, 337.11(7), 337.11(8) 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: Deanna R. Hurt, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-91.007 Selection and Award Process.

(1) Letters of Interest Requirements. Firms desiring to submit bid proposals on a design-build project must submit a letter of interest setting forth the qualifications of the members of the Firm and providing any other information required by the announcement of the project.

(2) Short Listing Criteria and Procedures. On Adjusted Score Design-Build projects, the Department will determine the short list of Firms based on an evaluation of the information provided by the letters of interest and in accordance with Rule Chapter 14-75, F.A.C. For this purpose, all references to “consultant” in Rule Chapter 14-75, F.A.C.,

shall be deemed to be a reference to “Firm” under this Rule Chapter. Low Bid Design-Build projects will not require short listing.

(3) Scope of Services Requirements. The Department shall develop a scope of services which furnishes sufficient information upon which Firms may prepare bid proposals and which sets forth the technical proposal evaluation criteria.

(4) Bid Proposal Requirements. Bid proposals shall consist of a technical proposal and a price proposal. The technical and price proposals will be received by the Department by the deadline stipulated in the public announcement.

(a) Technical Proposal. A technical proposal shall include all information requested in response to the request for proposals.

(b) Price Proposal. A price proposal shall include one lump sum cost for all costs of the project as defined by the scope of services requirements. Examples of such services are: design, permits, construction engineering and inspection and construction of the proposed project.

(5) Technical Review Committee. A Technical Review Committee will be assigned the responsibility to evaluate letters of interest and review technical proposals in accordance with the provisions of the request for proposal. The members of the Technical Review Committee will be designated by the appropriate Director, or designee, based on the nature of the work requested and the complexity of the project. When non-Department personnel serve on the Technical Review Committee, Department personnel shall constitute the majority unless otherwise approved by the appropriate Director. No employee of a firm pursuing a project under consideration will serve on the Technical Review Committee.

(6) The Department will use the Low Bid Design-Build process when its scope of work is precise, explicit and clearly defined, and will use the Adjusted Score Design-Build process when the scope of work is flexible and identifies an end result that the Department wants to achieve, rather than dictating specific methods and materials. The public announcement for a particular project will specify which process will be used.

(7) When time is to be used as an evaluation criteria, the Department will include an adjustment for the value of time in either type of design-build process referenced in subsection 14-91.007(6), F.A.C. This adjustment will be based on the Firm’s proposed number of days to complete the project multiplied by a value per day established by the Department in the request for proposals, i.e., number of days multiplied by the dollar value per day equals the price proposal adjustment (increase). This factor will be used for selection purposes only and shall not affect the Department’s liquidated damages schedule or affect the incentive/disincentive provisions of the contract.

(8) The contractor or design professional cannot team with other partners to submit more than one bid per project.

(9) The Department shall pay short-listed design-build firms submitting fully responsive proposals that are not selected a lump sum amount, stipend, as determined by the solicitation in order to stimulate competition and for the work product contained in the firm’s responsive proposals. The Department will not pay the selected design-build firm a stipend. An unselected short list design-build firm that submits a responsive proposal in response to and in accordance with the Department request for detailed proposals will receive a stipend in exchange for the work product contained in that proposal. The Department reserves the right to use any of the concepts, ideas, technologies, techniques, methods, processes, and information that are contained within the proposals without any further compensation therefore.

(a) In order to receive the stipend, the unselected short listed design-build firms must enter into a contract with the Department immediately after short listing. The contract is required to document the terms and conditions for the stipend.

(b) The Department’s criteria to determine the stipend amount shall include the following: complexity of the project, technical expertise, time and resources required for the proposal, and value of work product contained in the technical proposal. The intent to compensate and the stipulated amount of the stipend will be set forth in the request for proposals package.

(c) A stipend is not intended to compensate the design-build firms for the total cost of preparing the proposal.

Rulemaking Specific Authority 334.044(2), 337.11(7)(b), 337.11(8) FS. Law Implemented 337.025, 337.11(7), 337.11(8) FS. History—New 3-13-88, 6-13-90, Amended 2-20-96, 9-3-96, 10-18-00, 5-3-09, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.704
 RULE TITLE: Bond

PURPOSE AND EFFECT: The purpose of the rule development is to require a bond or other form of surety for as-built certification forms for environmental resource permits. The effect of this proposed rule development is to provide for a higher likelihood for such forms to be submitted to the District. SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses requirements for bonds or other form of surety to ensure receipt of as-built certification forms for environmental resource permits, in accordance with Rules 40B-4.1140 and 40B-400.115, F.A.C.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.
LAW IMPLEMENTED: 373.085, 373.103, 373.219, 373.413, 373.416 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: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.1090
RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the rule development is to adopt the most current version of the items incorporated by reference. The effect of the rule development will incorporate the new flood insurance studies for the Suwannee River and its tributaries.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will incorporate the current flood insurance study for Taylor County by reference.

RULEMAKING AUTHORITY: 373.044 FS.
LAW IMPLEMENTED: 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 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: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-304.310	Apalachicola River TMDLs
62-304.315	Chipola River Basin TMDLs
62-304.515	Kissimmee River Basin TMDLs
62-304.605	Alafia River TMDLs
62-304.610	Hillsborough River Basin TMDLs
62-304.615	Manatee River Basin TMDLs
62-304.620	Little Manatee River TMDLs
62-304.805	Charlotte Harbor TMDLs

PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for waters in the Apalachicola River, Chipola River, Kissimmee River, Alafia River, Hillsborough River, Manatee River, Little Manatee River, and Charlotte Harbor basins.

Pursuant to Section 403.067(6), F.S., TMDLs must be adopted by the Secretary of the Department by rule. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. Establishment of TMDLs is proceeding for waters within the above basins for which the verified list of impaired waters previously were adopted by Secretarial Order. TMDL calculations and allocations for each waterbody or waterbody segment will be adopted by rule, by the Secretary of the Department, pursuant to Sections 120.536(1), 120.54, and 403.805, F.S. These rules have been given individual OGC case numbers: 09-0719 for 62-304.310, 09-2871 for 62-304.315, 09-0785 for 62-304.515, 09-0722 for 62-304.605, 09-0720 for 62-304.610, 09-0717 for 62-304.615, 09-2870 for 62-304.620 and 09-0716 for 62-304.805.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for the impaired waters in the above listed basin (as indicated in the order adopting the verified list for each basin).

RULEMAKING AUTHORITY: 403.061, 403.067 FS.
LAW IMPLEMENTED: 403.062, 403.067 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Mandrup-Poulsen, Administrator, Watershed Evaluation and TMDL Section, 2600 Blair Stone Road, Mail Station 3555, Tallahassee, FL 32399-2400, telephone (850)245-8449

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.505
 RULE TITLE: Middle St. Johns River TMDLS

PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for the waterbodies in the Middle St. Johns River basin. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted in rule by the Secretary of the Department. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. The verified list for the Group 2 Middle St. Johns River basin was adopted by Secretarial Order on May 19, 2009. This rule has been given the following OGC case number: 09-0721.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for the impaired waters in the Middle St. Johns River basin (as indicated in the Order adopting the verified list for the basin).

RULEMAKING AUTHORITY: 403.061, 403.067 FS.
 LAW IMPLEMENTED: 403.061, 403.067 FS.

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

DATE AND TIME: Wednesday, July 8, 2009, 9:30 a.m.
 PLACE: Volusia County Library – DeBary Branch, 200 N. Charles R. Beall Blvd., DeBary, FL 32713

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-625.100, 62-625.110, 62-625.200
 RULE TITLES: Scope/Intent/Purpose, Applicability, Definitions

62-625.400 Pretreatment Standards: Prohibited Discharges
 62-625.410 Pretreatment Standards: Categorical Standards
 62-625.420 Removal Credits
 62-625.500 Pretreatment Program Development and Submission Requirements
 62-625.510 Pretreatment Program Review and Approval Procedures
 62-625.540 Modification of Pretreatment Programs
 62-625.600 Reporting Requirements for Control Authorities and Industrial Users
 62-625.700 Fundamentally Different Factors Variance
 62-625.820 Net/Gross Calculation
 62-625.880 Tables

PURPOSE AND EFFECT: Incorporate revisions made to Title 40 CFR parts 122, 146, and 403 associated with pretreatment program requirements, including the October 2005 revisions. Clarify and update existing rule language.

SUBJECT AREA TO BE ADDRESSED: In 1995, EPA authorized the Department to implement the National Pretreatment program to control pollutants from industrial dischargers which have the potential to pass-through or interfere with the operation of domestic wastewater treatment facilities. To implement the program, the Department originally adopted Chapter 62-625, F.A.C., in November 1994. Certain portions of Chapter 62-625, F.A.C., were amended January 8, 1997. Since the last amendment, EPA has made several revisions to 40 CFR parts 122, 146 and 403, including several streamlining procedures for approval and implementation of pretreatment programs as well as other important changes for evaluation of local limits and evaluation of the need for a pretreatment program for certain discharges to UIC wells.

RULEMAKING AUTHORITY: 403.061(7), 403.061(31), 403.0885 FS.
 LAW IMPLEMENTED: 403.0885 FS.

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

DATE AND TIME: Wednesday, July 22, 2009, 9:30 a.m. – 12:00 Noon
 PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, 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: Dawn Templin at (850)245-8601. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dawn Templin, P.E., Florida Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400; telephone (850)245-8601, or e-mail: dawn.templin@dep.state.fl.us. Copies of the draft rule are also available on the Department's internet site at: http://www.dep.state.fl.us/water/rules_dr.htm (OGC No. 09-0822)

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address new violations added to Chapter 456, F.S., through recent legislative action.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address additional requirements for physician office surgery settings.

SUBJECT AREA TO BE ADDRESSED: Additional requirements for physician offices performing surgery.

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The proposed rule incorporates the application form for residency or internship by reference.

SUBJECT AREA TO BE ADDRESSED: Forms.

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-502.001 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To update the provisions relating to obtaining credits relating to domestic violence.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 490.007(2), 490.0085, 490.015 FS.

LAW IMPLEMENTED: 456.013, 490.007(2), 490.0085 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, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3250

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.002	Definitions
67-38.0026	General Program Requirements and Restrictions
67-38.003	Application Submission Procedures
67-38.004	Incomplete Applications and Rejection Criteria
67-38.005	Application Evaluation and Award Guidelines
67-38.007	Terms of the PLP Loan
67-38.008	Eligible Uses for the Loan
67-38.010	Credit Underwriting Procedures
67-38.011	Fees
67-38.014	Disbursement Procedures

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Predevelopment Loan Program (PLP) which helps to fund the initial and up front costs associated with the building or rehabilitation of affordable housing. These funds may be requested by any unit of government, public housing authority established pursuant to Chapter 421, F.S., community-based or not-for-profit organization, for-profit entity wholly owned by one or more qualified not-for-profit organizations, or limited partnership with the community-based or not-for-profit organization that holds at least 51% of the ownership not owned by a for-profit entity and must materially participate in the development and operation of the Development. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness for program service delivery and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: A Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-38, Florida Administrative Code.

RULEMAKING AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-.529 FS.

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

DATE AND TIME: July 9, 2009, 10:00 a.m. (Thursday)

PLACE: Florida Housing Finance Corporation, Seltzer Room, Sixth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

Pursuant to the provisions of 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: Amanda Franklin, (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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Dearthuff, PLP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

The preliminary text of the proposed rule development will be available on Florida Housing Finance Corporation’s web site, www.floridahousing.org.

**Section II
Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-9.002	Definitions
9K-9.003	General Requirements and Eligibility Standards
9K-9.004	Submission of Application and Application Materials
9K-9.006	Project Evaluation Criteria
9K-9.007	Ranking of Application

PURPOSE AND EFFECT: To implement rules to govern the Stan Mayfield Working Waterfronts Program.

SUMMARY: These rules govern the grant application procedures and process for the Stan Mayfield Working Waterfronts program that was created during the 2008 legislative session pursuant to Section 380.5105, Florida Statutes. This rule chapter implements Chapter 2008-229, Laws of Florida, which created Sections 380.503 and 380.5105, Florida Statutes.

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: 380.507(11), 380.5105(2) FS.

LAW IMPLEMENTED: 259.105, 380.5105 FS.

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

DATE AND TIME: July 15, 2009, 9:00 a.m. – Noon, or until business is concluded, whichever occurs first

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ken Reecy, Community Program Manager, Department of Community Affairs, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1711. If you are 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: Ken Reecy, Community Program Manager, Department of Community Affairs, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1711

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-9.002 Definitions.

(1) through (4) No change.

(5) “Business Summary” means information that describes an organization's status and future goals. It generally projects the vision and future opportunities for the organization and outlines the operations, expected needs, finances and organizational strategies that will enable the organization to achieve its goals. The information required for a Business Summary is specified in Form SMWW-2 ~~SMWW-1~~.

(6) through (15) No change.

(16) “Nonprofit Working Waterfront Organization” means a private Nonprofit Working Waterfront Organization, existing under the provisions of Section 501(c)(~~3~~) of the United States Internal Revenue Code that can demonstrate that the support of Working Waterfront as defined in Section 380.503(18)(a) and (b), F.S., are among its principal purposes and goals.

(17) No change.

(18) “Project Site” means the specific area(s), defined by a boundary map or legal description and Certified Survey, where Florida Forever Funds are proposed in an Application to be used for all or a portion of the Acquisition. The Project Site may include up to three (3) ownerships. The Project Site may

include non-contiguous parcels, so long as the non-contiguous areas are part of a unified scheme of development and management within the same Working Waterfront and within 300 feet of each other sufficiently close that the unified scheme can be maintained.

(19) through (26) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.003 General Requirements and Eligibility Standards.

The following constitutes the general procedures for the Stan Mayfield Working Waterfront Florida Forever grant program of the Florida Communities Trust.

(1) Application Form. Application Form SMWW-2 ~~SMWW-1~~ (eff. _____ ~~11-25-08~~) is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form SMWW-2 ~~SMWW-1~~. Applicants may only submit one Application Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling (850)922-2207.

(2) through (3) No change.

(4) Nonprofit Working Waterfront Organizations. In all acquisitions by a Nonprofit Working Waterfront Organization, a guaranty or pledge by a Local Government, the Water Management District in which the project is located, or a managing agency of the Board of Trustees to act as a backup manager to assume responsibility for management of the Project Site in the event the Nonprofit Working Waterfront Organization is unable to continue to manage the Project Site shall be obtained.

In addition, when acquiring a less-than-fee interest in the Project Site, the Nonprofit Working Waterfront Organization must provide assurance that they have the capacity to monitor and enforce the easement conditions. Such assurance shall be in the form of an endowment equal to five percent of the appraised value of the less-than-fee interest.

Or, if the Nonprofit Working Waterfront Organization is acquiring a fee-simple interest in the Project Site, the Nonprofit Working Waterfront Organization must provide assurance that they have the capacity to manage the Project Site. Such assurance shall be in the form of an endowment equal to five ten percent of the appraised value of the fee interest and a capital fund equal to five percent of the appraised value of the fee interest.

(5) No change.

(6) Limitation of Awards. The total amount of any Award or combination of Awards applied for by any Applicant(s) under any Application(s) for any project(s) shall not exceed five million dollars (\$5,000,000.00) during any one cycle or

the amount appropriated by the Legislature if the appropriated amount is less than five million dollars (\$5,000,000.00) the amount annually appropriated and accumulated for this program during any fiscal year.

(7) through (9) No change.

(10) Submerged Land Leases:

(a) Applicant: Each Applicant must provide documentation by the Application deadline that any Applicant owned facility or structure located over state sovereignty submerged lands is properly authorized and that any applicable fees and wet slip certification forms are current. The documentation must be in the form of a letter from the Department of Environmental Protection stating that all Applicant owned facilities or structures located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373, Part IV and 403, Florida Statutes and the submerged land lease and applicable fees and wet slip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the Department of Environmental Protection to secure this documentation. This documentation must be submitted by the Application deadline, otherwise the project will not be considered by the Trust.

(b) Project Site: Each Applicant must provide a letter from the Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are properly authorized and that any applicable fees and wet slip certification forms are current or a statement from the Department of Environmental Protection that the facilities or structures are not located on state sovereignty submerged land. The documentation must be in the form of a letter from the Department of Environmental Protection stating the current land owner is in compliance with Chapters 253, 258, 373, Part IV and 403, Florida Statutes and the submerged land lease for all facilities or structures on the Project Site that are located over state sovereignty submerged land and that applicable fees or wet slip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the Department of Environmental Protection to secure this documentation. This documentation must be submitted to the Trust no later than 48 hours before the FCT Governing Board meeting, otherwise the project will not be considered by the Trust.

(11) Zoning Compliance. Each Applicant must submit a letter from the local planning department that verifies the proposed uses on the Project Site are consistent with the future land use designation and local zoning regulations.

Rulemaking Specific Authority 380.507(11), 380.5105(2). FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.004 Submission of Application and Application Materials.

(1) through (3) No change.

(4) Applicants must submit four (4) three (3) complete sets of Application materials. One set shall contain original text and non-text items. The remaining three two sets shall contain legible copies of text and non-text items, unless otherwise specified in the Application form.

(5) No change.

(6) All applications must be submitted on Application Form SMWW-2 SMWW-1.

(7) A Business Summary that provides information on the applicable criteria outlined in the Business Summary section of Form SMWW-2 SMWW-1 must be provided by the Applicant. ~~Except in the case of a local government proposal to acquire fee simple interest in the Project Site for a public use.~~ Applications submitted without the required Business Summary will not be considered by the Trust for recommendation to the Board of Trustees. Applications containing a Business Summary that is deemed insufficient by the Trust will not be considered by the Board of Trustees. The Business Summary and other relevant information shall be the basis for the Management Plan that will guide the management and operation of funded projects.

(8) The following exhibits shall be provided:

(a) through (h) No change.

(i) The Applicant must provide a letter from the Department of Environmental Protection that verifies any facilities or structures owned by the Applicant that are located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373, Part IV and 403, Florida Statutes and the submerged land lease and applicable fees and wet slip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter must accompany the Application.

(j) The Applicant must provide a letter from the Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373, Part IV and 403, Florida Statutes and the submerged land lease and applicable fees and wet slip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter can be submitted no later than 48 hours before the FCT Governing Board meeting.

(k) A letter from the local planning department that verifies the proposed uses of the Project Site are in compliance with the future land use designation and local zoning regulations.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.006 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and the information in Application Form ~~SMWW-2~~ ~~SMWW-4~~. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application, including information obtained during site visits, in drafting an evaluation report and developing a ranking report to present to the Governing Board. At a publicly noticed meeting, the Governing Board will evaluate the reports and approve the recommended ranking report that will be presented to the Board of Trustees.

The Business Summary shall be evaluated for sufficiency based on information provided in Application Form ~~SMWW-2~~ ~~SMWW-4~~. Staff from the Department of Agriculture and Consumer Services, and other state agencies as deemed necessary by the Trust, shall review each Business Summary and provide comments to the Trust. Trust staff shall prepare a recommended Business Summary sufficiency determination that takes into consideration comments received from the Department of Agriculture and Consumer Services and other agencies for consideration by the Governing Board. Applications containing a Business Summary deemed insufficient by the Trust will not be considered by the Board of Trustees.

An Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state "No" in the response to the criterion.

Points shall be awarded when the following criteria are met:

(1) Location

(a) No change.

(b) The Project Site is adjacent to or within 2,000 feet of and tidally connected to state-owned submerged lands designated as an aquatic preserve identified in Section 258.39, F.S., National Marine Sanctuary or National Estuarine Research Reserve (10 points);

(c) The Project Site is located within a municipality with a population less than 30,000 or in an unincorporated area of the county with a population in the unincorporated area that is less than 40,000 (10 points);

(d) The Project Site is within an area designated as ~~an~~ ~~active~~ "Waterfronts Florida Partnership Community" (9 points);

(e) No change.

(f) The Project Site is within an area designated as a "Rural Area of Critical Economic Concern" or "Area of Critical State Concern" (points only given on one category) (4 points).

(2) Economic Consideration

(a) through (c) No change.

(d) The grant award amount requested is within the following thresholds (Points will be awarded on only one of the following criteria):

1. The Applicant is requesting a grant award amount that does not exceed \$1,500,000.00 (8 points);

2. The Applicant is requesting a grant award amount that does not exceed \$2,500,000.00 (4 points);

3. The Applicant is requesting a grant award amount that does not exceed \$3,500,000.00 (2 points).

FCT will not participate in project costs that exceed the grant award amount.

(3) Site Suitability/Readiness

(a) The Project Site will provide a docking facility for commercial fishing vessels (Points will be awarded on only one of the following criteria) ~~The Project Site contains existing structures that can be used or require only minor improvements, for use as commercial saltwater fisheries or aquaculture operations (points may be awarded based on the following criteria):~~

1. The Project Site contains an existing docking facility that can be presently utilized for commercial saltwater fisheries or aquaculture operations (17 points) ~~Docking facility for commercial fishing vessels (12 points);~~

2. The Project Site contains an existing docking facility that requires major restoration to be utilized for commercial saltwater fisheries or aquaculture operations and the applicant has committed to rebuild the docking facility (12 points) ~~A Seafood House or other buildings to be used for Working Waterfront Business (10 points);~~

3. The Applicant has committed to construct a new docking facility on the Project Site for commercial fishing vessels or aquaculture operations (6 points) ~~Boat ramp for commercial fishing vessels (8 points);~~

4. Storage area for traps, nets, and other gear needed for commercial fishing or aquaculture operations (4 points);

(b) The Project Site will provide a Seafood House or other building to be used for Working Waterfront Business (Points will be awarded on only one of the following criteria): ~~The Project Site has a submerged land lease from the Board of Trustees, Environmental Resource Permit, or Wetland Resource Permit for the existing or proposed docking facility (7 points);~~

1. The Project Site contains an existing Seafood House or other building that can be presently utilized for Working Waterfront Business (10 points);

2. The Project Site contains an existing Seafood House or other building that requires major restoration and the applicant has committed to rebuild the building to be utilized as a Working Waterfront Business (8 points);

3. The Applicant has committed to construct a new Seafood House or other buildings of at least 1,000 square feet on the Project Site to be used for Working Waterfronts Business (4 points).

~~(c) The Project Site will provide a structure for launching commercial fishing vessels, including but not limited to a boat ramp, boat lift or boat rail system (Points will only be awarded on one of the following criteria): The Project Site has obtained all necessary permits from the local government for the existing or proposed uses on the uplands (7 points);~~

~~1. The Project Site contains an existing structure for launching commercial fishing vessels, including but not limited to a boat ramp, boat lift or boat rail system, which can be presently utilized without major restoration (6 points);~~

~~2. The Project Site contains an existing structure for launching commercial fishing vessels, including but not limited to a boat ramp, boat lift or boat rail system, that requires major restoration and the Applicant has committed to rebuild the existing boat ramp (4 points).~~

~~3. The Applicant has committed to construct a new boat launching facility on the Project Site that will be used for commercial fishing vessels (2 points).~~

~~(d) The Project Site contains an open area of at least 1/4 acre to be used for the storage of traps, nets, and other gear needed for commercial fishing or aquaculture operations (4 points) The proposed project will be acquired using a less than fee Working Waterfronts Covenant for all of the land to be acquired (5 points);~~

~~(e) The proposed project will be acquired using a less-than-fee Working Waterfront Covenant for all of the land to be acquired (5 points) The Project Site will participate in Florida's Clean Marina Program (4 points).~~

~~(4) Financial Contribution~~

~~(a) through 2. No change.~~

~~(b) The applicant has committed to major restoration of an existing docking facility for commercial fishing vessels or to construct a new docking facility for commercial fishing vessels (8 points);~~

~~(c) The applicant has committed to major restoration of an existing Seafood House or other building used for working waterfront business or to construct a new Seafood House or other buildings of at least 1,000 square feet to be used for Working Waterfront Business (6 points);~~

~~(d) The applicant has committed to major restoration of an existing boat ramp or to construct a new boat ramp for commercial fishing vessels (4 points).~~

~~(5) Community Planning~~

~~(a) The project is located in a Future Land Use category, zoning district, or overlay district that has been identified for the protection and preservation of Working Waterfront (7 points) (5 points);~~

~~(b) The project furthers local government comprehensive plan objectives and policies directives that ensure the protection and preservation of Working Waterfront for use by commercial fisherman, aquaculturists, or business entities that support these industries (7 points) (5 points);~~

~~(e) The project furthers local government comprehensive plan objectives and policies directives to provide facilities that promote and educate the public about the economic, cultural and historical heritage of Florida's traditional Working Waterfront (3 points).~~

~~(6) Public Education~~

~~(a) through (b) No change.~~

~~(c) The Project Site will contain interpretive Interpretive kiosk(s) or signs(s) are provided that educate the public about the economic, cultural, or historic heritage of Florida's traditional Working Waterfront (2 points).~~

~~Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.~~

~~9K-9.007 Ranking of Applications.~~

~~(1) Prior to preparing the ranking report of projects, Trust staff shall conduct site visits as needed to verify the conditions represented by the Applicants in the SMWW-2 ~~SMWW-1~~.~~

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

~~(c) Any Application that does not contain a Business Summary or an Application that contains an insufficient Business Summary will not be considered by the Trust for recommendation to the Board of Trustees.~~

~~(d) Any Applicant that does not provide documentation from the Department of Environmental Protection by the application deadline that all facilities or structures owned by the Applicant are fully compliant with Chapters 253, 258, 373, Part IV and 403, Florida Statutes, and the state sovereignty submerged leases and applicable fees or wet slip certification forms are current, or that the structures are not located on state sovereignty submerged land, will not be considered by the Trust for recommendation to the Board of Trustees.~~

~~(e) Any Applicant that does not provide documentation from the Department of Environmental Protection within 48 hours of the FCT Governing Board meeting that any facilities or structures located on the Project Site are fully compliant with Chapters 253, 258, 373, Part IV and 403, Florida Statutes, and the state sovereignty submerged leases and applicable fees or wet slip certification forms are current, or that the structures are not located on state sovereignty submerged land, will not be considered by the Trust for recommendation to the Board of Trustees.~~

~~(4) The Governing Board shall develop and approve a list of all Projects in rank order for consideration by the Board of Trustees. In the event of tied scores, the Governing Board shall rank the Applications in the order in which Applications were received prior to the Application Deadline. Each Applicant shall be provided with the recommended ranking list prior to the Board of Trustees' meeting.~~

~~(5) through (7) No change.~~

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Reecy, Community Program Manager, Department of Community Affairs, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1711

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary of Department of Community Affairs and Chair of the Florida Communities Trust Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2009

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-61.0011	Florida's Turnpike System
14-61.0012	Definitions
14-61.0013	Tolls
14-61.0014	Limitation on Use of Turnpike System
14-61.0015	Prohibitions on the Turnpike System
14-61.0016	Turnpike Tandem Access
14-61.0017	Other Regulations
14-61.0018	Tractor Requirements
14-61.0019	Tire Requirements
14-61.0020	Brake Requirements
14-61.0021	Emergency Equipment
14-61.0022	Lead Trailer Requirements
14-61.0023	Converter Dolly Requirements
14-61.0024	Lamps, Etc.
14-61.0025	Inspection by Driver
14-61.0026	Coupling Devices/Hitch Connections
14-61.0027	Staging
14-61.0028	Speed Limits, Minimum Distances, Passing, and Operations Under Hazardous Conditions

PURPOSE AND EFFECT: This is a substantial amendment of Rule Chapter 14-61, F.A.C., consisting of a new Part I, Part II, and Part III structure. Part I – General will be based upon the current rule. However, because it will be broken into three separate rules, the existing Rule 14-61.0011, F.A.C., is being repealed and the three new rules, based upon portions of the existing rule, are adopted as new. Part II – Turnpike Tandems and Part III – Regulations Covering the Operation and Safety of Turnpike Tandems are based upon existing rules in Rule Chapter 14-54, F.A.C. Upon adoption of these new rules, the existing Rule Chapter 14-54, F.A.C., will be repealed.

SUMMARY: This is a revision of Rule Chapter 14-61, F.A.C., to include repeal of the existing rule and adoption of 17 new rules with a three part structure. The new rules being adopted in Part I are based upon the existing Rule 14-61.0011, F.A.C., which is being repealed. The new rules being adopted in Part II and Part III amend and replace existing rules currently in Rule Chapter 14-54, F.A.C.

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

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

RULEMAKING AUTHORITY: 316.515(12), 334.044(2), 338.239 FS.

LAW IMPLEMENTED: 316.515, 316.655, 338.22-.241, 338.239 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-61.0011 Florida's Turnpike System.

Rulemaking Specific Authority 316.515(12), 334.044(2), 338.239 FS. Law Implemented 338.01, ~~338.22-.241~~ ~~338.239~~ FS. History--New 8-5-96, Amended 10-30-96, Repealed _____.

14-61.0012 Definitions.

(1) Unless defined below, words, phrases, or terms contained herein shall have the definitions set forth in Florida Statutes, including Chapters 316 and 338, F.S. As used in these rules and regulations, the following words, phrases, or terms shall have the following meanings, where context will permit:

(a) "Department" means the State of Florida Department of Transportation.

(b) "Turnpike System" means as defined in Section 338.221(6), F.S.

(c) "Turnpike Tandem" means any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit, in which either the semitrailer or the trailer unit exceeds 28 feet in length but in which neither the semitrailer nor the trailer unit exceeds 48 feet in length and which are operated in compliance with Parts II or III of this rule chapter.

(d) “Turnpike Tandem Permit” means a authorization issued by the Department’s Road Use Permits Office for the specific and limited purpose of allowing combinations known as turnpike tandems to operate on the Turnpike System.

(e) “Tandem Trailer Truck” means as defined in Section 316.03(71), F.S.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.515, 338.239 FS. History–New _____.

14-61.0013 Tolls.

(1) Vehicle Classifications for Toll Schedule Purposes. For purposes of determining tolls payable under the Toll Schedule fixed by the Department for use of the Turnpike System, the base fare shall be based on two-axle vehicles and increased by an equal amount for each additional axle.

(2) Toll Rules and Rates on the Florida Turnpike System.

(a) Evasion of Tolls. This includes entering or leaving the Turnpike System or any part of its right of way, except through the regular toll lanes (except in emergency cases, and then only under the control and supervision of the Florida Highway Patrol or Toll Collectors), or committing any other act with the intent to defraud or evade payment of tolls is prohibited. Enforcement of toll violations shall be in accordance with Rule Chapter 14-100, F.A.C., and all applicable toll enforcement statutes.

(b) Loss of Toll Ticket. The operator of a vehicle on the ticket system portion of the Turnpike System who, for any reason, does not have a toll ticket upon reaching an exit toll station, shall be charged the toll for the appropriate vehicle classification from the most distant toll station within the closed ticket portion of the Turnpike System.

(c) Exit of Vehicle at Point of Entry.

1. The operator of a vehicle on the ticket system portion of the Turnpike System who presents a toll ticket for payment to a toll collector at the same toll station at which such toll ticket was issued, shall be charged the toll for the appropriate vehicle classification from the nearest legal U-Turn point.

2. The operator of a vehicle on the electronic toll collection portion of the Turnpike System who exits the electronic toll collection portion of the Turnpike System at the same toll station at which such vehicle entered the electronic toll collection portion of the Turnpike System, shall be charged the toll for the appropriate amount for the vehicle classification from the nearest legal U-turn point.

(3) Upon entering the Turnpike System a Turnpike Tandem will be treated as two units and charged according to the current classification schedules and method of toll collection;

(a) The first unit will be the tractor and lead trailer; and

(b) The second unit will be the converter dolly and the second trailer.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.1001, 338.155, 338.165(3), 338.239 FS. History–New _____.

14-61.0014 Limitations on Use of Turnpike System.

In addition to the prohibitions and limitations of Chapters 316 and 338, F.S., use of the Turnpike System and entry thereon by the following is prohibited:

(1) Vehicles, including any load thereon, exceeding the maximum dimensions of Section 316.515, F.S., except under special hauling permit issued by the Department or vehicles operated under Tandem Permits issued by the Department.

(2) Vehicles carrying explosives, except under a special hauling permit issued by the Department, and in compliance with the rules and regulations promulgated by the State Insurance Commissioner and Section 316.302, F.S.

Rulemaking Authority 316.550(5), 334.044(2), 338.239 FS. Law Implemented 316.550(1), 324.044(14), 338.239 FS. History–New _____.

14-61.0015 Prohibitions on the Turnpike System.

(1) Hitchhiking – Loitering. The solicitation of a ride, commonly known as “hitchhiking,” on any portion of the Turnpike System, including toll plazas, is strictly prohibited. Loitering in or about the toll plazas, bridges, overpasses, underpasses, or any other structure, or any other portion of the Turnpike System, is prohibited.

(2) Soliciting or Carrying on Commercial Activity. No person shall:

(a) Engage in any commercial activity on the Turnpike System without the written permission of, or unless under contract with, the Department or Turnpike Enterprise. Nor shall any person solicit business or funds for any purpose on the Turnpike System without written permission granted by the Department or Turnpike Enterprise. No person shall at any time or in any manner electioneer on any part of the Turnpike System for or against any party ticket or any candidate for nomination, or officer on any party ticket, or for or against any proposition of any kind or nature to be voted upon at any election.

(b) Post, distribute, or display signs, advertisement, circulars, printed or written matter on the Turnpike System without written permission from, or written contract with, the Department or Turnpike Enterprise.

(c) Throw, cast, fling, heave, hurl, toss, shoot or discharge any pellet, rock, stone, bomb, gun, firearm or any other article, or item over, across, under or along any road, bridge, overpass, underpass, or any other structure of the Turnpike System.

(d) No person shall disturb, tamper with or attempt to destroy, injure or deface, damage, mutilate, or remove any sign, delineator, structure, building, fence, trees, flowers, shrubs, or any other property or equipment of the Turnpike System, or any of its concessionaires.

(e) Fail, neglect or refuse to comply with the collectors at toll booths and such other officials as may be employed by the Turnpike system for such purposes.

(3) Alcoholic Beverages. The consumption of alcoholic beverages is prohibited on the Turnpike System.

(4) Weapons. Brandishing of weapons by any person is prohibited on the Turnpike System.

(5) Operation of Vehicles. Except for those provisions which are inconsistent with or modified by these rules, the provisions of Chapter 316, F.S., State Uniform Traffic Control, shall apply on the Turnpike System.

(6) Speed Limits. All vehicles shall comply with the posted speed limit. No vehicles shall be operated on the Turnpike System less than 50 miles per hour, except where a lesser speed is posted, or when necessary to do so under the conditions of the road, inclement weather, or with regard to the actual and potential hazards then existing upon the Turnpike System.

(7) Use of Median Strip. No person shall operate a vehicle on the median strip. Driving a vehicle on the median strip is prohibited.

(a) Exceptions. Prohibition on use of the median strip shall not apply to Turnpike construction vehicles, Florida Highway Patrol, Turnpike Maintenance or official Department vehicles, or to their emergency service vehicles; nor to fire vehicles or ambulances, when operated in the performance of their official duties, provided that the operator thereof uses caution so as not to interfere with or endanger traffic.

(b) Prohibition on use of the median strip shall not apply to other emergency-service vehicles, if the crossing or use of the median strip is necessary for the purpose of towing, repairing or otherwise servicing a disabled vehicle provided that such crossing of the median strip shall be made only under the supervision and with the consent of the Florida Highway Patrol or an employee, agent, or contractor of the Department. Such crossing or use on the Turnpike System shall be further restricted to emergency service vehicles, not operated by garages under contract with the Department, coming to the assistance of a disabled trucking or bus company vehicle, provided that such emergency service vehicle is owned and operated by, or under contract with, the subject company whose vehicle is disabled. Disabled vehicles in tow by any emergency service vehicles operating under these conditions shall be allowed to cross or use the median strip.

(c) Upon the recommendation of the Florida Highway Patrol the Department will authorize parking in the median strip. Parking shall, however, be permitted only if such parking will not interfere with maintenance operations. Such parking in the median strip shall be authorized only if considered by the Florida Highway Patrol to not be dangerous or impractical.

(8) No U Turns. The making of a U turn at any point on the Turnpike System is prohibited unless authorized by the Florida Highway Patrol or the Department. Excepted from the provisions of this paragraph are such authorized vehicles as described under subsection 14-61.015(6), F.A.C., above, and then only under such conditions as are described therein.

(9) Overtaking a Vehicle. The provisions of the Florida Uniform Traffic Control Law shall be applicable to the overtaking and passing of vehicles on the Turnpike System except in areas posted to the contrary.

(10) Parking, Stopping or Standing of Vehicles on Traffic, Deceleration or Acceleration Lanes. No vehicle on the Turnpike System shall be parked, stopped, or allowed to stand on the traffic lanes, acceleration lanes, deceleration lanes, bridges, structures, access ramps, or on shoulders in front of service areas between the traffic lane and the service area, or at any other place where posted to the contrary. Parking, standing, or stopping on the shoulders of the Turnpike System shall be permitted only in an emergency, or when authorized by the Department, or as directed by the Florida Highway Patrol, and then only on the shoulder to the right of the traffic lane facing in the direction of travel and only on condition that all wheels and projecting parts of the vehicle and load shall be completely clear of the travel lanes. In the event that it is necessary for the operator of a truck or tractor-trailer to leave a vehicle on the Turnpike System unattended and it is impossible or impractical to have such vehicle towed off the Turnpike System, the operator shall obtain a parking permit from the Florida Highway Patrol before leaving the Turnpike System. The provisions of this paragraph shall not apply to vehicles owned by the Department.

(11) Impounding of Vehicles. Vehicles illegally parked or abandoned on the Turnpike System may be towed off the Turnpike System and impounded. Such vehicles may not be removed from the storage compound until after the payment of towing, storage and other charges.

(12) Penalty. The penalty provisions of the laws of the State of Florida, and Section 316.655, F.S., where applicable, shall apply to any person violating any of the above rules and regulations.

Rulemaking Authority 334.044(2), 338.2216(1)(b), 338.235, 338.239 FS. Law Implemented 316.083, 316.090, 316.183, 316.655, 338.234, 338.237, 338.239 FS. History—New _____.

PART II TURNPIKE TANDEMS

14-61.0016 Turnpike Tandem Access.

The Turnpike Enterprise will allow turnpike tandems access to the Turnpike System, consistent with the provisions specified herein:

(1) Size, Weight, and Safety Enforcement.

(a) The Motor Carrier Compliance Office, the Turnpike Enterprise, the Florida Highway patrol, or their respective staffs are authorized to inspect all equipment used in the tandem operation and to reject any defective equipment.

(b) The Motor Carrier Compliance Office has primary responsibility for enforcing commercial vehicle size, weight, and safety laws and rules on the Turnpike System.

(c) The Florida Highway Patrol has primary responsibility for enforcing the State’s general traffic safety on the Turnpike System.

(2) Turnpike Tandem Permits and Certifications.

(a) The Department’s Road Use Permits Office is responsible for issuing oversize/overweight Turnpike Tandem permits. All other certifications must be obtained from the Turnpike Enterprise.

(b) The permittee is responsible for any vehicle operating with an oversize/overweight permit and other certifications and for complete compliance with all terms of the permit and certification, including:

1. Ensuring that the driver is qualified to operate the vehicle and understands the terms and conditions of the permit, certifications, and the provisions of this rule chapter.

2. Ensuring that the vehicle is inspected and maintained in a safe and reliable condition; and

3. Ensuring that the vehicle operates in conformity with the permit, certifications, and the provisions of this rule chapter.

(c) Turnpike tandem permits are issued for the Turnpike system only. No authority is given to Turnpike Tandems to travel on routes off the Turnpike System.

(3) Original Application. To operate Turnpike Tandems on the Turnpike System, submit the following certifications to: Florida Turnpike Enterprise Director of Highway Operations

Pompano Service Area, M.P. 65
Post Office Box 9828
Fort Lauderdale, Florida 33310-9828.

<u>Form Number</u>	<u>Revision</u>	<u>Title</u>
<u>800-040-01</u>	<u>04/09</u>	<u>Certification of Turnpike Tandem Trailer Equipment (Tractor)</u>
<u>800-040-02</u>	<u>04/09</u>	<u>Certification of Turnpike Tandem Trailer Equipment (First or Lead Trailers)</u>
<u>800-040-03</u>	<u>04/09</u>	<u>Certificate of Insurance</u>
<u>800-040-04</u>	<u>04/09</u>	<u>General Certification Covering Turnpike Tandem Trailer Operations by Permittee</u>
<u>800-040-05</u>	<u>04/09</u>	<u>Certification for Special Permit to Operate Turnpike Tandem Trailer Vehicle</u>
<u>800-040-06</u>	<u>04/09</u>	<u>Certification of Turnpike Tandem Trailer Equipment (Dolly Converters)</u>
<u>800-040-07</u>	<u>04/09</u>	<u>Certification for Special Certificate to Operate Turnpike Tandem Trailer Vehicle</u>

The above listed forms are hereby incorporated by reference and made a part of these rules. Copies of these forms are available at: <http://formservr.dot.state.fl.us/capture/listings/FormListing.aspx?ListType=FormNumber>.

(4) All tractors, laden first semi-trailer, and dollies must be approved and authorized by the Turnpike Enterprise before operating under a Turnpike Tandem certification.

Authorization will be withdrawn by the Turnpike Enterprise when it determines that there is a material inconsistency between the provisions of the certification and the equipment in question, or that the continued operation on the Turnpike System would constitute an unsafe operation.

(5) Identification Numbers and Certification.

(a) An identification number will be issued by the Turnpike Enterprise. A decal displaying the identification number must be purchased by the Permittee and shall be placed on the left side of each tractor, lead trailer, and dolly approved for use in tandem trailer operations. The numerals must be white on green background; at least three inches in height; and, must be visible to a person standing at ground level.

(b) The Permittee must complete Form 800-040-01, Certification of Turnpike Tandem Trailer Equipment (Tractor), bearing a description of the tractor. Upon review and approval by the Department, this certification shall be carried in the cab of the tractor which it describes. Tractor certificates authorize only the vehicle described therein and shall be made available at any time for inspection by the Turnpike Enterprise, Motor Carrier Compliance Office, Florida Highway Patrol, or their respective staffs. Any discrepancy between the description on the tractor certificate and the actual description of the vehicle will result in the withdrawal of approval.

(c) The Permittee must complete Form 800-040-02, Certification of Turnpike Tandem Trailer Equipment (First or Lead Trailers), bearing a description of the lead trailer or dolly. Certificates for lead trailers and dollies are not required to be carried by the operator.

(6) Renewal of General Certification. Turnpike Tandem certifications may be renewed by submitting Form 800-040-04, General Certification Covering Turnpike Tandem Trailer Operations. The certificate is renewed and effective September 1st of each year, through August 31st of the following year. Request for certification renewal must be submitted at least 30 days prior to the expiration date. The Florida Turnpike Enterprise does not provide notification of certification expiration.

(7) Responsibility of Permittee.

(a) Each certificate to operate turnpike tandems shall be valid only when the Permittee has filed Form 800-040-03, Certificate of Insurance, attesting to the fact that the Permittee has secured public liability insurance maintained in compliance with Sections 627.7415 and 627.742, F.S., and 49 C.F.R., Part 387, Subpart A, where applicable. The named insured shown on all such applied policies shall include the Florida Highway Patrol, the Motor Carrier Compliance Office, the Turnpike Enterprise, and each of their respective officers, agents, and employees.

(b) Such public liability insurance certificate shall explicitly state that the Turnpike Tandem operations of the Permittee are expressly covered under the policy(ies) in effect, or in the alternative, that there is no exclusion in said policy

relative to Turnpike Tandem operations by the Permittee. Such certificate shall also provide that the coverage under the policy may not be canceled without 30 days prior notice, in writing, to the Executive Director of the Florida Turnpike Enterprise. In the event of cancellation of such public liability insurance policy, every Turnpike Tandem covered by that certificate shall be automatically cancelled.

(c) Certificates of self-insurance issued by the Florida Department of Highway Safety and Motor Vehicles will be accepted in fulfillment of the insurance requirements stated herein, providing such certificates satisfy all the specific requirements.

(d) Description of coverage shall include: Public liability arising in respect to all movement of tandem trailer units. This includes service trucks, wreckers, or any other vehicles used in the service of the tandem trailer operation, by the Permittee or by anyone acting by, through, or for the Permittee, including omissions and supervisory acts of the Motor Carrier Compliance office, the Turnpike Enterprise, the Florida Highway Patrol, and each of their respective officers, agents, or employees.

(8) Other Permittee information. The Permittee shall, upon request, furnish the Turnpike Enterprise with all data and information pertaining to an individual trip by a Turnpike Tandem or the overall tandem trailer operation of the Permittee on the Turnpike System.

(9) Voided Certifications and Permits. When in the interest of health, safety, or welfare of the citizens of the State, the Turnpike Enterprise determines that operation of a turnpike tandem constitutes a hazard to Turnpike System operations, certifications will be voided in whole or in part. A turnpike tandem oversize/overweight permit will be voided, in whole or in part, by the Road Use Permits Office or the Motor Carrier Compliance Office if the vehicle is in violation of the requirements of the oversize/overweight permit; or if the operation of the Turnpike Tandem is determined to be unsafe.

Rulemaking Authority 334.044(2), 334.044(14), 338.2216(1)(b), 338.239 FS. Law Implemented 316.515, 316.646, 321.05, 324.171, 334.044(14), 334.044(32), 338.22-.244, 338.239(2) FS. History—New _____.

PART III – REGULATIONS COVERING THE OPERATION AND SAFETY OF TURNPIKE TANDEMS

14-61.0017 Other Regulations.

(1) Driver Requirements.

(a) All drivers of Turnpike Tandem trailer must have a current Commercial Driver's License (CDL) with an endorsement for double trailers consistent with the provisions of Section 322.57, F.S.

(b) All drivers of Turnpike Tandems and all other individuals or companies operating turnpike tandems must comply with Section 316.302(1), F.S., except that driver exemptions as set forth in 49 C.F.R. 391.21 and 391.67 shall not apply to drivers of turnpike tandems.

(c) All drivers of Turnpike Tandems must have a minimum of five years' experience driving truck tractor semi-trailer combinations.

(d) A driver of a Turnpike Tandem must have had no suspension or revocation of driving privileges in any state or province during the past three years where such suspension arose out of operations of a commercial motor vehicle.

(2) Overall Length, Height, and Width.

(a) All overdimensional rules of the Turnpike Enterprise shall apply to Turnpike Tandems unless specifically excluded under the provisions of this rule chapter.

(b) The overall cargo carrying length of a Turnpike Tandem, as measured from the front of the first trailer to the rear of the second trailer including, the interval between the two trailers, shall not exceed 106 feet.

(c) Turnpike Tandems shall not exceed 13 feet 6 inches in height or 8 feet 6 inches in width.

(3) Weight and Axle Requirements.

(a) All overweight rules of Section 316.515, F.S., shall apply to Turnpike Tandems unless specifically excluded under the provisions of this rule chapter.

(b) The maximum gross weight of the truck tractor and the first semitrailer of a Turnpike Tandem shall not exceed 80,000 pounds.

(c) The maximum gross weight of the unit of dolly and second trailer of a Turnpike Tandem shall not exceed the lesser of:

1. 67,000 pounds, or

2. The weight provisions of the State's outer bridge formula set forth in Section 316.535(5), F.S., as measured between the center of the foremost axle of the dolly and the rearmost axle of the trailer.

(d) In the event that a Turnpike Tandem is composed of trailers of unequal gross weight, the heavier of the two shall be used as the lead trailer.

(e) The gross weight limits described in Chapter 316, F.S., may be exceeded with valid oversize/overweight permit issued by the Road Use Permits Office for a maximum gross weight not to exceed 147,000 pounds.

(f) A minimum of five load bearing axles are required unless stated otherwise in a valid oversize/overweight permit issued by the Road Use Permits Office.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.515(12), 322.57, 322.61, 338.239 FS. History—New _____.

14-61.0018 Tractor Requirements.

(1) A tractor used to propel a Turnpike Tandem shall be capable of traveling at a speed of not less than 50 mph except where lower speed limits are posted.

(2) Prior to approval, both the tractor manufacturer and the Permittee shall certify to the Turnpike Enterprise on Form 800-040-01, Certification of Tandem Trailer Equipment (Tractor), that the vehicles proposed to be furnished and used will meet the minimum speed requirements.

(3) A tractor engaged in Turnpike Tandem operations failing to meet such requirement shall not be used to haul a turnpike tandem on the Turnpike System until the gross loads are reduced, the tractor is modified, or other corrective measures have been taken.

(4) Upon a new certification by both the tractor manufacturer and the Permittee that corrective measures have been taken and the tractor meets the minimum speed requirement, the Turnpike Enterprise will reinstate its approval of the described Turnpike Tandem and it may be used in Turnpike Tandem operations.

(5) A tractor engaged in Turnpike Tandem trailer operations must also certify on Form 800-040-01, Certification of Tandem Trailer Equipment (Tractor), that the unit is qualified to haul a total gross weight of at least 147,000 pounds.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.183(2) FS. History–New _____.

14-61.0019 Tire Requirements.

(1) Each axle on a Turnpike Tandem must have tires of the same size and construction. Tires must be properly inflated for the load to be carried. In no event shall any tire, wheel, or rim exceed the manufacturer's maximum load-carrying limit. Tires and tire usage must be consistent with the requirements of 49 C.F.R., 393.75, as required by Section 316.302(1), F.S.

(2) A vehicle equipped with dual tires may have the dual tires replaced by a single tire so long as the vehicle, axle, and tire load ratings are not exceeded.

(3) No tire may exceed 550 pounds per inch of tire section width as defined by the rating molded in the tire sidewall. For example, a designation of 445/50R22.5 designates a tire section width of 445 mm (17.5 inches).

Rulemaking Authority 316.535(1), 334.044(2), 338.239(1) FS. Law Implemented 316.535(6), 338.239 FS. History–New _____.

14-61.0020 Brake Regulations.

(1) Every Turnpike Tandem shall be equipped with full air brakes or air activated hydraulic brakes on the tractor and either air or electric brakes on the dolly and trailers. All brakes shall equal or exceed both the equipment requirements and the performance standards cited in Chapter 316, F.S., and 49 C.F.R., 393.40 through 393.52, hereby incorporated by reference.

(2) The brakes on any vehicle, or combination of vehicles, used in the Turnpike Tandem operations shall be adequate to control the movement of, and to stop and hold, such vehicle, or combination of vehicles, and meet the general requirements of the provisions of the Florida Uniform Traffic Control Law, Section 316.262, F.S.

(3) The Permittee shall certify to the Turnpike Enterprise on Form 800-040-04, General Certification Covering Turnpike Tandem Operations by Permittee, that the brakes on any vehicle or combination of vehicles used as a Turnpike Tandem meet the specific requirements specified in this rule.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.261-.263, 338.239 FS. History–New _____.

14-61.0021 Emergency Equipment.

Each tractor used in Turnpike Tandem trailer operations shall be equipped with the following emergency equipment:

(1) A fire extinguisher having an Underwriters Laboratories rating of 5B:C or two or more fire extinguishers having an Underwriters Laboratories rating of 4B:C or more. For the purpose of this requirement, a vehicle deemed to be transporting hazardous materials must be placarded in accordance with Section 316.302, F.S. and 49 C.F.R. 393.95.

(2) Warning devices for stopped vehicles. At least three bi-directional reflective triangles which conform to the standard for such devices contained in 49 C.F.R. 393.95.

Rulemaking Authority 316.302(5), 334.044(2), 338.239 FS. Law Implemented 316.301, 338.239 FS. History–New _____.

14-61.0022 Lead Trailer Requirements.

Prior to approval, both the trailer manufacturer and the Permittee shall certify to the Turnpike Enterprise on Form 800-040-02, Certification of Tandem Trailer Equipment (First or Lead Trailers) that the vehicle proposed to be furnished will be adequate to meet all requirements of a first semi-trailer. Semi-trailers operated with this certification must comply with all requirements listed on that form.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0023 Converter Dolly Requirements.

(1) A converter (fifth-wheel) dolly used in the Turnpike Tandem operations may have either a single or a double axle, according to its total gross weight. In addition to the tow bar(s), the dolly vehicle must be equipped with safety chains or cables for connecting the dolly to the lead semi-trailer and adequate to prevent breakaway.

(2) When the distance between the rear of the first semi-trailer and the front of the second semi-trailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will advise other motorists that the trailers are connected and are in effect one unit.

(3) The Permittee shall certify to the Turnpike Enterprise on Form 800-040-06, Certification of Turnpike Tandem Equipment (Dolly Converters), that the equipment proposed complies with all the requirements listed on that form.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0024 Lamps, Etc.

(1) Lamps and Reflectors. Each tractor, trailer, and converter dolly in a Turnpike Tandem shall be equipped with electrical lamps and reflectors mounted on the vehicle in accordance with Chapter 316, F.S., 49 C.F.R. 393.9 through 393.33, as required by Section 316.302(1), F.S.

(2) Mud Flaps, splash, and spray suppressant devices. Each Turnpike Tandem shall be equipped with mud flaps and splash and spray suppressant devices meeting the requirements of and mounted on the vehicle in accordance with Section 316.252, F.S.

Rulemaking Authority 316.252, 334.044(2), 338.239 FS. Law Implemented 316.252, 338.239 FS. History–New _____.

14-61.0025 Inspection by Driver.

After all of the component vehicles in a Turnpike Tandem are completely hooked up and prior to the departure of the unit from the assembly area, the driver or a mechanic shall inspect the tandem unit to ensure that each item is in proper operating condition. No Turnpike Tandem shall be driven unless the driver thereof shall have satisfied the requirements of 49 C.F.R. 392.7 through 392.9, hereby incorporated by reference, as required by Section 316.302(1), F.S.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0026 Coupling Devices/Hitch Connections.

(1) All coupling devices shall equal or exceed both the equipment requirements and the performance standards established in 49, C.F.R. 393.70, as required by Section 316.302(1), F.S.

(2) Vehicles in a Turnpike Tandem shall be designed, constructed, and connected as to ensure that shifting or swerving from side to side will not exceed two inches to each side of the path of the towing vehicle when it is moving in a straight line.

(3) All coupling devices/hitch connections shall be of a no-slack type which must be visible and operating. All drawbars, pickup plates, and fifth wheels must be rated to exceed the weight carried. Any kingpin must be rated to exceed the weight carried. Any kingpin must be solid and must be permanently fastened.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0027 Staging.

(1) Turnpike Tandems shall be made and broken down only in designated Turnpike System staging areas. All movement across traffic while entering or leaving a staging area shall be made using extreme caution.

(2) Permittees shall assume all responsibility for their vehicles and equipment, as well as the contents thereof, while such vehicles and equipment are in a staging area.

(3) For the purposes of safety and meeting unforeseen local conditions, the Permittees' use of staging areas is subject to Turnpike Enterprise regulations at the staging areas, including the prohibition of staging during certain hours; temporary suspension of staging; and limitation of the time that equipment may be parked in the staging area.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 338.239 FS. History–New _____.

14-61.0028 Speed Limits, Minimum Distances, Passing, and Operations under Hazardous Conditions.

(1) Speed Limits. When the speed of a Turnpike Tandem drops to 20 mph less than the posted maximum speed limit, the driver must use emergency flashers to notify the passing traffic that they are approaching a vehicle traveling substantially slower than the rest of the traffic.

(2) Minimum Distances. A minimum distance of 100 feet for each 10 mph of speed shall be maintained between a Turnpike Tandem trailer and another vehicle traveling in front of it in the same travel lane, unless weather or other roadway conditions do not permit such distance.

(3) Passing. A Turnpike Tandem may pass another vehicle traveling in the same direction only if the speed differential will allow the Turnpike Tandem to complete the maneuver and return to the normal driving lane within a distance of one mile and be performed within the posted speed limit. Turnpike Tandems must stay in the right lane, or those lanes designated for travel by posted signs, unless they are in the act of passing.

(4) Operations under Hazardous Conditions.

(a) Drivers of Turnpike Tandems shall exercise extreme caution when hazardous conditions exist, such as fog, smoke, dust, mist, or rain. Speed shall be reduced when such conditions exist.

(b) When hazardous weather conditions become dangerous, the driver or Permittee shall discontinue operations, and such operations shall not be resumed until the vehicle can be safely operated. The Turnpike Enterprise, Motor Carrier Compliance Office, Florida Highway Patrol, or their respective staffs may restrict or prohibit operations during periods when traffic, weather, or other safety conditions make such operations unsafe or inadvisable.

Rulemaking Authority 334.044(2), 338.239 FS. Law Implemented 316.55, 338.239 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Tim Lattner
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Stephanie Kopelousos
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 20, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: May 1, 2009

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-97.001	Purpose
14-97.002	Definitions
14-97.003	Access Control Classification System and Access Management Standards
14-97.004	Interim Access Management Standards
14-97.005	Review and Modification of Access Control Classification

PURPOSE AND EFFECT: Rule Chapter 14-97, F.A.C., is being revised to provide better organization and consistency with the State Highway System Access Management Act.

SUMMARY: Rule Chapter 14-97, F.A.C., is being substantially updated and amended, including revisions to the chapter title, titles of individual rules, revised definitions, and revised tables.

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: 334.044(2), 335.182, 335.188 FS.

LAW IMPLEMENTED: 334.044(10)(a), 335.18-.188 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

CHAPTER 14-97 STATE HIGHWAY SYSTEM ACCESS CONTROL MANAGEMENT CLASSIFICATION SYSTEM AND ACCESS MANAGEMENT STANDARDS

14-97.001 Purpose.

This rule chapter ~~sets forth~~ adopts an access control classification system and access management standards to implement the State Highway System Access Management Act of 1988 ~~for the regulation and control of vehicular ingress to, and egress from, the State Highway System.~~ The implementation of the access control classification system and access management standards ~~will~~ is intended to protect the public health, safety and ~~general~~ welfare, provide for the mobility of people and goods, and preserve the functional integrity of the State Highway System. ~~All segments of the State Highway System shall be assigned an access classification and standard. The standards shall be the basis for connection permitting and the planning and development of Department construction projects.~~

Rulemaking Specific Authority 334.044(2), ~~335.182~~, 335.188 FS. Law Implemented 334.044(10)(a), ~~335.18-.188~~ FS. History—New 2-13-91, Amended.

14-97.002 Definitions.

For the purposes of this rule chapter the following definitions shall apply unless the context clearly shows ~~indicates~~ otherwise:

(1) “Area Type” means one of four specific land use categories reflecting certain land use and intensity characteristics used in specifying the interchange spacing standards for limited access facilities.

~~(2) “Central Business District (CBD)” means that portion of a municipality in which the dominant existing and projected land use, as documented in the current adopted Local Government Comprehensive Plan, is for intense business and commercial activity. This district is generally characterized by large numbers of pedestrians, on-street parking, and on-street truck loading. For the purpose of this rule chapter this term is only applicable for access classification 1 (limited access facilities) within Urbanized Areas.~~

~~(3) “Central Business District (CBD) Fringe” means the portion of a municipality immediately outside the Central Business District. This area predominantly exhibits a wide range of business activity with some concentrated residential areas. The area generally exhibits less pedestrian traffic and lower parking turnover than in the Central Business District, however, large parking areas serving the Central Business District might be present. For the purposes of this rule chapter this term is only applicable for Urbanized Areas.~~

~~(2)(4)~~ “Central Business District (CBD) and CBD Fringe (Area Type 1)” means the areas contained within a boundary designated as CBD and CBD fringe area type in the adopted MPO Long Range Transportation Plan. For the purpose of this

rule chapter this area term is designated as Area Type 1 and only applies to Access Class applicable for access classification 1, limited access facilities for Urbanized Areas.

~~(5) “Collector Distributor System” means a fully access controlled roadway, generally parallel to, and part of, but typically physically separated from the through or mainline lanes of the limited access facility and serving areas adjacent to the limited access facility.~~

~~(3)(6) “Connection” means as defined in Section 335.182, F.S. a driveway, street, turnout, or other means of providing for the right of access to or from controlled access facilities on the State Highway System. For the purpose of this rule chapter, two one-way connections to a property may constitute a single connection.~~

~~(4) “Connection Spacing Standard” means the distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.~~

~~(5)(7) “Controlled Access Facility” means as defined in Rule 14-96.002, F.A.C. a transportation facility to which access is regulated through the use of a permitting process by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to and from such facility at such points only and in such a manner as may be determined by the permitting authority(ies).~~

~~(8) “Corner Clearance” means the distance from an intersection of a public or private road to the nearest connection along a controlled access facility. This distance is measured from the closest edge of pavement of the intersecting road to the closest edge of pavement of the connection measured along the traveled way (through lanes). The projected future edge of pavement of the intersecting road should be used where available in an adopted five year transportation plan. The future edge of the through lane can be used for this measurement when an auxiliary lane will be built.~~

~~(6)(9) “Corridor Access Management Plan” means a strategy plan defining site specific access management and traffic control features for a particular roadway segment, developed in coordination with the affected appropriate local government(s) and adopted by the Department in cooperation with the affected appropriate local government(s).~~

~~(7)(10) “Department” means the Florida Department of Transportation.~~

~~(8)(11) “Directional Median Opening” means as defined in Rule 14-96.002, F.A.C. an opening in a restrictive median which provides for U-turn only, and/or left turn in movements. Directional median openings for two opposing left or “U-turn” movements along one segment of road are considered one directional median opening.~~

~~(9)(12) “Existing Urbanized Areas other than CBD and CBD Fringe (Area Type 2)” means the area between the CBD and CBD Fringe area boundary and the existing Urban Area Boundary for Urbanized Areas as reflected in the MPO Long Range Transportation Plan defined by the US Bureau of Census. For the purpose of this rule chapter, this area term is designated as Area Type 2 and only applies to Access Class applicable for access classification 1, limited access facilities.~~

~~(13) “Federal Highway Administration Urban Area Boundary” means the boundary developed by an MPO or local government, concurred in by the Department and approved by FHWA which is the basis for the designation of the Federal Aid Highway System. This boundary is an adjustment to the urban boundary as defined by the US Bureau of Census taking into consideration changes in land use densities subsequent to the last official census for a particular area.~~

~~(10)(14) “FHWA” means Federal Highway Administration.~~

~~(11)(15) “Full Median Opening” means as defined in Rule 14-96.002, F.A.C. an opening in a restrictive median designed to allow all turning movements to take place from both the state highway and the adjacent connection.~~

~~(12) “Generally Accepted Professional Practice” means as defined in Rule 14-96.002, F.A.C.~~

~~(13) “Governmental Entities” means as set forth in Section 335.188, F.S.~~

~~(14)(16) “Intersection” as used in this rule chapter, means an at-grade connection or crossing of a local road or another state highway with a state highway.~~

~~(15)(17) “Limited Access Facility” means as defined in Section 334.03, F.S. a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts such limited access facility or for any other reason. The right of access may have been donated by the property owner or purchased by the Department.~~

~~(16) “Local Governmental Entity” means as defined in Section 334.03, F.S.~~

~~(17) “Median” means as defined in Rule 14-96.002, F.A.C.~~

~~(18) “Median Opening Spacing Standard” means the distance between openings in a restrictive median. The distance is measured from centerline to centerline of the openings along the traveled way.~~

~~(19)(18) “Metropolitan Planning Organization (MPO)” means is as described defined in Section 339.175(1), F.S.~~

~~(19) “Minimum Connection Spacing” means the minimum allowable distance between conforming connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.~~

(20) “Minimum Median Opening Spacing” means the minimum allowable spacing between openings in a restrictive median, to allow for crossing the opposing traffic lanes to access property or for crossing the median to travel in the opposite direction (U-turn). The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

(21) “Minimum Signal Spacing” means the minimum spacing or distance in miles between adjacent traffic signals on a controlled access facility measured from centerline to centerline of the signalized intersections along the traveled way.

(22) “MPO” means the Metropolitan Planning Organization.

(20)(23) “Non-Restrictive Median” means as defined in Rule 14-96.002, F.A.C. a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways.

(24) “Permitting Authority” means the Department or any county or municipality or transportation or expressway authority authorized to regulate access to the State Highway System.

(21)(25) “Reasonable Access” means as defined in Rule 14-96.002, F.A.C. the minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the State Highway System based on the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use. The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the Permitting Authority’s review of the connection permit application.

(22)(26) “Restrictive Median” means as defined in Rule 14-96.002, F.A.C. the portion of a divided highway or divided driveway physically separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/or island, and a grassed or a swaled median.

(23)(27) “Rural Areas (Area Type 4)” means the area between the outer boundary of Area Type 3 and the next Area Type 3 outer boundary. For the purpose of this rule chapter, this term this area is designated as Area Type 4 and only applies to Access Class applicable for limited access classification 1 facilities.

(24)(28) “Service Road” means a public or private roadway providing street or road, auxiliary to and normally located parallel to a controlled access facility, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to a the controlled access facility.

(25) “Signal Spacing Standard” means the spacing or distance between adjacent traffic signals on a controlled access facility measured from centerline to centerline of the signalized intersections along the traveled way.

(26)(29) “Significant Change” means as defined in Section 335.182, F.S. a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property, based on the 4th Edition of the Institute of Transportation Engineers “Trip Generation Manual”, incorporated by reference under Rule 14-96.005, exceeding 25% more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use. Where such additional traffic is projected, the property owner is required to contact the permitting authority to determine if a new permit application and modifications to existing connections will be required. If the permitting authority determines that the increased traffic generated by the property does not require modifications to the existing permitted connections, a new permit application shall not be required.

(27)(30) “State Highway System (SHS)” means the network of limited access and controlled access highways that have been functionally classified and which are under the jurisdiction of the State of Florida as defined in Section 334.03, F.S.

(28)(31) “Transitioning Urbanized Urbanizing Area” means the area between the existing Urbanized Area Boundary and the future projected Urbanized Area Boundary anticipated within the next 20 years as established by the MPO and the Department. For non-urbanized areas this boundary will be established by the appropriate local government and the Department. These developing transitional areas will include those areas with an existing population between 5,000 and 49,999. For the purpose of this rule chapter, this area term is designated Area Type 3 and only applies to Access Class applicable for access classification 1 limited access facilities.

(29)(32) “Traveled Way” means the portion of roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(30)(33) “Urban Area” means an area defined by the US Census Bureau as of Census having a population of at least 5,000 at specific urban densities.

(31)(34) “Urbanized Area” means an area defined by the US Census Bureau as of Census, having a population of at least 50,000 at specific urban densities. Such designated areas are required by Federal and State law to have a formal transportation planning process administered by an MPO. The US Bureau of Census urbanized area boundary can be modified, subject to FHWA regulations for the purpose of the transportation planning process.

Rulemaking Specific Authority 334.044(2), 335.182, 335.188 FS. Law Implemented 334.044(10)(a), 335.182, 335.188 FS. History–New 2-13-91, Amended _____.

14-97.003 Access Control Management Classification System and Access Management Standards.

(1) The following tables contain the access control classification and access management standards to be used in the planning, design, and permitting of connections, and the planning and design of medians, median openings, and signal spacing for roads on the SHS. Classification System and Standards. This section provides a seven-classification access management system to be used for all roads on the State Highway System. Single Category I connections, as defined in Rule Chapter 14-96, F.A.C., with expected peak hour two-way traffic of five vehicles or less may be exempt from the connection spacing requirements of this rule where the proposed connection can be shown, as part of the application process, as not creating a safety or operational hazard. The

Department will, to the greatest extent possible, encourage the use of joint access use driveways and service roads. work with local governments to ensure individual residential driveways on State Highways are kept to a minimum. This exemption also means that these minor connections will not be considered in measuring the distance to other connections for their compliance with the spacing standards in this rule chapter. The classification system and standards for each access class are shown on Figures 1 and 2.

FIGURE 1

[Editorial Note: The following table completely replaces Figure 1 “Access Class Classification and Standards Limited Access Facilities Interchanges” published in the Florida Administrative Code.]

Access Class	Segment Location	Applicable Interchange Spacing Standard
1.	Area Type 1 – CBD & CBD Fringe for Cities in Urbanized Areas	1 Mile
	Area Type 2 – Existing Urbanized Areas Other Than Area Type 1	2 Miles
	Area Type 3 – Transitioning Urbanized Areas and Urban Areas Other Than Area Type 1 OR 2	3 Miles
	Area Type 4 – Rural Areas	6 Miles

[Editorial Note: The following table completely replaces Figure 2 “Controlled Access Facilities” published in the Florida Administrative Code.]

Access Class	Median	Median Opening Spacing Standard (feet)		Signal Spacing Standard (feet)	Connection Spacing Standard (feet)	
		Full	Directional		Posted Speed Greater than 45 MPH	Posted Speed of 45 MPH or Less
2	Restrictive	2,640	1,320	2,640	1,320	660
3	Restrictive	2,640	1,320	2,640	660	440
4	Non-Restrictive			2,640	660	440
5	Restrictive	2,640 Posted Speed Greater than 45MPH	660	2,640 Posted Speed Greater than 45MPH	440	245
		1,320 Posted Speed of 45 MPH or Less		1,320 Posted Speed of 45 MPH or Less		
6	Non-Restrictive			1,320	440	245
7	Both Median Types	660	330	1,320	125	125

The interim standards as contained in subsection 14-97.004(1), F.A.C., shall be used effective for any unclassified all segments of the SHS State Highway System until replaced superseded by an adopted access classification of the highway segment into one of the six controlled access classifications in this rule chapter. Permit applications received after adoption of this rule chapter but before the classification of a highway segment is adopted, shall be reviewed for consistency with the interim standards.

(2) Access Control Classification. The seven access classes are described as follows:

(a) Access Class 1 consists of limited access facilities, which roadways do not provide direct property connections. These roadways provide for high speed and high volume traffic movements serving interstate, interregional, and intercity, and, to a lesser degree, intracity, travel needs. Interstate highways and Florida’s Turnpike are typical of this class. The interchange spacing standards, based on the Area Type the highway is passing through, are for the through lanes or main

line of the facility. New interchanges to Access Class 1 facilities shall be based on an engineering analysis of the operation and safety of the system. These interchanges can only be approved through the interchange justification process. Approval by the Department and FHWA is required before any new interchange is constructed.

(b) Access Classes 2 through 7 consist of controlled access facilities and are arranged from the most restrictive (Access Class 2) to the least restrictive (Access Class 7) class based on development. Generally the roadways serving areas without existing extensive development are classified in the upper portion of the range (Access Class 2, 3, and 4). Those roadways serving areas with existing moderate to extensive development are generally classified in the lower portion of the range (Access Class 5, 6, and 7). The access management standards for each access class are further determined by the posted speed limit.

1. Access Class 2 roadways are highly controlled access facilities distinguished by the ability to serve high speed and high volume traffic over long distances in a safe and efficient manner. This access class is further distinguished by a highly controlled limited number of connections, median openings, and infrequent traffic signals. Segments of the SHS having this classification usually have access restrictions supported by local ordinances and agreements with the Department, and are generally supported by existing or planned service roads.

2. Access Class 3 roadways are controlled access facilities where direct access to abutting land is controlled to maximize the operation of the through traffic movement. The land adjacent to these roadways is generally not extensively developed and/or the probability of significant land use change exists. These roadways are distinguished by existing or planned restrictive medians.

3. Access Class 4 roadways are controlled access facilities where direct access to abutting land is controlled to maximize the operation of the through traffic movement. The land adjacent to these roadways is generally not extensively developed and/or the probability of significant land use change exists. These roadways are distinguished by existing or planned non-restrictive median treatments.

4. Access Class 5 roadways are controlled access facilities where adjacent land has been extensively developed and where the probability of major land use change is not high. These roadways are distinguished by existing or planned restrictive medians.

5. Access Class 6 roadways are controlled access facilities where adjacent land has been extensively developed, and the probability of major land use change is not high. These roadways are distinguished by existing or planned non-restrictive medians or centerlines.

6. Access Class 7 roadways are controlled access facilities where adjacent land is generally developed to the maximum feasible intensity and roadway widening potential is limited.

This classification shall be assigned only to roadway segments where there is little intent or opportunity to provide high speed travel. Exceptions to access management standards in this access class may be allowed if the landowner substantially reduces the number of connections compared to existing conditions. These roadways can have either restrictive or non-restrictive medians.

(3) Access Management Standards.

(a) Connection permit applications, submitted pursuant to Rule Chapter 14-96, F.A.C., ~~on controlled access facilities of the State Highway System received after that particular segment of highway has been formally classified according to this rule chapter,~~ shall be reviewed subject to the standards requirements of this rule chapter pursuant to the permit application process of Rule Chapter 14-96, F.A.C.

(b) ~~Existing lawful connections, median openings, and signals are not required to meet the access management standards. For the purpose of the interim standards and for the assignment of an access classification to a segment of highway by the Department pursuant to Rule 14-97.004, F.A.C., permitted connections and those unpermitted connections exempted pursuant to Section 335.187(1), F.S., and existing median openings, and signals are not required to meet the interim standards or the standards of the assigned classification. Existing access management~~ Such features will generally be allowed to remain in place, ~~but~~ These features shall be brought into reasonable conformance with access management the standards when significant change occurs of the assigned classification or the interim standards where new connection permits are granted for significant changes in property use, or as changes to the roadway design allow. Applicants issued permits based on the interim standards as set forth in Rule 14-97.004, F.A.C., shall not have to reapply for a new permit after formal classification of the roadway segment unless significant change pursuant to Rule Chapter 14-96 and Rule 14-97.002, F.A.C., has occurred.

(c) A property that cannot ~~meet~~ be permitted access consistent with the access management interim standards for a connection, as set forth herein, is eligible to be permitted by the Department for a single connection pursuant to Rule Chapter 14-96, F.A.C., where there is no other reasonable access to the SHS and the connection will not create a safety or operational hazard in Rule 14-97.004, F.A.C., or connection spacing standards of the classification assigned to that particular segment of highway and which has no reasonable access to the State Highway System, either directly or indirectly, as determined pursuant to the connection permit process, as defined in Rule Chapter 14-96, F.A.C., shall be issued a conforming permit by the Department or permitting authority for a single connection pursuant to Rule Chapter 14-96, F.A.C. If additional connections are requested and approved they shall be considered non-conforming and shall contain restrictions pursuant to Rule Chapter 14-96, F.A.C.

~~(d)~~ Access class standards represent minimums for each access class. A more detailed, segment specific classification may be enacted by the Department in cooperation with the appropriate local government entities through the adoption of individual Corridor Access Management Plans pursuant to subsection 14-97.004(5), F.A.C.

~~(d)(e)~~ The minimum connection and median opening spacings specified in this rule may not be adequate in some cases. Greater distances between connections and median openings will may be required by the Department where necessary to meet operational Permitting Authority to provide sufficient site specific traffic operations and safety requirements. In these such instances, the Department Permitting Authority shall make such determination document, as part of the response to an application submitted pursuant to Rule Chapter 14-96, a justification based on generally accepted professional practice standards traffic engineering principles as to why such greater distances are required.

~~(f)~~ When a full median opening or non-restrictive median is reconstructed by the Department to allow for opposing left or U-turns only, these openings shall be considered as one opening.

~~(e)(g)~~ Adjacent properties under common the same ownership shall not be considered as separate properties for the purpose of the standards associated with the access class of the highway segment but shall be deemed to be one parcel for purposes of this rule. Persons Applicants requesting connections for one or more adjacent properties under common the same ownership may, however, as a part of the Rule Chapter 14-96, F.A.C., permit application process, request that the properties be considered individually for connection permitting purposes. Such requests shall be included as part of the permit application and shall provide specific analyses and justification of potential safety and operational hazards, associated with the compatibility of the volume, type or characteristics of the traffic using the connection. Such properties and single ownership properties with frontage exceeding the minimum standards of the assigned access class may not be permitted, pursuant to the permit application process in Rule Chapter 14-96, F.A.C., the maximum number of connections, median openings, or signals possible based on the spacing standards. The total number of connections permitted will be the minimum number necessary to provide reasonable access. A Lease hold interests existing prior to the effective date of this rule chapter or a bonafide contract for sale, a long term lease, or similar document shall constitute be considered as separate ownership from the parent tract for the purpose of this rule chapter, if the sale would not result in common ownership. A connection permit issued based on a contract for sale will be conditioned on transfer of the property to the buyer.

~~(f)(h)~~ The speed criteria referred to in Table Figure 2, Access Management Standards for Controlled Access Facilities, and in the Interim Access Management Standards in Table 3, means the posted speed limit at ~~posted~~ for the proposed connection location highway segment at the time of the highway access classification designation.

~~(g)~~ Corridor Access Management Plans may be adopted by the Department in coordination with local governmental entities. These plans shall be based on an analysis by the Department using generally accepted professional practice standards and will provide corridor specific access management and traffic control features. Before the adoption of such plans, the Department shall notify affected local governments and abutting property owners and shall hold a public meeting, if requested. After consideration of public input, the Department shall, in cooperation with the affected local government, finalize the plan.

~~(i)~~ Corner clearances for connections shall meet or exceed the minimum connection spacing requirements for the interim standards or for access classifications 2 through 7 where the roadway segment has been assigned a classification. However, a single connection may be placed closer to the intersection as follows: for the circumstances set forth in Rule subparagraph 14-97.003(1)(i)1., 2., and 3., and pursuant to the permit application process of Rule Chapter 14-96, F.A.C.

1. If, due to property size, corner clearance standards of this Rule Chapter cannot be met, and where joint access which meets or exceeds the applicable minimum corner clearance standards cannot be obtained with a neighboring property or in the determination of the permitting authority, is not feasible based on conflicting land use or conflicting traffic volumes/characteristics, then the following minimum corner clearance measurements can be used to permit connections. Such properties, for the purpose of this rule chapter will be called "isolated corner properties".

2. In cases where connections are permitted under the criteria of the following minimum corner clearance measurements, the permit will contain the following additional conditions:

a. There will be no more than one connection per state road frontage.

b. When joint or alternate access which meets or exceeds the applicable minimum corner clearance becomes available, the permittee will close the permitted connection, unless the permittee shows that such closure is not feasible because of conflicting land use or conflicting traffic volumes/characteristics or existing structures which preclude a change in the existing connection.

3. The minimum corner clearance measurements for these isolated corner properties set forth in 1. above, shall be used for isolated corner properties, as defined in this section, classes 3

through 7, inclusive, defined in subsection 14-97.003(2), F.A.C. and the interim standards defined in subsection 14-97.004(1), F.A.C.

4. Corner Clearances for “isolated corner properties” are as follows:

[Editorial Note: The net result will be total deletion the “Corner Clearance at Intersection” table as published in the Florida Administrative Code.]

Corner Clearance at Intersections		
With Restrictive Median		
Position	Access Allowed	Minimum (Feet)
Approaching intersection	Right In/Out	115
Approaching intersection	Right In Only	75
Departing intersection	Right In/Out	230(125)*
Departing intersection	Right Out Only	100
Without Restrictive Median		
Position	Access Allowed	Minimum (Feet)
Approaching intersection	Full Access	230(125)*
Approaching intersection	Right In Only**	100
Departing intersection	Full Access	230(125)*
Departing intersection	Right Out Only**	100

*Access Class 7 and Interim “Special Case” at 35 MPH or less, may use the measurements in parenthesis.
 **Right In/Out, Right In Only, and Right Out Only connections on roads without restrictive medians shall, by design of the connection effectively eliminate unpermitted movements.

(i)(j) Interchange Areas. Connections and median openings on a controlled access facility located up to 1/4 mile from an interchange area or up to the first intersection with an arterial road, whichever distance is less, shall be more stringently regulated to protect the safety and operational efficiency of the SHS, as set forth below: ~~limited access facility and the interchange area.~~

1. The 1/4 mile distance shall be measured from the end of the taper of the ramp furthest from the interchange.

~~2.1. With the exception of Access Class 2 facilities with posted speed limits over 45 MPH, the distance from the interchange ramp(s) to the first connection shall be at least 660 feet where the posted speed limit is greater than 45 MPH, or at least 440 feet where the posted speed limit is 45 MPH or less. This distance will be measured from the end of the taper for that particular quadrant of the interchange on the controlled access facility. For Access Class 2 facilities with posted speed limits over 45 MPH, the distance to the first connection shall be at least 1,320 feet. A single connection per property not meeting this connection spacing standard shall be provided, pursuant to the connection permit process as defined in Rule Chapter 14-96, F.A.C., if no reasonable access to the property exists and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard pursuant to Rule 14-96.007, F.A.C. In such cases, applications for more than a single connection shall be examined as non-conforming connections pursuant to Rule 14-96.009.~~

3.2. The standard minimum distance to the first full median opening shall be at least ~~2,640~~ 1320 feet as measured from the end of the taper of the off egress ramp.

4.3. Greater distances between proposed cConnections and median openings will meeting spacing standards still may not be required permitted in the location requested in the permit application pursuant to Rule 14-96.007 and the criteria in Rule 14-96.007, F.A.C., when the Department determines, based on generally accepted professional practice standards traffic engineering principles, that the engineering and traffic information provided in the Rule Chapter 14-96, F.A.C., permit application shows that the safety or operation of the interchange or the limited access highway would be adversely affected.

(j)(k) ~~Traffic signals, meeting signal warrants which are proposed at intervals closer than the access management standard for the designated access class, will for the highway segment shall be considered by the Permitting Authority but shall only be approved where the need for such signal(s) is clearly demonstrated for the safety and operation of the roadway and approved through the signal warrant process highway based on Permitting Authority review of the traffic and signal information provided by the applicant in the connection permit application pursuant to Rule Chapter 14-96, F.A.C.~~

(2) ~~Access Class Description and Standards. The access classification system and standards are shown in Figures 1 and 2.~~

(a) ~~Access Class 1, Limited Access Highways. These highways do not provide direct property connections. Highways in this class provide for efficient and safe high speed and high volume traffic movements, serving interstate, interregional, and intercity, and, to a lesser degree, intracity travel needs. Federal Aid Interstate highways and Florida’s Turnpike are typical of this Class. The interchange spacing standards, based on the Area Type the highway is passing~~

through, are for the through lanes or main line of the facility. Interchanges with limited access collector distributor systems do not have to meet these standards, however such connections shall be approved by the Department and FHWA utilizing the Interchange Justification Report Process. In addition to meeting the spacing standards, new interchanges to the Interstate Highway System shall be to other public roads only and warranted based on an engineering analysis of the operation and safety of the system. An Interchange Justification Report pursuant to Section III, Title 23 USC, must be prepared by the applicant and approved by the Department and FHWA prior to any new connections to the Interstate Highway System being constructed.

1. New interchange requests must be consistent, to the maximum extent feasible, with adopted local government comprehensive plans and MPO transportation plans.

2. For proposed new interchanges on the Interstate Highway System, the applicant must update a Department and FHWA approved master plan (if applicable) if the interchange is not part of the plan or if the Department determines that a major change in the land use or traffic has occurred since approval of the master plan. After approval of the master plan update by the Department and FHWA, the applicant must prepare an Interchange Justification Report for concurrence by the Department and approval by FHWA prior to the new interchange being approved.

3. Based on an engineering study, prepared by the applicant, documenting why existing interchanges cannot be utilized, why alternative transportation system improvements are not economically, environmentally or socially acceptable and an analysis of the impact of the proposed new interchange on the safety and operation of adjacent interchanges and the limited access facility. Interchanges not meeting the spacing standards can be considered, however, such interchanges will only be approved by the Department and the Federal Highway Administration if the need for the interchange is clearly demonstrated, alternative transportation system improvements are determined not to be feasible, the use of existing interchanges including improvements to arterial roads leading to the interchange and necessary interchange improvements are shown as not feasible and the addition of the interchange does not cause an operational or safety problem on the limited access facility.

(b) Access Classes 2 through 7, General Description. The Access classes Management Classifications for controlled access highways (Classes 2 through 7) are arranged from the most restrictive (Class 2) to the least restrictive (Class 7). Generally the highways serving areas without existing extensive development or properties without subdivided frontages will be classified at the top of the range (Classes 2, 3, and 4). Those roadways serving areas with existing moderate to extensive development or subdivided properties will generally be classified in the lower classes of the range

(Classes 5, 6, and 7). The standards for each class are further defined where the posted speed limit is greater than 45 MPH or where the posted speed limit is 45 MPH or less.

1. Access Class 2. These are highly controlled access facilities distinguished by the ability to serve high speed and high volume traffic over long distances in a safe and efficient manner. These highways are distinguished by a system of existing or planned service roads. This access class is distinguished by a highly controlled limited number of connections, median openings, and infrequent traffic signals. Segments of the State Highway System having this classification usually have the access restrictions supported by local ordinances and agreements with the Department.

2. Access Class 3 roadways. These facilities are controlled access facilities where direct access to abutting land will be controlled to maximize the operation of the through traffic movement. This class will be used where existing land use and roadway sections have not completely built out to the maximum land use or roadway capacity or where the probability of significant land use change in the near future is high. These highways will be distinguished by existing or planned restrictive medians and maximum distance between traffic signals and driveway connections. Local land use planning, zoning and subdivision regulations should be such to support the restrictive spacings of this designation.

3. Access Class 4. These facilities are controlled access highways where direct access to abutting land will be controlled to maximize the operation of the through movement. This class will be used where existing land use and roadway sections have not completely built out to the maximum land use or roadway capacity or where the probability of significant land use change in the near future is high. These highways will be distinguished by existing or planned non-restrictive median treatments.

4. Access Class 5. This class will be used where existing land use and roadway sections have been built out to a greater extent than those roadway segments classified as Access Classes 3 and 4 and where the probability of major land use change is not as high as those roadway segments classified Access Classes 3 and 4. These highways will be distinguished by existing or planned restrictive medians.

5. Access Class 6. This class will be used where existing land use and roadway sections have been built out to a greater extent than those roadway segments classified as Access Classes 3 and 4 and where the probability of major land use change is not as high as those roadway segments classified Access Classes 3 and 4. These highways will be distinguished by existing or planned non-restrictive medians or centers.

6. Access Class 7. This class shall only be used in urbanized areas where existing land use and roadway sections are built out to the maximum feasible intensity and where significant land use or roadway widening will be limited. This class shall be assigned only to roadway segments where there

is little intended purpose of providing for high speed travel. Access needs, though generally high in those roadway segments, will not compromise the public health, welfare, or safety. Exceptions to standards in this access class will be considered if the applicant's design changes substantially reduce the number of connections compared to existing conditions. These highways can have either restrictive or non-restrictive medians.

Rulemaking Specific Authority 334.044(2), 335.182, 335.188 FS. Law Implemented 334.044(10)(a), 335.182, 335.188, 338.001 FS. History—New 2-13-91, Amended.

14-97.004 Interim Application of Access Management Classification System and Standards.

(1) Interim access management standards shall ~~to~~ be applied to unclassified roadways on the SHS, such as when a local government transfers a roadway to the Department to

become part of the SHS State Highway System prior to classification. If a roadway segment has not been classified according to this rule the following standards shall be used to carry out the provisions of Section 335.18, F.S., The State Highway System Access Management Act. These standards shall be used by The Department for the review of all connection permit applications received after adoption of this rule chapter until the highway is classified in accordance with this rule chapter. After a roadway highway has been classified pursuant to this rule chapter, the access management standards associated with the designated access control classification shall supersede these interim standards for the classified roadway segment.

Table 3

INTERIM ACCESS MANAGEMENT STANDARDS

Posted Speed (MPH)	Minimum Connection Spacing Standard (Feet)	Minimum Median Opening Spacing Standard (Feet)		Minimum Signal Spacing (Miles)
		Full (Miles)	Directional (Feet)	
35 or less (Special Case)	125	0.125	330	0.25
35 or less	245	1.320 0.25	660	0.25
36 to 45	440	1.320 0.25	660	0.25
Over 45	660	1.320 0.5	1320	0.25

(a) ~~The 35 MPH or less (Special case) standards shall be used only where current connection development averages at least 50 connections per mile on the side of the highway for which the connection is requested, based on actual count of connections 1/4 mile in each direction (total 1/2 mile) from the proposed connection.~~

(b) ~~The implementation of the interim standards shall be consistent with the provisions of subsection 14-97.003(1), F.A.C.~~

(2) ~~Coordination with Local Government Comprehensive Planning and Land Development Regulation. Local land use planning and regulation decisions must be considered in the access management classification process. Such decisions can impact on the Department's ability to meet the access standards assigned to a particular segment of highway. Effective access management must not only involve access permitting, but should also be coordinated with local government land use planning, development and subdivision regulation activities. The application of the access management classification system and standards and the assignment of an access control classification to all segments of the SHS State Highway System shall be the responsibility of the Department. The Department shall provide adequate notice by publication in a newspaper of general circulation of proposed access control classification and shall coordinate with and consider the comments and concerns of the affected governmental entities~~

local governments before assigning a final access control classification to a roadway segment. The Department will shall hold public meetings, if requested hearing(s) as set out in subsection 14-97.004(4), F.A.C., below to seek comment before input into the assigned classifications prior to the final access classification of a roadway segment assignment. Upon assignment of access control classification, the Department will provide notice to affected governmental entities. After the public hearing, local governments shall receive notification of the access classifications assigned to each segment of the State Highway System and shall be asked to coordinate land use planning and land development regulation activities with the classification. The access classification shall also apply to local governments or expressway authorities issuing connection permits pursuant to the dual permitting provisions, in Rule 14-96.013, F.A.C., and the delegation of permit authority provisions of Rule 14-96.014, F.A.C.

(3) ~~Access Management Class Assignment to Highway Segments. The process to be followed in applying the classification system and standards and assigning a classification to all segments of the State Highway System is as follows:~~

(a) ~~Defining Segments. The determination of the length and termini of segments shall be the responsibility of the Department working in cooperation with the appropriate local governmental entities.~~

1. The length and termini of segments of limited access facilities shall be defined by Area Type boundaries by the Department and the Metropolitan Planning Organization for urbanized areas and by the Department and appropriate local governments in urban areas with population between 5,000 and 50,000. Physical characteristics and boundaries will be used rather than imaginary lines.

2. Segments of controlled access facilities shall be defined by the Department in cooperation with local governments. The length and termini of segments shall take into consideration the mobility and access needs of the driving public, the access needs of the existing and proposed land use abutting the segment, and the existing and desired mobility characteristics of the roadway. The number of classification changes occurring along a particular highway shall be minimized to provide highway system continuity, uniformity, and integrity to the maximum extent feasible. The segments shall not necessarily be confined by local jurisdictional boundaries.

(b) Assignment of an Access Classification to All State Highway System Segments:

1. All limited access facilities shall be assigned to Access Management Class 1. Interchange spacing standards for that segment shall be based on the adopted Area Type of the particular highway segment's location.

2. All controlled access facilities on the State Highway System shall be assigned to one of the Access Management Classes 2 through 7. The assignment of a classification to a specific segment of the State Highway System shall be the responsibility of the Department. The designation shall be made in cooperation with the appropriate governmental entities. This classification decision shall take into consideration the potential for the desired access management classification and standards to be achieved based on existing land use, probability for land use change, adopted future roadway improvements and on the ultimate cross section of the roadway identified in adopted plans. The assignment of a classification shall specifically take into consideration the following factors:

- a. The current and potential functional classification of the road;
- b. Existing and projected future traffic volumes;
- c. Existing and projected state, local and Metropolitan Planning Organization transportation plans and needs (including a consideration of new or improved parallel facilities);
- d. Drainage requirements;
- e. The character of the lands adjoining the highway (existing and projected);
- f. Local land use plans, zoning and land development regulations as set forth in adopted comprehensive plans;
- g. The type and volume of traffic requiring access;
- h. Other operational aspects of access, including corridor accident history;

i. The availability of reasonable access to a state highway by way of county roads or city streets as an alternative to a connection to the state highway;

j. The cumulative effect of existing and projected connections on the State Highway System's ability to provide for the safe and efficient movement of people and goods within the state.

(4) The Department shall make an initial access management classification assignment to all segments of the State Highway System. The Department shall coordinate this initial assignment with affected local governments and, to the greatest extent possible, incorporate local government recommendations on the assigned classification and standards. The Department shall advertise all public hearings in a newspaper of general circulation in the affected area at least 10 days prior to the scheduled public hearing. Prior to the assignment of a final classification, the Department shall hold at least one public hearing in each urbanized area and at least one public hearing for the remaining counties in each district to solicit public input. After the public input has been received, the Department shall, in cooperation with the local government finalize any changes to the initial access classification. The Department shall provide notice of its classification in a newspaper of general circulation for the affected area and shall notify all appropriate local governments in writing of this classification determination. All documentation used in determining the classification will be available to the public.

(5) Corridor Access Management Plans may be developed and adopted by the Department in cooperation with the appropriate local governments for specific segments of the State Highway System based on analysis of special circumstances for the particular segment location and adjacent land use. These plans shall be based on an engineering analysis by the Department and will allow for more site specific classifications. Prior to the adoption of such plans, the Department shall notify the local governmental entities and abutting property owners and shall hold a public hearing. After consideration of public input, the Department shall, in cooperation with the affected local government, finalize the plan. Upon adoption of the plan, the Department shall notify affected local government(s). These plans shall specify the highway, termini, and the specific standards for connections, medians, intersections, and signals, that shall apply.

(6) Interchange and Connection Review Process.

(a) Applications for new interchanges on limited access facilities shall be examined for consistency with the spacing standards based on the Area Type the segment is located in. The applicant shall prepare an engineering analysis including consideration of Transportation Systems Management techniques and documenting why existing interchanges cannot be used, including consideration of arterial road and interchange improvements, an analysis of the operation and safety of the interchange with respect to adjacent interchanges

and the operation of the mainline and a systems analysis of the impact of the additional traffic generated by the development using the interchange on the operation of the limited access facility. For additional interchanges on the Interstate Highway System, the interchange must be to a public road only and the applicant must update the adopted master plan (if applicable) and prepare an Interchange Justification Report for review and concurrence by the Department and approval by FHWA. For Turnpike or bond funded facilities, additional economic analysis to determine bond feasibility shall also be developed by the applicant. The Department has the responsibility to approve or deny new interchanges on the turnpike or other state (non-interstate) limited access facilities.

(b) Permit Applications for new or modified connections to controlled access facilities must follow Rule Chapter 14-96, F.A.C.

Rulemaking Specific Authority 334.044(2), 335.182, 335.188 FS. Law Implemented 334.044(10)(a), 335.188 FS. History—New 2-13-91, Amended _____.

14-97.005 Review and Modification of Access Control Classifications.

(1) The Department ~~will~~ ~~shall~~ review the access control management classifications for specific segments of the SHS in consideration of the criteria listed State Highway System when a major change in any of the factors noted in Section 335.188, F.S. subsection 14-97.004(3), F.A.C., have occurred. Roadside development does not, in and of itself, necessarily constitute a reason to lower the access control classification. If reclassification of a roadway segment is necessary, the Department shall, p Prior to the initiation of any change in classification, for a roadway segment(s), the Department shall notify in writing the affected governmental entities regarding the proposed reclassification and publish appropriate local government(s) and owners or occupants of abutting properties. After publishing its intent to reclassify a roadway segment(s) in a local newspaper of general circulation, in the affected area, The Department ~~will~~ ~~shall~~ hold a public meeting in the affected county, if requested, to seek comments on the proposed reclassification hearing on the change(s) in classification in the affected county. The Department shall coordinate with, and ~~will~~ ~~shall~~ take into consideration, any comments or concerns of the affected governmental entities local government and/or members of the public regarding the reclassification those comments received during the public hearing during the analysis of the classification modification(s). The Department ~~will~~ ~~shall~~ notify the affected governmental entities local government(s) in writing of the final determination on the reclassification action(s).

(2) A written request may be made to the appropriate Department District Secretary, that the Department review the access control classification of any specific segment(s) of the SHS State Highway System at any time. Such written request

~~shall specify include specific justification why the change of access control roadway segment classification is sought, and shall indicate the desired access classification, and justification for the access classification change, roadway segment classification and specific justification therefore based on the standards and criteria contained in Section 335.188, F.S., and in this rule chapter subsections 14-97.003(2) and 14-97.004(3), F.A.C. The Department shall consider such requests, coordinating with the affected appropriate governmental entities entity(ies), and shall deny the request or publish notice of the Department’s intent to reclassify the roadway segment(s) in a local newspaper of general circulation. If requested, the Department will hold a and shall follow the public meeting hearing requirements in subsection 14-97.005(1), F.A.C., above.~~

~~(3) MPO or local government initiated changes in boundaries of Area Types which affect interchange spacing standards shall become effective when the Department concurs in such changes and notifies the MPO or local government in writing.~~

Rulemaking Specific Authority 334.044(2), 335.182, 335.188 FS. Law Implemented 334.044(10)(a), 335.182, 335.188 FS. History—New 2-13-91, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 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.”

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 propped 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 and to add an exemption for personal identifying information of dependents of Department employees if those dependents are insured by an agency group insurance plan.

SUMMARY: The proposed rule clarifies Form DC1-201, Invoice for Production of Records, to indicate the circumstances under which the Department will charge an “extensive use” fee to locate, review, copy, and file public records. The rule is also amended to add an exemption, in accordance with House Bill 135 (effective June 1, 2009), for personal identifying information of dependents of Department employees if those dependents are insured by an agency group insurance plan.

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

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-102.101 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathleen Von Hoene, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.021	Definitions
40C-4.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of these proposed rule amendments is: (1) to reflect that the bald eagle is no longer classified by the Florida Fish and Wildlife Conservation Commission (FWC) as a threatened species under its imperiled species regulations; (2) to continue to provide to the bald eagle, which is still protected under a federal statute known as the Bald and Golden Eagle Protection Act, protections afforded by the District’s rules to wildlife species classified by FWC as endangered, threatened, or species of special concern; and (3) to update rule references to listed wildlife and plants in the definitions of “listed species,” “endangered species,” and “threatened species.” The District proposes to amend Table 12.2.7-1 in the Applicant’s Handbook: Management and Storage of Surface Waters to remove the bald eagle from the category of threatened species and to amend section 12.2.7 of the Applicant’s Handbook to refer to the bald eagle so that bald eagles’ existing nesting habitat in uplands would continue to be protected under the District’s rules. The amendments also provide that secondary impacts to the functions of wetlands or uplands for nesting of bald eagles will not be considered adverse if a valid permit under Rule 68A-16.002, F.A.C., has been issued to a permit applicant by the FWC for the same activities the applicant is proposing under Part IV of Chapter 373, F.S., or if the applicant demonstrates compliance with the FWC Eagle Management Guidelines that were adopted by the FWC and became effective May 15, 2008.

SUMMARY: The proposed rules address the change in classification of the bald eagle in the FWC’s imperiled species regulations. The proposed rules amend Sections 12.2.7 and 12.3.1.5 and Table 12.2.7-1 of the Applicant’s Handbook: Management and Storage of Surface Waters, and Rule 40C-4.091, F.A.C., which incorporates these sections by reference. In addition, the proposed rules update the definitions of listed species, endangered species and threatened species by amending subsection 40C-4.021(20), F.A.C., and subsections 2.0(q), (cc), and (bbb) of the Applicant’s Handbook.

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, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.016(2), 373.413, 373.414, 373.416, 373.418, 373.426 FS.

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

DATE AND TIME: August 11, 2009, Following the regularly scheduled Governing Board Meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

Pursuant to the provisions of 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: Sandy Bertram, Asst. District Clerk, (386)329-4159. If you are 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: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-4.021 Definitions.

When appearing in this chapter or in Chapter 40C-40, 40C-41, 40C-42, 40C-44, or 40C-400, F.A.C., the following words shall mean:

(1) through (19) No change.

(20) Listed species” means those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003 (as amended December 16, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007) ~~39-7.003, 39-27.004, and 39-27.005~~, F.A.C., and those plant species listed in 50 Code of Federal Regulations 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

(21) through (32) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.414, 373.418 FS. Law Implemented 373.016, 373.019, 373.403, 373.413, 373.414, 373.416, 373.418, 373.426, 403.813(2) FS. History–New 1-31-77, Formerly 16I-4.02, 40C-4.02, Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 9-25-91, 2-27-94, 10-3-95, 10-11-01,_____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Wekiva

Recharge Protection Basin,”: “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective November 5, 2008.

(b) through (d) No change.

(2) No change.

Rulemaking Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-05-08,_____.

APPLICANT’S HANDBOOK SECTIONS

2.0 Definitions

The following definitions are used by the District to clarify its intent in implementing its permitting programs pursuant to Part IV, Chapter 373, F.S. Many of these definitions are derived directly from Chapter 373, F.S., and are reproduced here for the convenience of applicants.

(a) through (p) No change.

(q) Endangered Species – Those animal species which are listed in Rule 68A-27.003 (as amended December 16, 2003) ~~39-27.003~~, F.A.C., and those plant species which are listed as endangered in 50 Code of Federal Regulations 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

(r) through (bb) No change.

(cc) Listed species – Those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003 (as amended December 16, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007) ~~39-27.003, 39-27.004, and 39-27.005~~, F.A.C.; and those plant species which are listed in 50 Code of Federal Regulations 17.12 (as amended April 8,

2004), when such plants found to be are located in a wetland or other surface water (subsection 40C-4.021(20)(49), F.A.C.).

(dd) through (aaa) No change.

(bbb) Threatened Species – Those animal species listed in Rule 68A-27.004 (as amended May 15, 2008) ~~39-27.004~~, F.A.C., and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12 (as amended April 8, 2004) when such plants are found to be located in a wetland or other surface water.

(ccc) through (hhh) No change.

12.2.7 Secondary Impacts

Pursuant to paragraph 12.1.1(f), an applicant must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resource, as described in paragraphs (a) through (d) below. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources which the District is authorized to protect under part IV, chapter 373, F.S. Those aquatic or wetland dependent species which are listed as threatened, endangered or of special concern and the bald eagle (*Haliaeetus leucocephalus*) which is protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) are particularly in need of protection.

A proposed system shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in subsection 12.2.2, water quality, upland habitat for bald eagles (*Haliaeetus leucocephalus*) and aquatic or wetland dependent listed species, and historical and archaeological resources. De minimis or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of subsection 12.3.8. If such secondary impacts can not be prevented, the applicant may propose mitigation measures as provided for in subsections 12.3 – 12.3.8.

This secondary impact criterion consists of the following four parts:

(a) An applicant shall provide reasonable assurance that the secondary impacts from construction, alteration, and intended or reasonably expected uses of a proposed system will not cause violations of water quality standards or adverse impacts to the functions of wetlands or other surface waters as described in section 12.2.2.

Impacts such as boat traffic generated by a proposed dock, boat ramp or dry dock facility, which causes an increased threat of collision with manatees; impacts to

wildlife from vehicles using proposed roads in wetlands or surface waters; impacts to water quality associated with the use of septic tanks or propeller dredging by boats and wakes from boats; and impacts associated with docking facilities as described in paragraphs 12.2.4.3(f) and (h), will be considered relative to the specific activities proposed and the potential for such impacts. Impacts of groundwater withdrawals upon wetlands and other surface waters that result from the use of wells permitted pursuant to chapter 40C-2, F.A.C., shall not be considered under rules adopted pursuant to part IV of chapter 373, F.S., since these impacts are considered in the consumptive use permit application process.

Secondary impacts to the habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of 15' and an average width of 25', are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by bald eagles (*Haliaeetus leucocephalus*) for nesting or listed species for nesting, denning, or critically important feeding habitat. The mere fact that a species is listed does not imply that all of its feeding habitat is critically important. Buffers shall remain in an undisturbed condition, except for drainage features such as spreader swales and discharge structures, provided the construction or use of these features does not adversely impact wetlands. Where an applicant elects not to utilize buffers of the above described dimensions, buffers of different dimensions, measures other than buffers, or information may be proposed to provide the required reasonable assurance.

(b) An applicant shall provide reasonable assurance that the construction, alteration, and intended or reasonably expected uses of a proposed system will not adversely impact the ecological value of uplands to bald eagles (*Haliaeetus leucocephalus*) and aquatic or wetland dependent listed animal species for enabling existing nesting or denning by these species, but not including:

1. areas needed for foraging; or
2. wildlife corridors, except for those limited areas of uplands necessary for ingress and egress to the nest or den site from the wetland or other surface water.

Table 12.2.7-1 identifies those aquatic or wetland dependent listed species that use upland habitats for nesting and denning.

For those aquatic or wetland dependent listed animal species for which habitat management guidelines have been developed by the U.S. Fish and Wildlife Service (USFWS) or the Florida Fish and Wildlife Conservation Commission (FWC) Florida Game and

Fresh Water Fish Commission (FGFWFC), compliance with these guidelines will provide reasonable assurance that the proposed system will not adversely impact upland habitat functions described in paragraph (b). For those aquatic or wetland dependent listed animal species for which habitat management guidelines have not been developed or in cases where an applicant does not propose to use USFWS or FWC FGFWFC habitat management guidelines, the applicant may propose measures to mitigate adverse impacts to upland habitat functions described in paragraph (b) provided to aquatic or wetland dependent listed animal species. Secondary impacts to the functions of wetlands or uplands for nesting of bald eagles (*Haliaeetus leucocephalus*) will not be considered adverse if a valid permit has been issued to the applicant pursuant to Rule 68A-16.002, F.A.C. (May 15, 2008) for the same activities proposed by the applicant under part IV of Chapter 373, F.S., or if the applicant demonstrates compliance with the FWC Eagle Management Guidelines incorporated by reference in Rule 68A-16.002, F.A.C. (May 15, 2008).

(c) through (d) No change.

TABLE 12.2.7-1

Listed Wildlife Species that are Aquatic or Wetland Dependent and That Use Upland Habitats for Nesting or Denning

Fishes

Species of special concern

Rivulus marmoratus (mangrove rivulus; rivulus)

Reptiles

Endangered

Chelonia mydas mydas (Atlantic green turtle)

Crocodylus acutus (American crocodile)

Dermochelys coriacea (leatherback turtle; leathery turtle)

Eretmochelys imbricata imbricata (Atlantic hawksbill turtle)

Kinosternon bauri (striped mud turtle) THIS SPECIES

LISTED ONLY IN LOWER KEYS

Lepidochelys kempfi (Atlantic ridley turtle)

Threatened

Caretta caretta caretta (Atlantic loggerhead turtle)

Thamnophis sauritus sackeni (Florida (Keys) ribbon snake) THIS SPECIES LISTED ONLY IN LOWER KEYS

Species of special concern

Alligator mississippiensis (American alligator)

Graptemys barbouri (Barbour's map turtle; Barbour's sawback turtle)

Macrolemys temmincki (alligator snapping turtle)

Pseudemys concinna suwanniensis (Suwannee cooter)

Birds

Endangered

Ammodramus maritimus mirabilis (Cape Sable seaside sparrow)

Mycteria americana (wood stork)

Rostrhamus sociabilis (snail kite)

Threatened

Charadrius alexandrinus tenuirostris (southeastern snowy plover)

Charadrius melodus (piping plover)

Columba leucocephalus (white-crowned pigeon)

Grus canadensis pratensis (Florida sandhill crane)

~~*Haliaeetus leucocephala* (bald eagle)~~

Picoides borealis (red-cockaded woodpecker) THIS SPECIES ONLY WETLAND DEPENDENT IN LEE, COLLIER, AND CHARLOTTE COUNTIES

Polyborus plancus audubonii (Audubon's crested caracara)

Sterna antillarum (least tern)

Sterna dougallii (roseate tern)

Species of special concern

Ajaia ajaia (roseate spoonbill)

Ammodramus maritimus juncicolus (Wakulla seaside sparrow)

Ammodramus maritimus peninsulae (Scott's seaside sparrow)

Aramus guarauna (limpkin)

Cistothorus palustris griseus (Worthington's marsh wren)

Cistothorus palustris marianae (Marian's marsh wren)

Egretta caerulea (little blue heron)

Egretta rufescens (reddish egret)

Egretta thula (snowy egret)

Egretta tricolor (tricolored heron; Louisiana heron)

Eudocimus albus (white ibis)

Haematopus palliatus (American oystercatcher)

Pandion haliaetus (osprey) THIS SPECIES LISTED ONLY IN MONROE COUNTY

Pelecanus occidentalis (brown pelican)

Rhynchops niger (black skimmer)

Mammals

Endangered

Felis concolor coryi (Florida panther)

Microtus pennsylvanicus dukecampbelli (Duke's saltmarsh vole; Florida saltmarsh vole)

Myotis grisescens (gray bat)

Myotis sodalis (Indiana bat)

Odocoileus virginianus clavium (Key deer; toy deer)

Oryzomys argentatus (silver rice rat)

Sylvilagus palustris hefneri (Lower Keys marsh rabbit)

Threatened

Mustela vison evergladensis (Everglades mink)

Sciurus niger avicennia (Big Cypress fox squirrel; mangrove fox squirrel)

Ursus americanus floridanus (Florida black bear) THIS SPECIES NOT LISTED IN BAKER AND COLUMBIA COUNTIES AND THE APALACHICOLA NATIONAL FOREST

Species of Special Concern

Oryzomys palustris sanibeli (Sanibel Island rice rat)

Sorex longirostris eionis (Homosassa shrew)

12.3.1.5 To offset adverse secondary impacts from regulated activities to habitat functions that uplands provide to bald eagles (*Haliaeetus leucocephalus*) for nesting and to listed species evaluated as provided in paragraph 12.2.7(b), mitigation can include the implementation of management plans, participation in a wildlife mitigation park established by the FWC FGFWFC, or other measures. Measures to offset adverse secondary impacts on wetlands and other surface waters resulting from use of a system can include the incorporation of culverts or bridged crossings designed to facilitate wildlife movement, fencing to limit access, reduced speed zones, or other measures designed to offset the secondary impact.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Asst. General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488, email vthiebach@sjrwmd.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.132	Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of the new Rule 59G-13.132, F.A.C., is to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Services Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards for Briefs and Diapers that are effective June 2009. The effect will be to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards for Briefs and Diapers, June 2009.

In the Notice of Rule Development, we stated that the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards for Briefs and Diapers were effective January 2009. We changed this date to June 2009.

SUMMARY: The purpose of the new Rule 59G-13.132, F.A.C., is to incorporate by reference in rule the Traumatic Brain and Spinal Cord Injury Waiver Services Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards for Briefs and Diapers that are effective June 2009.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. Providers of consumable medical supply services will experience a reduction in revenues as a result of reduced rates for disposable incontinence medical supplies. The degree of reduction will depend upon the number of recipients served and the intensity of the services provided. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912, 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: July 20, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Arlene Walker, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-1570, walkerar@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.132 Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, June 2009, and Quality Standards for Briefs and Diapers, June 2009, which are incorporated by

reference. The Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Arlene Walker
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE
62-304.800 Caloosahatchee River Basin TMDLS
PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDL) and allocations for total nitrogen for Tidal Caloosahatchee River.

SUMMARY: This TMDL addresses nutrient impairments in the Tidal Caloosahatchee River. For these nutrient TMDLS, water quality targets were identified using the total nitrogen concentration that reduces algal growth such that there is an adequate percentage of light irradiance in the bottom layer to support a healthy seagrass meadow community in San Carlos Bay. Two computer models (EFDC and HSPF) simulated the Caloosahatchee load under various scenarios to determine the load reductions producing the nutrient reductions necessary to meet the critical light levels for submerged aquatic vegetation in the estuary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.
LAW IMPLEMENTED: 403.031, 403.061, 403.062, 403.067 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: July 16, 2009, 10:00 a.m.
PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-304.800 Caloosahatchee River Basin TMDLS.
- (1) Fecal Coliform Total Maximum Daily Load (TMDL) for Nine Mile Canal. The fecal coliform TMDL ~~Total Maximum Daily Load~~ for Nine Mile Canal is 400 counts/100 mL, and is allocated as follows:
 - (a) The Wasteload Allocation (WLA) for wastewater point sources is not applicable,
 - (b) The ~~WLA Wasteload Allocation~~ for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin to result in a 36 percent reduction of in-stream fecal coliform concentrations, based on the measured concentrations from the 1997 to June 30, 2004 period.
 - (c) The Load Allocation (LA) for nonpoint sources is a 36 percent reduction of in-stream fecal coliform concentrations, based on the measured concentrations from the 1997 to June 30, 2004 period, and
 - (d) The Margin of Safety is implicit.
 - (e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is with the understanding that the combined reductions from anthropogenic point and

nonpoint sources should result in the required reduction of in-stream fecal coliform concentrations. However, it is not the intent of this TMDL to abate natural background conditions.

(2) The TMDL for the Tidal Caloosahatchee estuary downstream of the S-79 Franklin Lock is 9,086,094 pounds of Total Nitrogen (TN) per year, which represents, based on model simulated flows and concentrations from 2003 through 2005, a 22.8% reduction. This load reduction will be allocated as follows: Unless specifically stated, the point from which the reduction of "in stream fecal coliform concentrations" shall be the average loading for the year the Secretary adopted the verified list that first listed the waterbody as impaired for the parameter of concern.

(a) The WLA for point sources discharging to the estuary will remain unchanged from the permits currently in effect as of the date of this rule.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program will have a 22.8% load reduction relative to its overall contribution to the anthropogenic load.

(c) The LA for nonpoint sources downstream of the S-77 lock will have a 22.8% load reduction relative to the contribution to the overall anthropogenic load.

(d) The Margin of Safety is both implicit and explicit (in the form of an added 3% reduction in total nitrogen).

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 8-3-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.011
RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth an additional violation which is appropriate for the issuance of a notice of noncompliance.

SUMMARY: The proposed rule amendment specifies that failure to complete the requirement for instruction on domestic violence in the appropriate biennium shall result in a notice of noncompliance.

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

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

RULEMAKING AUTHORITY: 456.073(3), 458.309 FS.

LAW IMPLEMENTED: 456.073(3), 456.0575 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:

64B8-8.011 Notice of Noncompliance.

(1) through (2) No change.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance.

(a) through (d) No change.

(e) Failure to complete the requirement for instruction on domestic violence in the appropriate biennium as required by Section 456.031, F.S. A notice of noncompliance would be issued for this violation only if the licensee completed the domestic violence course, but completion of said course was not during the appropriate biennial renewal period.

Rulemaking Specific Authority 456.073(3), 458.309 FS. Law Implemented 456.073(3), 456.0575 FS. History--New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended 1-27-00, 1-8-02, 1-12-03, 6-7-04, _____.

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: June 6, 2009

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-16.005
RULE TITLE: Content of Residency Program – Reports

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the Podiatric Resident Hospital Report form by reference.

SUMMARY: The proposed rule incorporates the Podiatric Resident Hospital Report form by reference.

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

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

RULEMAKING AUTHORITY: 461.005, 461.014(4) FS.

LAW IMPLEMENTED: 456.072(1)(j), (k), (l), 461.013(1)(g), (h), (i), 461.014 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 Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-16.005 Content of Residency Program – Reports.

On July 1 of each year, each Residency Program Director shall provide the Board with information regarding each podiatric resident using the Podiatric Resident Hospital Report form DH-MQA 1140 (revised 12/08), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine’s website at <http://www.doh.state.fl.us/mqa/podiatry/index.html>. ~~the following information to the Board:~~

- ~~(1) The name and current mailing address of each podiatric resident;~~
- ~~(2) The name and current mailing address of each podiatric resident who has successfully completed the program subsequent to the last preceding report, designating the date of completion;~~
- ~~(3) The name and current mailing address of each podiatric resident who has withdrawn from the program subsequent to the last preceding report, designating each person’s status with respect to rights and qualifications for readmission to the program;~~
- ~~(4) A copy of the hospital’s most recent residency program evaluation by the Council on Podiatry Education of the American Podiatric Medical Association;~~
- ~~(5) The name of the supervising podiatric physician.~~

Rulemaking Specific Authority 461.005, 461.014(4) FS. Law Implemented 456.072(1)(j), (k), (l), 461.013(1)(g), (h), (i), 461.014 FS., Chapter 2005-98, Laws of Florida. History–New 11-24-80, Formerly 21T-16.05, 21T-16.005, 61F12-16.005, Amended 1-4-96, Formerly 59Z-16.005, Amended 12-2-03, 11-27-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.209 RULE TITLE: Income

PURPOSE AND EFFECT: The proposed rule amendment amends policy to exclude all Workforce Investment Act (WIA) income for a minor child, excludes all WIA income for an adult except for wages paid directly by an employer, includes the statutory reference for minor child, removes some verification requirements for a sponsoring agency or organization and clarifies verification is not required of a noncitizen who self-declares non-support from the sponsor. 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.

SUMMARY: The proposed rule amendment amends and clarifies income policy and its verification requirements for the Temporary Cash Assistance Program.

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

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

RULEMAKING AUTHORITY: 414.085(2), 414.095(18), 414.45 FS.

LAW IMPLEMENTED: 414.085, 414.095 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: July 13, 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 IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.209 Income.

(1) Income is cash received at periodic intervals from any source such as wages, benefits, contributions, rental property, etc. Cash is money or ~~an its~~ equivalent, such as a check, money order or other negotiable instrument. Income must be substantiated, verified or documented as a condition of eligibility for Temporary Cash Assistance (TCA) as in subsection 65A-1.205(5), F.A.C. in accordance with Section 414.095, F.S.

(2) To be financially eligible for ~~TCA temporary cash assistance (TCA)~~, the total average gross monthly income, less any applicable disregards, of the standard filing unit cannot exceed the applicable payment standard for the assistance group. These standards and disregards are found in Sections 414.095(10) and (11), F.S. Monthly net income is calculated based on average gross monthly family income, earned and unearned, less any applicable disregards in accordance with Section 414.095(12)(a), F.S. The monthly amount of the TCA payment is determined by subtracting the monthly net income from the applicable payment standard.

(a) The earned monthly income of the minor child who is a full-time student in an elementary or secondary school or an equivalent level of career training does not count in the eligibility determination, family member age 19 or younger and is a full-time high school student in a secondary school or the equivalent level of vocational or technical training is disregarded in the budget. The income of a child who is a family member age 19 or younger and is a full-time student also does not count toward the payment standard or toward calculation of eligibility against the consolidated need standard. All income of the minor child received under the Workforce Investment Act (WIA) of 1998 does not count in the eligibility determination. The definition of minor child is in Section 414.0252(8), F.S. The definition of full-time attendance is in paragraph 65A-4.207(1)(b), F.A.C. Student refers to the minor child whose needs are included in the benefit as a minor child not as a parent or relative. ~~The definition of secondary school is found in Section 1003.413(1), F.S. Definition of full-time attendance is found in paragraph 65A-4.207(1)(b), F.A.C.~~

(b) Total gross monthly income includes earned and ~~unearned non-earned~~ income from all sources. The countable net income of a stepparent living in the home with the ~~TCA temporary cash assistance~~ child, or of a parent living in the home with the minor mother payee, or of an ineligible noncitizen's parents during the five year disqualification period

prescribed by the Personal Responsibility and Work Opportunity Act of 1996, and of the sponsor and the sponsor's spouse of certain noncitizens is considered in determining the gross ~~unearned non-earned~~ income of the assistance group.

(c) Income ~~which is~~ excluded from consideration in the ~~TCA temporary cash assistance program~~ does is not count in the eligibility determination counted as gross income. All income of an adult received under the WIA Act does not count in the eligibility determination, except for wages paid directly by an employer.

(d) Infrequent or irregular unearned income ~~which does not exceeding exceed~~ \$60 per calendar quarter such as gifts for Christmas, birthdays or graduation does not count in the eligibility determination is excluded, such as gifts for Christmas, birthdays or graduation.

(3) ~~The Department considers~~ Only the income of the following individuals is considered:

(a) All standard filing unit members.

(b) ~~A The~~ stepparent living in the home. The Department considers a temporarily absent stepparent to be part of the family unit, or if temporarily absent as determined by the department, is still considered part of the family unit.

(c) The sponsor(s) of a noncitizen.

1. The sponsoring agency or organization ~~must is expected~~ to fulfill its financial responsibilities to the noncitizen unless the agency or organization is no longer in existence at the time that the applicant or recipient applies or the sponsor does not have the financial ability to meet the noncitizen's needs. ~~Verification of the sponsor's inability to support must be obtained. If a noncitizen applying for temporary cash assistance states that the sponsoring organization or agency is no longer in existence, verification must be obtained.~~

2. ~~A Any~~ noncitizen who reports support from an individual sponsor sponsorship, whether or not the sponsor remains involved with the noncitizen, is required to have the sponsor and the sponsor's spouse provide information about their income and assets. ~~If they do the sponsor does not give complete information and will not provide complete information upon request by the Department, the noncitizen and other sponsored members of the assistance group sponsored by that individual will be found ineligible for TCA temporary cash assistance because available income and assets cannot be determined. Eligibility for the noncitizen and other sponsored members of the assistance group cannot be established when required verification documentation is not obtained. Verification is not required of a noncitizen who self-declares non-support from the sponsor.~~

3. This policy does not affect ~~un~~sponsored members of the assistance group ~~are not affected by this policy.~~ If the sponsor and spouse receive TCA ~~receives temporary cash~~

~~assistance~~ as a parent payee or receive Supplemental Security Income ~~receives~~ SSI, none of the sponsor's income is considered to be as being available to the noncitizen alien.

(d) The parent(s) of a teen an unwed minor parent, when the teen minor parent is a TCA ~~benefit~~ recipient minor child under age 18, who lives in the same household with the parent(s) parents who ~~is are~~ not included in the TCA benefit.

(e) The stepparent of a teen an unwed minor parent, when the teen minor parent is a TCA ~~benefit~~ recipient minor child under age 18, who lives in the same household with the stepparent who is not included in the TCA temporary cash assistance benefit.

(f) The IRCA parent (one that received legalization under the Immigration Reform and Control Act of 1986).

~~(4) Income of children who are students is disregarded in accordance with Section 414.095(11)(b), F.S.~~

~~(5) For children under 18 years of age, all non-earned income received under Workforce Investment Act (WIA) is disregarded. All earned income from WIA is disregarded for six months in a calendar year.~~

Rulemaking Specific Authority 414.085(2), 414.095(18), 414.45 FS. Law Implemented 414.085, 414.095 FS. History--New 1-11-98, Amended 5-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2009

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
RULE TITLE: Procedure for Licensing a Monument Establishment

PURPOSE AND EFFECT: To increase the initial license fee for monument establishments and to create a biennial renewal fee for monument establishments.

SUMMARY: The rule amendment will establish a biennial license renewal fee for existing Monument Establishments of \$250. The rule amendment would increase the fee paid by Monument license applicants by \$250 biennially for the initial two-year Monument Establishment license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not impose any indirect transactional costs to small businesses but will increase the fees paid by Monument Establishments, many of which are small businesses.

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: 497.103(1), 497.105(5) FS.

LAW IMPLEMENTED: 120.60(2), 497.361 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-12.002 Procedure for Licensing a Monument Establishment.

(1) Each person desiring to obtain a license as a monument establishment shall apply to the Department by submitting the following:

(a) No change.

(b) A non-refundable initial license fee of ~~\$200~~ \$450 which shall be the fee for the biennial licensing period beginning October 1 of each odd numbered year or any part thereof.

(c) The biennial renewal fee for a Monument Establishment license shall be \$250.

(2) through (6) No change.

Rulemaking Specific Authority 497.103(1), 497.105(5) FS. Law Implemented 120.60(2), 497.361 FS. History--New 3-3-97, Formerly 3D-30.050, 69K-100.050, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-24.040
RULE TITLE: Licensure of Centralized Embalming Facilities

PURPOSE AND EFFECT: The rule was incorrectly noticed with respect to the annual inspection fee to be paid by Centralized embalming facilities.

SUMMARY: The rule amendment would correct the annual inspection fee to be paid by Centralized embalming facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not impose any indirect transactional costs on small businesses but will increase the fees paid by Centralized Embalming Facilities, many of which are small businesses.

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: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-24.040 Licensure of Centralized Embalming Facilities.

(1) through (2) No change.

(3) Centralized embalming facilities shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of ~~\$225 one hundred dollars (\$100)~~ for each year for which the license will be issued.

(4) through (5) No change.

Rulemaking Specific Authority 497.103, 497.385 FS. Law Implemented 497.385 FS. History—New 7-14-99, Formerly 61G8-24.040, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-156.003	Definitions
69O-156.005	Policy Provisions

69O-156.006	Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to January 1, 1992
69O-156.007	Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued or Delivered on or After January 1, 1992, and with an Effective Date for Coverage Prior to June 1, 2010
69O-156.0075	Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010
69O-156.008	Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After January 1, 1992, and with an Effective Date for Coverage Prior to June 1, 2010
69O-156.0085	Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010
69O-156.0095	Guaranteed Issue for Eligible Persons
69O-156.011	Loss Ratio Standards and Refund or Credit of Premium
69O-156.012	Filing and Approval of Policies and Certificates and Premium Rates

PURPOSE AND EFFECT: To update this rule part, to allow for a new product generation by adopting revisions to the NAIC Model Regulation.

SUMMARY: On September 24, 2008, the National Association of Insurance Commissioners (NAIC) adopted revisions to the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. The revised NAIC model regulation includes major changes to Medicare Supplement plans and benefits first approved by the NAIC in March 2007, and authorized by the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). In addition, the model revisions contain changes required by the Genetic Information Nondiscrimination Act of 2008 (GINA).

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

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

RULEMAKING AUTHORITY: 624.308(1), 627.674(2) FS.

LAW IMPLEMENTED: 627.671-.675 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: July 15, 2009, 9:30 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerry Smith, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-156.003 Definitions.

For purposes of this rule:

(1) through (16) No change.

(17) "Pre-Standardized Medicare supplement benefit plan," "Pre-Standardized benefit plan" or "Pre-Standardized plan" means a group or individual policy of Medicare supplement insurance issued prior to January 1, 1992.

(18) "1990 Standardized Medicare supplement benefit plan," "1990 Standardized benefit plan" or "1990 plan" means a group or individual policy of Medicare supplement insurance issued on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010.

(19) "2010 Standardized Medicare supplement benefit plan," "2010 Standardized benefit plan" or "2010 plan" means a group or individual policy of Medicare supplement insurance with an effective date for coverage on or after June 1, 2010.

(20)(17) "Replacement" is any transaction wherein new Medicare supplement insurance is to be purchased and it is known to the agent, broker or insurer at the time of application that, as a part of the transaction, existing accident and health insurance has been or is to be lapsed or the benefits thereof substantially reduced.

(21)(18) "Secretary" means the Secretary of the United States Department of Health and Human Services.

Rulemaking Specific Authority 624.308(1), 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History--New 1-1-81, Formerly 4-51.03, Amended 11-7-88, 9-4-89, 12-9-90, Formerly 4-51.003, Amended 1-1-92, 7-14-96, 7-26-99, 3-4-01, Formerly 4-156.003, Amended 9-15-05,_____.

69O-156.005 Policy Provisions.

(1) Except for permitted preexisting condition clauses as described in paragraphs 69O-156.006(1)(b), ~~and~~ 69O-156.007(1)(a), and 69O-156.0075(1)(a), F.A.C., of this chapter, no policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy if such policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

(2) through (4) No change.

Rulemaking Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674(2) FS. History--New 1-1-81, Formerly 4-51.04, Amended 9-4-89, Formerly 4-51.004, Amended 1-1-92, Formerly 4-156.005, Amended 9-15-05,_____.

69O-156.006 Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to January 1, 1992.

As it relates to Pre-Standardized Medicare Supplement Benefit Plan Policies or certificates issued for delivery prior to January 1, 1992, no policy or certificate may be advertised, solicited, issued, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) Medicare supplement coverage shall provide at least, but not be limited to, the benefits provided in Section 627.674, F.S.

(b) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

(c) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(d) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, ~~amount and copayment, or coinsurance amounts~~ ~~percentage factors~~. Premiums may be modified to correspond with such changes. ~~However, the changes and corresponding~~ The premium changes ~~charges~~ must be submitted to and approved by the Office pursuant to Sections 627.410, 627.411 and 627.674, F.S.

(e) A “noncancellable,” “guaranteed renewable,” or “noncancellable and guaranteed renewable” Medicare supplement policy shall not:

1. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

2. Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.

(f)1. Except as authorized by the Office, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

2.a. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subparagraph 69O-156.006(1)(f)4., F.A.C., the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

(I) An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

(II) An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in paragraph ~~69O-156.0075(2), 69O-156.008(5)(a) or (b)~~, F.A.C.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

3. If membership in a group is terminated, the issuer shall:

a. Offer the certificateholder such conversion opportunities as are described in subparagraph 69O-156.006(1)(f)2., F.A.C.; or

b. At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

4.a. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of

termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

b. If the terminated group policy was issued on an issue age basis and the policy reserves are transferred to the new insurer, the new group certificates shall retain the original issue ages of the insureds and shall commence at the same duration as the terminated certificates.

(g) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(h) If a Medicare supplement policy eliminates an outpatient drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

(2) No change.

Rulemaking Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674, 627.6741 FS. History—New 1-1-81, Formerly 4-51.05, Amended 9-4-89, 12-9-90, Formerly 4-51.005, Amended 1-1-92, 3-4-01, 3-31-02, Formerly 4-156.006, Amended 9-15-05, _____.

69O-156.007 Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued or Delivered on or After January 1, 1992, and with an Effective Date for Coverage Prior to June 1, 2010.

The following standards are applicable to all 1990 standardized Medicare supplement benefit plan policies or certificates delivered or issued for delivery in this state on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (b) No change.

(c) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, ~~amount and copayment, or coinsurance amounts~~ ~~percentage factors~~. Premiums may be modified to correspond with such changes.

The premium changes must be submitted to and approved by the Office pursuant to Sections 627.410, ~~and~~ 627.411 and 627.674, F.S.

(d) through (g) No change.

(h) If an issuer makes a written offer to the Medicare Supplement policyholders or certificateholders of one or more of its plans, to exchange during a specified period from his or her 1990 Standardized benefit plan, as described in Rule 690-156.008, F.A.C., to a 2010 Standardized benefit plan, as described in Rule 690-156.0085, F.A.C., the offer and subsequent exchange shall comply with the following requirements:

1. An issuer need not provide justification to the Office if the insured replaces a 1990 Standardized benefit plan policy or certificate with an issue age rated 2010 Standardized benefit plan policy or certificate at the insured's original issue age and duration. If an insured's policy or certificate to be replaced is priced on an issue age rate schedule at the time of such offer, the rate charged to the insured for the new exchanged policy shall recognize the policy reserve buildup, due to the pre-funding inherent in the use of an issue age rate basis, for the benefit of the insured. The method proposed to be used by an issuer must be submitted to and approved by the Office pursuant to Sections 627.410, 627.411 and 627.674, F.S.

2. The rating class of the new policy or certificate shall be the class closest to the insured's class of the replaced coverage.

3. An issuer may not apply new preexisting condition limitations or a new incontestability period to the new policy for those benefits contained in the exchanged 1990 Standardized benefit plan policy or certificate of the insured, but may apply preexisting condition limitations of no more than six (6) months to any added benefits contained in the new 2010 Standardized benefit plan policy or certificate not contained in the exchanged policy.

4. The new policy or certificate shall be offered to all policyholders or certificateholders within a given plan, except where the offer or issue would be in violation of state or federal law.

(2) No change.

(3) Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Rule 690-156.008, F.A.C.

(a) through (h) No change.

1. (i) Preventive Medical Care Benefit: Coverage for the following preventive health services not covered by Medicare:

1.1. An annual clinical preventive medical history and physical examination that may include tests and services from sub-subparagraph 690-156.007(3)(i)1.ii., ~~subparagraph~~ 690-156.007(3)(i)2., F.A.C., and patient education to address preventive health care measures.

ii.2. Preventive screening tests or preventive services, the selection and frequency of which is determined to be medically appropriate by the attending physician.

2.3. Reimbursement shall be for the actual charges up to one hundred percent (100%) of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars (\$120) annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(j) No change.

(4) No change.

Rulemaking Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History—New 1-1-92, Amended 7-26-99, 3-4-01, 3-31-02, Formerly 4-156.007, Amended 9-15-05, _____.

690-156.0075 Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010.

The following standards are applicable to all 2010 Standardized Medicare supplement policies or certificates delivered or issued for delivery in this state with an effective date for coverage on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards. No issuer may offer any 1990 Standardized Medicare supplement benefit plan for sale on or after June 1, 2010. Benefit standards applicable to Medicare supplement policies and certificates issued with an effective date for coverage prior to June 1, 2010, remain subject to the requirements of Rules 690-156.006, 690-156.007, and 690-156.008, F.A.C.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule.

(a) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

(b) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(c) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible.

co-payment, or coinsurance amounts. Premiums may be modified to correspond with such changes. The premium changes must be submitted to and approved by the Office pursuant to Sections 627.410, 627.411, and 627.674, F.S.

(d) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(e) Each Medicare supplement policy shall be guaranteed renewable.

1. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

2. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

3.a. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under subparagraph 690-156.0075(1)(e)5., F.A.C., the issuer shall offer certificateholders an individual Medicare supplement policy which, at the option of the certificateholder:

(I) Provides for continuation of the benefits contained in the group policy; or

(II) Provides for benefits that otherwise meet the requirements of this rule.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

4. If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

a. Offer the certificateholder the conversion opportunity described in subparagraph 690-156.0075(1)(e)3., F.A.C.; or

b. At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

5.a. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

b. If the terminated group policy was issued on an issue age basis and the policy reserves are transferred to the new insurer, the new group certificates shall retain the original issue ages of the insureds and shall commence at the same duration as the terminated certificates.

6. If an individual Medicare supplement policy/certificate is issued to replace an existing issue age rated policy/certificate of the same insurer, the replacing policy/certificate shall be issued at the original issue age of the policyholder/certificateholder, and is at the duration of the terminated policy/certificate at the time of replacement.

(f) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(g)1. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within ninety (90) days after the date the individual becomes entitled to assistance.

2. If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstated (effective as of the date of termination of entitlement) as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within ninety (90) days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

3. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within ninety (90) days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

4. Reinstitution of coverages as described in subparagraphs 2. and 3.:

1. Shall not provide for any waiting period with respect to treatment of preexisting conditions;

2. Shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of suspension; and

3. Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

(2) Standards for Basic (Core) Benefits Common to Medicare Supplement Insurance Benefit Plans A, B, C, D, F, F with High Deductible, G, M, and N. Every issuer of Medicare supplement insurance benefit plans shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

(c) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

(e) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the co-payment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible;

(f) Hospice Care: Coverage of cost sharing for all Part A Medicare eligible hospice care and respite care expenses.

(3) Standards for Additional Benefits. The following additional benefits shall be included in Medicare supplement benefit Plans B, C, D, F, F with High Deductible, G, M, and N as provided by Rule 69O-156.0085, F.A.C.

(a) Medicare Part A Deductible: Coverage for one hundred percent (100%) of the Medicare Part A inpatient hospital deductible amount per benefit period.

(b) Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period.

(c) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A.

(d) Medicare Part B Deductible: Coverage for one hundred percent (100%) of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(e) One Hundred Percent (100%) of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charges as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(f) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for eighty percent (80%) of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

Rulemaking Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History—New _____.

69O-156.008 Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After January 1, 1992, and with an Effective Date for Coverage Prior to June 1, 2010.

The following applies to all 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates issued for delivery on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010.

(1) through (4) No change

(5)(a) through (c) No change.

(d) Standardized Medicare supplement benefit plan "D" shall include only the following: The Core Benefit (as defined in subsection paragraphs 69O-156.007(2)(a), (b), (h) and (j), F.A.C., of this rule), plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medically Necessary Emergency Care in a Foreign Country and the At-Home Recovery Benefit as defined in paragraphs 69O-156.007(2)(a), (b), (h) and (j), F.A.C., respectively.

(e) through (l) No change.

(6) through (7) No change.

Rulemaking Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History—New 1-1-92, Amended 12-17-96, 7-26-99, Formerly 4-156.008, Amended 9-15-05,_____.

69O-156.0085 Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state with an effective date for coverage on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit plan standards. Benefit plan standards applicable to Medicare supplement policies and certificates issued with an effective date for coverage before June 1, 2010, remain subject to the requirements of Rules 69O-156.006, 69O-156.007, and 69O-156.008, F.A.C.

(1)(a) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic (core) benefits, as defined in subsection 69O-156.0075(2), F.A.C.

(b) If an issuer makes available any of the additional benefits described in subsection 69O-156.0075(3), F.A.C., or offers standardized benefit Plans K or L as described in paragraphs 69O-156.0085(5)(h) and (i), F.A.C., then the issuer shall make available to each prospective policyholder and certificateholder, in addition to a policy form or certificate form with only the basic (core) benefits as described in paragraph (1)(a) above, a policy form or certificate form containing either standardized benefit Plan C as described in paragraph 69O-156.0085(5)(c), F.A.C., or standardized benefit Plan F as described in paragraph 69O-156.0085(5)(e), F.A.C.

(2) No groups, packages or combinations of Medicare supplement benefits other than those listed in this rule shall be offered for sale in this state, except as may be permitted in subsection 69O-156.0085(6) and Rule 69O-156.030, F.A.C.

(3)(a) Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans listed in this Subsection and as provided in Form OIR-B2-MSC2 (mm/yy), "Outline of Medicare Supplemental Coverage With Effective Dates on or After June 1, 2010", and shall conform to the definitions in Rule 69O-156.003, F.A.C.

(b) Form OIR-B2-MSC2 (mm/yy), "Outline of Medicare Supplemental Coverage With Effective Dates on or After June 1, 2010", is hereby adopted and incorporated by reference, and is available and may be printed from the Office's website: <http://www.flair.com>.

(c) Each benefit shall be structured in accordance with the format provided in subsections 69O-156.0075(2) and 69O-156.0075(3), F.A.C.; or, in the case of plans K or L, in paragraph 69O-156.0085(5)(h) or 69O-156.0085(5)(i), F.A.C.

and list the benefits in the order shown. For purposes of this Section, "structure, language, and format" means style, arrangement and overall content of a benefit.

(4) In addition to the benefit plan designations required in subsection 69O-156.0085(3), F.A.C., an issuer may use other designations to the extent permitted by law.

(5) Make-up of 2010 Standardized Benefit Plans:

(a) Standardized Medicare supplement benefit Plan A shall include only the following: The basic (core) benefits as defined in subsection 69O-156.0075(2), F.A.C.

(b) Standardized Medicare supplement benefit Plan B shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible as defined in paragraph 69O-156.0075(3)(a), F.A.C.

(c) Standardized Medicare supplement benefit Plan C shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (d), and (f), F.A.C., respectively.

(d) Standardized Medicare supplement benefit Plan D shall include only the following: The basic (core) benefit, as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), and (f), F.A.C., respectively.

(e) Standardized Medicare supplement [regular] Plan F shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, the skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (d), (e), and (f), F.A.C., respectively.

(f) Standardized Medicare supplement Plan F With High Deductible shall include only the following: one hundred percent (100%) of covered expenses following the payment of the annual deductible set forth in Subparagraph 2. below.

1. The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (d), (e), and (f), F.A.C., respectively.

2. The annual deductible in Plan F With High Deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by [regular] Plan F, and shall be in addition to any other specific benefit deductibles. The basis for the deductible shall be \$1,500 and shall be adjusted annually from 1999 by the Secretary of the U.S. Department of Health and Human Services to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars (\$10).

(g) Standardized Medicare supplement benefit Plan G shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c), (e), and (f), F.A.C., respectively.

(h) Standardized Medicare supplement Plan K is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

1. Part A Hospital Coinsurance 61st through 90th days: Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

2. Part A Hospital Coinsurance, 91st through 150th days: Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

3. Part A Hospitalization After 150 Days: Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

4. Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in subparagraph 10.;

5. Skilled Nursing Facility Care: Coverage for fifty percent (50%) of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subparagraph 10.;

6. Hospice Care: Coverage for fifty percent (50%) of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subparagraph 10.;

7. Blood: Coverage for fifty percent (50%), under Medicare Part A or B, of the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subparagraph 10.;

8. Part B Cost Sharing: Except for coverage provided in subparagraph (i), coverage for fifty percent (50%) of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in Subparagraph 10.;

9. Part B Preventive Services: Coverage of one hundred percent (100%) of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

10. Cost Sharing After Out-of-Pocket Limits: Coverage of one hundred percent (100%) of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(i) Standardized Medicare supplement Plan L is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

1. The benefits described in subparagraphs 69O-156.0085(5)(h)1., 2., 3., and 9., F.A.C.;

2. The benefit described in subparagraphs 69O-156.0085(5)(h)4., 5., 6., 7., and 8., F.A.C., but substituting seventy-five percent (75%) for fifty percent (50%); and

3. The benefit described in subparagraph 69O-156.0085(5)(h)10., F.A.C., but substituting \$2000 for \$4000.

(j) Standardized Medicare supplement Plan M shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus fifty percent (50%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in paragraphs 69O-156.0075(3)(b), (c), and (f), F.A.C., respectively.

(k) Standardized Medicare supplement Plan N shall include only the following: The basic (core) benefit as defined in subsection 69O-156.0075(2), F.A.C., plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care

in a foreign country as defined in paragraphs 69O-156.0075(3)(a), (c) and (f), F.A.C., respectively, with co-payments in the following amounts:

1. The lesser of twenty dollars (\$20) or the Medicare Part B coinsurance or co-payment for each covered health care provider office visit (including visits to medical specialists); and

2. The lesser of fifty dollars (\$50) or the Medicare Part B coinsurance or co-payment for each covered emergency room visit, however, this co-payment shall be waived if the insured is admitted to any hospital and the emergency visit is subsequently covered as a Medicare Part A expense.

(6) New or Innovative Benefits: An issuer may, with the prior approval of the Office, offer policies or certificates with new or innovative benefits, in addition to the standardized benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits shall include only benefits that are appropriate to Medicare supplement insurance, are new or innovative, are not otherwise available, and are cost-effective. Approval of new or innovative benefits must not adversely impact the goal of Medicare supplement simplification. New or innovative benefits shall not include an outpatient prescription drug benefit. New or innovative benefits shall not be used to change or reduce benefits, including a change of any cost-sharing provision, in any standardized plan.

Rulemaking Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History—New _____.

69O-156.0095 Guaranteed Issue for Eligible Persons.

(1) No change.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, which plan terminates or ceases to provide at least the minimum benefits as provided under a Medicare supplement plan “A” as defined in subsection 69O-156.0085(1), F.A.C., of the supplemental health benefits to the individual;

(b) through (g) No change.

(3) through (6) No change.

Rulemaking Specific Authority 624.308, 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 7-26-99, Amended 3-4-01, 3-31-02, Formerly 4-156.0095, Amended 9-15-05,_____.

69O-156.011 Loss Ratio Standards and Refund or Credit of Premium.

(1) Loss Ratio Standards.

(a) through (d) No change.

(e) For the purposes of this rule, the term “pre-standardized business” shall include:

1. All Medicare Supplement policies and certificates which do not comply with the benefit requirements for standardized policies as defined in Rule 69O-156.008 or 69O-156.0085, F.A.C., and

2. All policies and certificates which were marketed and issued as Medicare Supplement policies, and which have been redefined as limited benefit policies.

(f) No change

(2) Refund or Credit Calculation.

(a)1. No change.

2. Forms OIR-B2-MSB-I (Rev. 06/09 7/02), OIR-B2-MSB-G (Rev. 06/09 7/02), and OIR-B2-MSR (Rev. 7/02) are hereby adopted and incorporated by reference. Copies of forms are available and may be printed from the Office’s website: <http://www.floridefs.com/>.

3. Filings shall be submitted electronically to <https://iportal.fldfs.com>.

(b) through (c) No change.

(3) Annual Filing of Premium Rates.

(a)1. An issuer of Medicare supplement policies and certificates issued before or after January 1, 1992, shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Department in accordance with Sections 627.410, 627.411 and 627.6745, F.S.

2. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude the change in active life reserves as a component of incurred claims or earned premiums. A projected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.

(b) through (c) No change.

(4) No change.

Rulemaking Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, 3-4-01, 12-9-02, 6-19-03, Formerly 4-156.011, Amended 9-15-05,_____.

69O-156.012 Filing and Approval of Policies and Certificates and Premium Rates.

(1) through (2) No change.

(3)(a) through (c) No change.

(d) Acceptable rate classification criteria within a form include only age, gender, area and smoker status or tobacco usage.

(4) No change.

(5)(a) Except as provided in paragraph 690-156.012(5)(b), F.A.C., the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in Rule 690-156.011, F.A.C., and for all other rating purposes. The issue date of a standard Medicare supplement benefit plan is not a basis to separate experience of two or more plans of the same plan letter.

(b) Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674 FS. History—New 1-1-92, Amended 7-14-96, 3-4-01, Formerly 4-156.012, Amended 9-15-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gerry Smith, Office of Insurance Regulation, E-mail
Gerry.Smith@flor.com
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 1, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.011	Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business

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. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated November 19, 2007, regarding the establishment of 25% of the value of the package as representing a taxable event, of subsection (10) of Rule 12A-1.011, F.A.C., has been withdrawn. Prior to withdrawal that subsection read as follows:

(10) MULTIPLE ITEMS PACKAGES.

(a) When a package contains both exempt food products and taxable tangible personal property (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) and the tax-exempt food products are separately itemized and priced from the taxable tangible personal property, no tax is due on the tax-exempt food products.

(b) When the total charge for a package containing both exempt food products and taxable tangible personal property is a single charge, the application of tax depends upon the essential character of the complete package, as follows:

1. When the taxable tangible personal property represents more than twenty-five percent (25%) of the value of the package, the total charge is subject to tax.

2. When the taxable tangible personal property represents twenty-five percent (25%) or less of the value of the package, the total sale is exempt. The seller is required to pay tax on any taxable items included in the package that were purchased tax-exempt for the purposes of resale. The cost price of any promotional items included in the package is subject to tax.

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-21.0051	Delegation of Authority
18-21.020	Aquacultural Activities
18-21.021	Applications for Aquacultural Activities
18-21.022	Payments and Fees for Aquacultural Activities

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. 12, March 27, 2009 issue of the Florida Administrative Weekly.

18-21.001 through 18-21.0051(2) No change.

18-21.0051(3) The Commissioner of Agriculture is delegated the authority to review and take final agency action on behalf of the Board on applications to use sovereignty Board-owned submerged lands and water columns for any activity for which the Department of Agriculture and Consumer Services has responsibility pursuant to sections 253.67-253.75, F.S., and Section 597.010, F.S., except the Board shall retain authority to grant the following:

(a) through (b) No change.

18-21.0051(4) through 18-21.011 No change.

18-21.020(1) through (2) No change.

18-21.020(3)(a) through (b) No change.

18-21.020(3)(c) Aquacultural activities shall not prevent ingress and egress of vessels in marked channels, or in unmarked channels, ~~that provide the only means of passage.~~

18-21.020(3)(d) through 18-21.020(3)(n) No change.

18-21.020(3)(o) Applications for aquaculture docks shall include a description of proposed aquacultural activities and activity-specific structures to be placed on the dock. Structures must be directly related to specific aquaculture activities and shall be limited to roofs and shade cloth to protect culture systems from sunlight and other adverse climatic conditions and depredation; chain link and similar fences to prevent depredation, prevent public access, and provide security and safety; raceways and culture systems that contain animals during hatchery and nursery operations. Solid enclosures of any kind are prohibited.

18-21.020(4) through (5) No change.

18-21.020(6)(a) through (g) No change.

18-21.020(6)(h) Aquaculture management agreements must be approved by the Board and shall be approved when the application conforms to the standards and criteria provided in subsections 18-21.020(3), and paragraphs 18-21.020(6)(a)-(g), F.A.C.

18-21.020(7) through (8) No change.

18-21.021(1)(a) through (e) No change.

18-21.021(1)(f) In the event that the lessee wishes to conduct activities on the aquaculture dock or other structures that are not directly related to the aquacultural activities identified in the lease agreement, the lessee shall request seek separate authorization from the Board of Trustees through the Department of Environmental Protection pursuant to ~~Chapter 18-21 Rules 18-21.004, 18-21.005 and 18-21.008, F.A.C.~~ Such authorizations shall require the structures to be modified or removed if necessary to comply with the requirements of those rule sections. If the activities are determined to be commercial and unrelated to aquaculture, the lessee shall seek authorization pursuant to subsection 18-21.005(1)(d), F.A.C., for a commercial dock lease.

18-21.021(1)(g) through (n) No change.

18-21.021(1)(o) The Board shall require the applicant to cause notice of receipt of the lease application to be published in a newspaper of general circulation in the county in which the parcel is situated once a week for three consecutive weeks. ~~A copy of the notice shall be sent to the county commission, and the municipal government if applicable, by certified mail prior to the appearance of the first newspaper notice.~~ Such notice shall be made on the Notice of Aquaculture Lease Application (DACS 15118, Rev. 02/09) which is hereby adopted and incorporated by reference and may be obtained on the Internet at <http://www.floridaaquaculture.com> or by writing to the

Division of Aquaculture at 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301. The application shall contain the following:

1. Preliminary location description and acreage of parcel sought; and

2. A description of the aquaculture activity being proposed.

18-21.021(1)(p) through (s) No change.

18-21.021(2)(a) through (b) No change.

18-21.021(2)(c) Violation Failure to perform the aquaculture activities for which the aquaculture lease was granted or to comply with the terms and conditions of the lease agreement shall be grounds for enforcement revocation of the lease, a requirement for corrective action, or by DACS or the Board, in accordance with Section 253.04, F.S., Chapter 18-14, paragraph 18-21.008(1)(b) and Chapter 5L-3, F.A.C., and the terms of the lease agreement. DACS shall notify the Department of Environmental Protection and the applicable water management district of any revocation, corrective action or enforcement related to a change in use which is not authorized in the lease agreement. Revocation of the lease may result in forfeiture to the State of Florida of all works, improvements, and aquaculture products in and upon the parcel leased. Failure of the lessee to pay rental fees pursuant to Section 253.71(2)(b), F.S., or perform effective cultivation pursuant to Section 253.71(4), F.S., shall constitute grounds for cancellation of the lease and forfeiture to the state of all works, improvements, and animal and plant life in and upon the leased land and water column.

18-21.021(3)(a) through (3)(b) No change.

18-21.022(3)(c) Application for Sovereignty Submerged Land Aquaculture Letter of Consent (DACS 15138, Rev. ~~06/09~~ 02/09), which is hereby adopted and incorporated by reference, shall be submitted to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C. The application may be obtained on the Internet at <http://www.floridaaquaculture.com> or by writing to the Division of Aquaculture at 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32301.

18-21.021(4) through (7) No change.

18-21.022(1) The application fee for an aquaculture lease is \$200.00, ~~and is non-refundable.~~

18-21.022(2) through (8) No change.

18-21.900(1) through (3) No change.

Rulemaking Authority 253.03(7), 253.73, FS Law Implemented ~~253.03,~~ 253.03(11), 253.77, 597.010, FS History–New 10-15-98, Amended 12-11-01, _____.

STATE BOARD OF ADMINISTRATION

RULE NO.:

RULE TITLE:

19-8.028

Reimbursement Premium Formula

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. 16, April 24, 2009 issue of the Florida Administrative Weekly.

Rule 19-8.028, F.A.C., Reimbursement Premium Formula. Paragraph (3)(l) of this Rule has been amended to incorporate Addenda to the Reimbursement Premium Formula and Rates. The Addenda was made necessary by CS/CS/CS/HB 1495, which became law on May 27, 2009, which required a 5% cash build up factor be added to the FHCF Premium Formula, made changes to the Temporary Increase in Coverage Limit Options (TICL) coverage options and made changes to the price for the TICL coverage.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.029 RULE TITLE:
Insurer Reporting Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

Rule 19-8.029, F.A.C., Insurer Reporting Requirements.

The only change which has been made to this rule since the publication of the Notice of Proposed Rule on April 24, 2009, is to reinstate the words “and notarized” from subsection (8) which had been stricken for removal. The law has been changed to provide statutory authority to require notarization; therefore, striking this language is now unnecessary. The relevant sentence in paragraph (8) now reads as follows: “The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized FHCF C-1 from the Company.”

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.030 RULE TITLE:
Insurer Responsibilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.701 RULE TITLE:
Medical and Substance Abuse
Clinical Files

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

33-401.701 Medical and Substance Abuse Clinical Files.

- (1) through (9) No change.
- (10) Use and disclosure of protected health information.
- (a) through (i) No change.

(j) In addition to the access described above, in accordance with Section 395.3025, Florida Statutes, an inmate’s guardian, curator, personal representative, or in the absence of one of those persons, next of kin of a decedent or the parent of a minor, shall have access to the protected health information contained in an inmate’s hospital file created and maintained by the Reception Medical Center Hospital after the discharge of the inmate.

- (j) through (l) renumbered (k) through (m) No change.
- (11) through (12) No change.

Rulemaking Authority 944.09, 945.10. Law Implemented 119.07, 395.3025, 944.09, 945.10, 945.25 FS. History–New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.002 RULE TITLE:
Citation Authority

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that the following corrections have been made to the proposed rule in Vol. 35, No. 8, of the February, 27, 2009, issue of the Florida Administrative Weekly. The corrections are as follows:

The original notice of rule development erroneously stated that a SERC was prepared. The board has determined that the proposed rule will not affect small businesses. A statement of Estimated Regulatory Costs has not been prepared. The date of publishing for the original notice of rule development was erroneously given as February 19, 2008. The correct date is September 5, 2008. The foregoing changes do not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 HEALTH

Division of Medical Quality Assurance

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 20, May 22, 2009 issue of the Florida Administrative Weekly.

It was indicated that December 26, 2008 was the date the Notice of Proposed Rule Development was published in the Florida Administrative Weekly. The correct date of publication of the Notice of Proposed Rule Development was December 24, 2008.

The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-12.001 General Regulations; Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-12.012 Records of Drugs, Cosmetics and Devices

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-12.013 Prescription Drugs; Receipt, Storage and Security

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-22.001 Eligibility

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 13, April 3, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-53.006	Compliance and Monitoring Procedures for the Pre-Development Loan Program (PLP)
67-53.007	Compliance Procedures
67-53.008	Compliance and Reporting Requirements for State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Rental Program, Multifamily Mortgage Revenue Bond (MMRB) Program, Housing Credit (HC) Program, Rental Recovery Loan Program (RRLP), and Elderly Housing Community Loan (EHCL) Program
67-53.010	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

67-53.006 Compliance and Monitoring Procedures for the Pre-Development Loan Program (PLP).

(1) through (4)(c) No change.

5. Tenant Income Certification Form, TIC-1, Rev. 02/06, which is hereby incorporated by reference, for each tenant. For developments participating in Section 8 and RD Programs, the HUD Forms 50058, ~~or 50059~~, ~~or~~ RD (or FmHA) Form 1944-8, which are hereby incorporated by reference, may be used in lieu of ~~Form~~ TIC-1 as long as proper documentation is maintained in the tenant files.

(d) through (5) No change.

Rulemaking Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 1-16-96, Formerly 9I-38.0145, Amended 3-26-98, 7-17-00, 7-21-03, Formerly 67-38.0145, Amended_____.

67-53.007 Compliance Procedures.

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087 FS., Chapter 93-186, Laws of Florida. History--New 1-25-94, Formerly 9I-43.011, 67-43.011, Repealed_____.

67-53.008 Compliance and Reporting Requirements for State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Rental Program,

Multifamily Mortgage Revenue Bond (MMRB) Program, Housing Credit (HC) Program, Rental Recovery Loan Program (RRLP), and Elderly Housing Community Loan (EHCL) Program.

(1) through (6) No change.

(7) The Applicant shall submit Program Reports pursuant to the following:

(a) For those developments receiving competitive HC, the initial Florida Housing Finance Corporation Program Report, PR-1, Rev. 01/09, which is hereby incorporated by reference, shall be prepared as of the last day of the calendar month during which execution of the Carryover (as defined in Rule Chapter 67-48, F.A.C.) allocation agreement occurred, if the development is occupied; or the rental of the initial unit in the development occurred, whichever is. For those developments receiving an allocation of non-competitive HC without any Corporation-issued loans, the initial PR-1 shall be prepared as of the last day of the calendar month during which final housing credit allocation occurred. Subsequent PR-1's shall be prepared as of the last day of the calendar month. PR-1's are due no later than the 15th of each month throughout the regulatory period. Annually, on dates assigned by the Corporation. The monitoring agent's copy of each PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC-1's that were effective during the reporting year. The Annual Owner's Certificate (AOC) of Housing Credit Program Compliance, Rev. 1-2009, AOC-1, which is hereby incorporated by reference, shall be signed by the owner of the HC development, certifying that for the preceding 12 month period the HC development met its Housing Credit set-aside requirements (to be sent to the Corporation only). Forms PR-1 and AOC-1 shall be provided by the Corporation and shall be submitted for all HC developments receiving Housing Credit Allocations since January 1, 1990.

(b) No change.

(8) For HOME Investment Partnerships ("HOME") Rental Program, as defined in Rule Chapter 67-48, F.A.C., the initial HOME PR-1 shall be prepared as of the last day of the calendar month during which the loan closing occurred, if the development is occupied; or the rental of the initial unit in the development occurred, whichever is later. Subsequent HOME PR-1's shall be prepared as of the last day of each calendar month. HOME PR-1's are due no later than the 15th of each month throughout the regulatory period. Annually, on dates assigned by the Corporation, the monitoring agent's copy of each PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC-1's that were effective during the reporting year. HOME PR-1's shall confirm compliance as follows:

(a) If the development is not occupied at loan closing, the initial HOME PR-1 and all subsequent HOME PR-1 shall confirm compliance with the set-aside requirements and other development requirements, if any, as set forth in the LURA.

(b) If the development is occupied at loan closing, compliance with the set-aside requirements and other development requirements, if any, as set forth in the LURA, shall be confirmed by the first HOME PR-1 submitted 12 months following the expiration of the last then-existing tenant lease, without regard to any extension of the term of any then-existing tenant lease. The calculation of the above 12-month period shall begin with the date of the HOME loan closing.

(c) The failure of the initial or any subsequent HOME PR-1 to confirm compliance as required in this subsection, shall, upon written notice of such failure from the Corporation or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

1. through 2. No change.

(9) For State Apartment Incentive Loan ("SAIL") Program developments, as defined in Rule Chapter 67-48, F.A.C. and Rental Recovery Loan Program ("RRLP") as established in 67ER06-13 through 67ER06-24 and 67ER06-25 through 67ER06-41, the initial ~~SAIL or RRLP~~ PR-1 shall be prepared as of the last day of the calendar month during which loan closing occurred, if the SAIL or RRLP development is occupied; or the rental of the initial unit occurred, whichever is later. Subsequent ~~SAIL or RRLP~~ PR-1's shall be prepared as of the last day of each calendar month. ~~SAIL or RRLP~~ PR-1's are due no later than the 15th of each month throughout the regulatory period. Annually, on dates assigned by the Corporation, the monitoring agent's copy of each ~~SAIL or RRLP~~ PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC-1's that were effective during the reporting year. ~~SAIL or RRLP~~ PR-1's shall confirm compliance as follows:

(a) If the development is not occupied at loan closing, the initial ~~SAIL or RRLP~~ PR-1 and all subsequent ~~SAIL or RRLP~~ PR-1's shall confirm compliance with the set-aside requirements and other ~~SAIL~~ development requirements, if any, as set forth in the regulatory agreement.

(b) If the SAIL or RRLP development is occupied at the time of loan closing, compliance with the set-aside requirements and other SAIL or RRLP development requirements, if any, as set forth in the regulatory agreement, shall be confirmed by the first ~~SAIL or RRLP~~ PR-1 submitted 12 months following the expiration of the last then-existing tenant lease, without regard to any extension of the term of any then-existing tenant leases. The calculation of the above 12-month period shall begin with the date of the loan closing.

(c) The failure of the initial or any subsequent ~~SAIL or RRLP~~ PR-1's to confirm compliance as required in this subsection, shall, upon written notice of such failure from the Corporation or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

1. through 2. No change.

(10) For those developments receiving Multifamily Mortgage Revenue Bond Program (“MMRB”), as defined in Rule Chapter 67-21, F.A.C., funds from the Corporation, the initial ~~MMRB~~ PR-1 shall be prepared as of the last day of the calendar month during which bond closing occurred, if the MMRB development is occupied; or rental of the initial unit in the development occurred, whichever is later. Subsequent ~~MMRB~~ PR-1’s shall be prepared as of the last day of each calendar month. ~~MMRB~~ PR-1’s are due no later than the 15th of each month throughout the regulatory period. The monitoring agent’s and Trustee’s copy of each ~~MMRB~~ PR-1 shall be accompanied by the certificate of continuing program compliance. Annually, on dates assigned by Corporation, the monitoring agent’s and Trustee’s copy of the ~~MMRB~~ PR-1 shall be accompanied by TIC-1 copies for ten (10) percent of the executed TIC’s that were effective during the reporting year.

(a) The failure of the initial or any subsequent ~~MMRB~~ PR-1 to confirm compliance as required in this subsection, shall, upon written notice of such failure from the Corporation or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the “correction period.” ~~During the correction period:~~

(b) During the correction period a borrower may request a 60-day extension of the correction period by submitting a written request to the Corporation’s Compliance Monitoring Administrator. Such written request must be received by the Compliance Monitoring Administrator at least 7 days prior to the expiration of the correction period.

(c) The Corporation shall consider the nature of the failure of compliance and the borrower’s past compliance history in determining whether to grant a 60-day extension of the correction period. The development shall not be deemed non-compliant prior to the expiration of the correction period. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such development shall then be deemed to be in non-compliance and be reported to the Board.

(11) through (13) No change.

(14) Any Applicant obtaining funding from SAIL, RRLP, or supplemental loan, as established in Rule Chapter 67-48, F.A.C. (“Group 1 Applicants”), shall provide the Corporation with an audited financial statement and a fully completed and executed Financial Reporting Form (SR-1), Rev. 02/09, (“Form SR-1”), incorporated by reference, annually by its submission deadline to the Corporation’s servicer. The submission deadline for Group 1 Applicants is May 31st of each year. A late fee of \$500 will be assessed by the Corporation to any Group 1 Applicant for failure to submit these documents by the submission deadline of each year. Group 1 Applicants shall complete all Parts (Parts 1-5) of Form SR-1 prior to its submission to the Corporation’s servicer.

(15) through (16) No change.

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History–New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.006, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, Formerly 67-48.00, Amended 1-17-05, Amended.

67-53.009 No change.

67-53.010 Forms.

~~The following forms are hereby incorporated by reference. Copies are available on the Corporation’s Website at <http://www.floridahousing.org/Home/PropertyOwnersManagers/Forms> or may be obtained by contacting the Compliance Department, Florida Housing Finance Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida, 32301-1329:~~

- ~~AOC 1 – Annual Owner Compliance Certification Form~~
- ~~PR-1 – Program Report~~
- ~~TIC-1 – Tenant Income Certification~~

~~HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944 8~~

~~Form SR-1 – Financial Reporting Form may be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation’s Website at <http://www.floridahousing.org/Home/PropertyOwnersManagers/Forms>.~~

Rulemaking Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.509, 420.5099. 420.524, 420.9072 FS. History–New 1-17-05, Repealed.

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 THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-30	Sedano’s Groceries for a Year Promotion

SUMMARY: The Department of the Lottery will conduct a Sedano’s Groceries for A Year Promotion Drawing between Thursday, June 4, 2009 and Sunday, July 5, 2009, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-30 Sedano's Groceries for a Year Promotion.

(1) Beginning Thursday, June 4, 2009 through Sunday, July 5, 2009, players who purchase a single \$5 or more POWERBALL® ticket at a Sedano's store will receive a voucher ticket that can be entered into the Sedano's Groceries for a Year promotion on the Florida Lottery web site for a chance to win one (1) of eleven (11) Sedano's gift cards valued from \$500 to \$3,000.

(2) One drawing will be held on Tuesday, July 7, 2009, from entries received by midnight on Monday, July 6, 2009, to award a total of eleven (11) Sedano's Groceries for a Year prizes. The prizes are: one (1) Grand Prize of a Sedano's gift card valued at \$3,000; one (1) second prize of a Sedano's gift card valued at \$2,000; one (1) third prize of a Sedano's gift card valued at \$1,000; and eight (8) fourth prizes of a Sedano's gift card valued at \$500.

(3) To enter a POWERBALL voucher ticket into the Sedano's Groceries for a Year promotion, players must visit the Florida Lottery's web site at www.flalottery.com, click on the Sedano's Groceries for a Year icon and follow the directions to input their voucher serial number(s). The voucher serial number is located on the front of the Sedano's voucher ticket. Because the Lottery must electronically download Sedano's voucher serial numbers at the end of each day, players must wait until the day after their purchase to enter their voucher number(s) on the Lottery web site. Players entering a voucher serial number on the day of purchase will be directed to return at a later date to enter their voucher number into the drawing. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one time for one entry into the drawing. Only one prize will be awarded per person.

(4) A total of twenty-two (22) entries will be drawn. The first number drawn will win a Sedano's gift card valued at \$3,000, the second number drawn will win a Sedano's gift card valued at \$2,000, the third number drawn will win a Sedano's gift card valued at \$1,000 and the fourth through eleventh numbers drawn will win a Sedano's gift card valued at \$500. The twelfth through twenty-second numbers drawn will be alternates in the order drawn.

(5) All prizewinners will be posted on the Lottery's website, www.flalottery.com, on the day of the draw. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate in the order drawn. If the Lottery is unable to contact an alternate within three (3) weeks, the prize will not be awarded. Gift cards will be shipped to the winner's address

within fifteen (15) business days after the winning voucher and required documentation described in subsection (6) below has been received by the Lottery.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Sedano's Groceries for a Year prize, the player must submit to the Lottery the original valid Sedano's voucher ticket bearing the entry serial number selected in the drawing. Without such voucher, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry voucher ticket along with a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-89, F.A.C., and a copy of acceptable identification to the Florida Lottery within two (2) weeks of notification by the Lottery that they are a winner. Winners who cannot produce a valid entry voucher and/or do not return their Winner Claim Form as set forth above will forfeit their right to claim the prize.

If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(7) All federal, state and/or local taxes or other fees on the Sedano's prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(8) No cash option is available in lieu of the prizes.

(9) The right to claim a prize cannot be assigned to another person or entity.

(10) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official Sedano's Groceries for a Year promotion rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rules and the Sedano's Groceries for a Year promotion rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(11) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(12) A player entering into the Sedano's Groceries for a Year drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the

name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation. The player also gives his or her permission for the Florida Lottery to provide the player's address and telephone number to its fulfillment company for prize fulfillment purposes.

(13) The Sedano's Groceries for a Year Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, or at participating Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 6-3-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 3, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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 June 4, 2009, the South Florida Water Management District (District), received a petition for waiver that was amended. The Amended Petition was filed on June 4, 2009, by Lisa Strader (Application No. 09-0422-1) for utilization of Works or Lands of the District know as the C-10 Spur Canal for existing fence, landscaping (palms and shrubs), 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 govern 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. The petition for waiver was amended to include existing landscaping.

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 amended 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 the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on May 29, 2009, the the Agency for Health Care Administration, received a petition for a Variance from Rule 59A-18.006, Florida Administrative Code (F.A.C.).

The Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Burke Consulting Corporation d/b/a Granny Nannies of Sarasota. Petitioner operates a nurse registry in Geographic Service Area 8 with an office located in Sarasota County. Petitioner is opening another nurse registry in Geographic Service Area 6 to be located in Manatee County. The Petition requests a variance from Rule 59A-18.006, F.A.C. This rule requires all nurse registries to retain a full time administrator for each licensed office. Rule 59A-18.006 states: "The administrator of the nurse registry shall be a full time position..."

Petitioner is seeking a permanent variance from the rule in order to hire one individual to be the administrator of two nurse registries the Agency will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 3, Tallahassee, Florida 32308.

For additional information, please contact: Richard Saliba, Office of the General Counsel, at the above address, or telephone (850)922-5873.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on June 4, 2009, the Agency for Workforce Innovation, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive

services. The Petition was filed by the Early Learning Coalition of Pasco and Hernando Counties, Inc., 15506 County Line Road, Suite 103, Spring Hill, Florida 34610.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, FL 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from Rules 2.20.4 and 8.7.2.27.4, ASME A17.1, 2005 which requires suspension ropes be of at least 9.5 mm and that the new controller meet the 2005 edition of the code. The request was submitted by Lee Rigby on behalf of Hotel Indigo in Sarasota (VW 2009-185).

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 June 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from Rules 2.20.4 and 8.7.2.27.4, A17.1, 2005 which requires ropes of at least 9.5 mm in diameter and replacement of the controller with one that meets the current code from Lee Rigby on behalf of Ringling Square in Sarasota (VW 2009-186).

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 June 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from the requirement of having restricted door openings for an undetermined time period from Jeanne S. Dufreset of The Housing Authority of the City of Fort Myers (VW 2009-187).

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 June 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rules 2.7.4, 3.11.1 & 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, restricted door openings and two-way communication from Cynthia Campfeld on behalf of Le Chateau Royal in South Palm Beach, Florida (VW 2009-188).

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 May 21, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Cappy's Pizzeria located in Tampa. The above referenced F.A.C. addresses the requirement that only frankfurters may be prepared in an open air location. They are requesting to install open cooking equipment within an open air screened enclosure for preparation of food other than frankfurters.

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.

The Board of Professional Engineers hereby gives notice that it has received a petition, filed on May 19, 2009, by Daniel E. McKay, III, seeking a variance or waiver of Rule 61G15-20.0015, F.A.C., which is entitled "Application for Licensure by Endorsement." Specifically, the Petitioner requests, for reasons of violation of the principles of fairness, a permanent change from the phrase "foreign institution" to the phrase "foreign or domestic institution."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Board of Medicine received a petition filed on behalf of Kishore Julian Thampy, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for obtaining a passing score on the FLEX examination in one sitting of the 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.

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance on behalf of Louise Johnson Wunsch, M.D., on April 29, 2009, has been withdrawn, upon request of the Petitioner. The Petitioner has been granted a license and the Petition is now moot. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 19, of the May 15, 2009, issue of the F.A.W.

The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on May 22, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Youth and Family Alternatives, Inc and Dorothea Davis, assigned Case No. 09-019W. Subsection 65C-15.017(3), F.A.C. requires agency staff responsible for performing casework services shall have a bachelor's or master's degree in 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.

NOTICE IS HEREBY GIVEN THAT on May 26, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Donnette Waugh, assigned Case No. 09-020W. subsection 65C-15.017(3), F.A.C. requires staff responsible for performing casework services shall have a bachelor's or master's degree in 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 **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: July 13, 2009, 11:00 a.m. – 1:00 p.m.

PLACE: Mission San Luis Archaeology Lab, 2021 W. Mission Road, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Executive Committee will be meeting to discuss the new Visitor Center and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666.

Pursuant to the provisions of 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: Jessica Shiver at (850)487-1666. If you are 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: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

The **Department of State, Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 30, 2009, 3:30 p.m.

PLACE: 2nd Floor, Conference Room, 1350 N. W. 14th Street, Miami, FL 33125

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for Art in State Buildings Project #70413100 Miami-Dade County Health Department Replacement Facility will hold an Orientation Meeting to evaluate the new facility and determine potential artwork sites and media.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, 500 South Bronough Street, Third Floor, Tallahassee FL 32399-0250, (850)245-6475.

Pursuant to the provisions of 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: Morgan Lewis at (850)245-6356. If you are 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 LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 17, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: June 19, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women Foundation, Inc.

DATE AND TIME: June 23, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women Foundation, Inc.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meetings which all persons are invited to attend.

Executive Committee

DATE AND TIME: July 6, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 1465889610

Committee on Improving Criminal Justice and Gangs

DATE AND TIME: July 6, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 1465889610

Legislative Review Committee

DATE AND TIME: July 7, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 1465889610

Committee on Improving Foster Care and Family Issues

DATE AND TIME: July 8, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 1465889610

Committee on Improving Health Status

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

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Committee on Improving Economic Outcomes

DATE AND TIME: July 9, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Committee on Improving Educational Outcomes

DATE AND TIME: July 10, 2009, 11:15 a.m. – 12:15 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

Council on the Social Status of Black Men and Boys

DATE AND TIME: July 13, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 0131521068

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, contact: Fredrica Doctor or Travis Dudley, Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF EDUCATION

The **Division of Blind Services**, Direct Support Organization announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 18, 2009, 1:30 p.m. – 4:00 p.m.
PLACE: Conference Call: 1(877)347-0176, Passcode: 720674, Blind Services Foundation, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (850)345-9122
GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.
A copy of the agenda may be obtained by contacting: Craig Kiser, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (850)342-9122.

Pursuant to the provisions of 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: Craig Kiser at (850)345-9122. If you are 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 **Region XIV Trust Fund Advisory Council** announces a public meeting to which all persons are invited.
DATE AND TIME: June 23, 2009, 10:00 a.m.
PLACE: Miami Dade College, North Campus, Room 9118, Miami, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Region XIV course and other Region XIV business matters.
A copy of the agenda or for more information, you may contact: Director, Ron Grimming at (305)237-1328 or email: rgrimmin@mdc.edu.

The **Criminal Justice Standards and Training Commission** announces a public meeting to which all persons are invited.
DATE AND TIME: June 29, 2009, 10:00 a.m.

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746. If you need to make reservations, please call the Orlando Marriott – Lake Mary at (407)995-1100, Fax: (407)995-1150. Check-in is 3:00 p.m. and Check-out is 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal Justice Standards and Training Commission Officer Discipline Penalty Guidelines Task force will discuss proposed new revisions to the officer discipline penalty guidelines in Rules 11B-27.0011, 11B-27.004, and 11B-27.005, F.A.C., Moral Character; Probable Cause Determination; Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

A copy of the agenda may be obtained by contacting: Glen Hopkins at (850)410-8645.

Pursuant to the provisions of 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: Glen Hopkins at (850)410-8645. If you are 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: Glen Hopkins at (850)410-8645.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2009, 8:30 a.m. – until conclusion of business

PLACE: TradeWinds Island Resort, 5600 Gulf Boulevard, St. Pete Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of 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: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, Room 176, MS #9, Tallahassee, Florida 32399-0450, (850)414-4105.

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."

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, July 1, 2009; July 15, 2009; July 22, 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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

PUBLIC SERVICE COMMISSION

NOTICE OF AMENDMENT – The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited. This Amended Notice Corrects the location of the Customer Service Hearing. The correct location of the customer service hearing is the Lee County Public Education Center.

DATE AND TIME: Friday, June 19, 2009, 6:00 p.m.

PLACE: School Board Of Lee County Board Room. *Lee County Public Education Center (The prior notice incorrectly identified the location of the hearing as the Dr. James A. Adams Public Education Center. The correct location of the customer service hearing is the Lee County Public Education Center), 2855 Colonial Boulevard, Ft. Myers, Florida 33966

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

EMERGENCY CANCELLATION OF CUSTOMER SERVICE HEARING: If a named storm or other disaster requires cancellation of the customer service hearing, 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.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

Docket Number: 090172-EI Petition to determine need for Florida EnergySecure Pipeline by Florida Power & Light Company.

PREHEARING CONFERENCE

DATE AND TIME: Monday, July 6, 2009, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING

DATES AND TIME: Monday, July 27-28, 2009, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits and to take final action relative to the Commission's review of the petition for determination of need and to take action on any motions or other matters that may be pending at the time of the hearing. At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties at the prehearing conference held on Monday, July 6, 2009. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces customer service hearings to which all persons are invited.

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

PLACE: Lake Mary Events Center, Ballroom A, 260 North Country Club Road, Lake Mary, FL 32746

DATE AND TIME: Thursday, July 16, 2009, 9:00 a.m.

PLACE: City Council Chambers, City Hall, 175 – 5th Street, North, St. Petersburg, FL 33701

DATE AND TIME: Thursday, July 16, 2009, 6:00 p.m.

PLACE: Commissioners Assembly Room, Pinellas County Board of Commissioners, 315 Court St., 5th Floor, Clearwater, FL 34616

DATE AND TIME: Friday, July 17, 2009, 9:00 a.m.

PLACE: Citrus County Auditorium, 3610 S. Florida Ave., Inverness, FL 34450

DATE AND TIME: July 17, 2009, 2:00 p.m.

PLACE: Ocala City Council Chambers, City Hall, 2nd Floor, 151 S.E. Osceola Avenue, Ocala, FL 34478

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO.: 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc.

The purpose of these customer service hearings is to take testimony from the public on the quality and adequacy of Progress Energy Florida, Inc.'s service and other matters related to Progress Energy Florida, Inc.'s petition for a rate increase. The procedure at these service hearings shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

EMERGENCY CANCELLATION OF CUSTOMER SERVICE 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 these meetings is asked to advise the agency at least 48 hours before the meeting by contacting: Office of the Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service** (Volunteer Florida) announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, June 30, 2009, 10:00 a.m. – 12:30 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Unfinished business/Continuation of Committee Meetings previously held June 16, 2009.

A copy of the agenda may be obtained by contacting: Kristin Mullikin at kristin@volunteerflorida.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Kristin Mullikin at kristin@volunteerflorida.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: Kristin Mullikin for conference call in information and agenda at kristin@volunteerflorida.org or (850)921-5172.

The **Governor's Office of Policy and Budget** announces a public meeting to which all persons are invited.

DATE AND TIME: July 2, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: Children's Board, 1002 E. Palm Avenue, Ybor City, FL 33605

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2010 Sunshine Census Statewide and Tampa Bay Area Complete Count Committee Meeting:

- Discuss the Coordination of awareness efforts with the Local Complete Count Committee of Tampa Bay and members of the Statewide Complete Count Committee that are located in the Tampa Bay area.
- This meeting will focus on outreach to the Hispanic and migrant worker populations of the Tampa Bay area.

A copy of the agenda may be obtained by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

Pursuant to the provisions of 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: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

The **Governor's Commission on Volunteerism and Community Service** (Volunteer Florida) announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, July 6, 2009; Wednesday, July 8, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: Marriott Orlando, 4040 Central Florida Parkway, Orlando, Florida 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting, Committee Meetings and Planning.

A copy of the agenda may be obtained by contacting: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Mullikin. If you are 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.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, July 2, 2009, Planning and Growth Management Committee, 8:30 a.m.; Personnel, Budget and Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting

PLACE: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrc.org.

NOTICE OF CHANGE – The **Wekiva River Basin Commission** meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 29, 2009, 1:30 p.m.

PLACE: New Location: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Wekiva River Basin Commission.

A copy of the agenda may be obtained by contacting: Tara McCue by email at tara@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 3 days before the workshop/meeting by contacting: Tara McCue at tara@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 23, 2009, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Committee Meetings, Board Meeting and Public Hearing: Conduct Committee meetings, Governing Board meeting and public hearing, including review of the Fiscal Year 2010 Recommended Annual Service Budget. (Ad Order 57953)

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (FL only) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Director at the address above or call (352)796-7211, ext. 4702, 1(800)423-1476 (FL only) ext. 4702, TDD (FL only) 1(800)231-6103, email: ADACoordinator@swfwmd.state.fl.us. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: SWFWMD, Executive Department at the address above.

The **Water Resources Advisory Commission** (WRAC) Issues Workshop, River of Grass Project Planning Phase 1 announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: All interested parties are invited to participate in a planning workshop for use in configuration of the River of Grass Restoration Plan. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Joni Warner at (561)242-5520, ext. 4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Water Resources Advisory Commission** (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: July 2, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.swfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office. Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: July 21, 2009, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: June 26, 2009, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business, including preliminary FY 2010 Basin Budget.

A copy of the agenda may be obtained by contacting: Kathleen M. Tetrault at (239)263-7615.

Pursuant to the provisions of 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: Kathleen M. Tetrault at (239)263-7615. If you are 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: Kathleen M. Tetrault at (239)263-7615.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: July 28, 2009, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website: (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: June 30, 2009, 10:00 a.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32399, (850)410-5700, Conference Call: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Personnel Committee will meet via conference call to discuss the Executive Director position.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL, (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, (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, (850)410-5700.

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 1, 2009, 10:00 a.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32399, (850)410-5700, Conference Call Number: To be announced

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Conference Awards Committee will meet to discuss the 2009 TD Conference Awards and other committee business.

A copy of the agenda may be obtained by contacting: Laurie Revell, 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: Laurie Revell, 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: Laurie Revell, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, June 26, 2009, 1:00 p.m. – 4:00 p.m. has been cancelled.

PLACE: Agency for Health Care Administration, Fort Knox Complex, Building 3, Conference Room A, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting has been Cancelled: Technical Advisory Panel Teleconference.

A copy of the agenda may be obtained by contacting: magnusom@ahca.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 7 days before the workshop/meeting by contacting: magnusom@ahca.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: magnusom@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services (DMS)** announces a meeting inviting industry representatives to participate in a Roundtable discussion that will focus on Broadband strategic planning. This meeting will take place at the following date, time and place:

DATE AND TIME: Tuesday, June 23, 2009, 9:00 a.m. – 12:00 p.m.

PLACE: Betty Easley Center, Room 152, 4075 Esplanade Way, Capital Circle Office Center (CCOC), Tallahassee, Florida; Dial in: 1(888)808-6959 pin number 4879971#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Department of Management Services (DMS) has been facilitating a Broadband strategy planning group to take advantage of the opportunity to draw American Recovery & Reinvestment Act (ARRA) Broadband Stimulus grant dollars to the State of Florida to enrich our communities. Industry representative are encouraged to attend this meeting for a collaborative discussion on how the State of Florida may best reap the benefits of this federal Broadband funding opportunity.

For more information, contact: Bill Price at bill.price@dms.myflorida.com or Carolyn Mason at Carolyn.mason@dms.myflorida.com.

NOTICE OF CORRECTION – The **Department of Management Services**, DivTel – E911 Board announces a public meeting to which all persons are invited.

DATES AND TIMES: July 14, 2009, 2:00 p.m. – until conclusion of business; July 15, 2009, 9:00 a.m. – until conclusion of business – this day is designated for Wireless

Service Provider Cost Recovery Proposals, however if time permits Board could discuss other issues as public meeting; July 16, 2009, 9:00 a.m. – until conclusion of business

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss monthly Board business and address any new or pending business related to the Board.

A copy of the agenda may be obtained by contacting: Penney Taylor at (850)414-9636.

Pursuant to the provisions of 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: Penney Taylor at (850)414-9636. If you are 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 BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants**, Bureau of Elevator Safety announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the quarterly meeting of the Elevator Safety Technical Advisory Council. Discussion will involve the 'update' to the rewrite of Chapter 399, F.S., from last session to move the bill language forward in the 2009/2010 session.

A copy of the agenda may be obtained by contacting: Doug Melvin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013.

Pursuant to the provisions of 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: Doug Melvin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013. If you are 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 Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: June 23, 2009, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 1, 2009, 9:00 a.m.

PLACE: Access Phone: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The Probable Panel of the **Florida Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, July 13, 2009, 2:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are 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: Division of Real Estate at (407)481-5662.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: June 23, 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 re-scheduled public meeting to discuss technical issues related to the Bayou Chico Basin Management Action Plan (BMAP). The Bayou Chico Basin Working Group was formed to provide a forum for stakeholders to provide recommendations to the Department of Environmental Protection regarding development of the Bayou Chico Basin Management Action Plan (BMAP). The BMAP is the means for implementation of the Bayou Chico Fecal Coliform Total Maximum Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the discussion of 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, or by e-mail at 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).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: July 2, 2009, 9:30 a.m.

PLACE: Lake Sylvan Park, 845 Lake Markham Rd., Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lake Jesup Basin Working Group was formed to provide a forum for stakeholders to provide recommendations to the Department of Environmental Protection regarding development of the Lake Jesup Basin Management Action Plan (BMAP). The Lake Jesup BMAP is the vehicle for implementation of the Lake Jesup nutrient Total Maximum Daily Load (TMDL). Topics to be considered at this meeting include recommendations to the Department regarding allocations and related BMAP components.

A copy of the agenda may be obtained by contacting: Mrs. Jennifer Gihring, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8418.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mrs. Jennifer Gihring at (850)245-8418. If you are

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

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATES AND TIMES: Workshop 1 – Wednesday, July 8, 2009, 10:00 a.m.; Workshop 2 – Thursday, July 9, 2009, 10:00 a.m.; Workshop 3 – Tuesday, July 21, 2009, 10:00 a.m.

PLACE: Workshop 1 – Department of Environmental Protection, Southwest District, 13051 North Telecom Parkway, Rooms 111 and 112, Temple Terrace, Florida; Workshop 2 – Department of Environmental Protection, Southeast District, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida; Workshop 3 – Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are rule development workshops to discuss proposed amendments to public water system cross-connection control rules in Chapters 62-550 and 62-555, F.A.C. (The same material will be discussed at each of the three workshops.)

A copy of the agenda may be obtained by contacting: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630, virginia.harmon@dep.state.fl.us.

A copy of the proposed rule amendments also may be obtained by contacting: Virginia Harmon at (850)245-8630.

Pursuant to the provisions of 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: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630, virginia.harmon@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATES AND TIMES: Workshop 1 – Wednesday, July 8, 2009, 10:00 a.m.; Workshop 2 – Thursday, July 9, 2009, 10:00 a.m.; Workshop 3 – Tuesday, July 21, 2009, 10:00 a.m.

PLACE: Workshop 1 – Department of Environmental Protection, Southwest District, 13051 North Telecom Parkway, Rooms 111 and 112, Temple Terrace, Florida; Workshop 2 – Department of Environmental Protection, Southeast District, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida; Workshop 3 – Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are rule development workshops to discuss proposed amendments to public water system cross-connection control rules in Chapters 62-550 and 62-555, F.A.C. (The same material will be discussed at each of the three workshops.)

A copy of the agenda may be obtained by contacting: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630, virginia.harmon@dep.state.fl.us. A copy of the proposed rule amendments also may be obtained by contacting: Virginia Harmon at (850)245-8630.

Pursuant to the provisions of 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: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630, virginia.harmon@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, July 6, 2009, 2:00 p.m.

PLACE: Media Center, Lemon Bay High School, 2201 Placida Road, Englewood, FL 34224

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for the impaired waters in the Charlotte Harbor basin, to be adopted in Rule 62-304.805, F.A.C. This TMDL to be presented at the public workshop is a dissolved oxygen TMDL for Coral Creek East Branch (WBID 2078B). The draft TMDL document for the impaired water will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl> by June 19, 2009, and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDL through July 20, 2009.

Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email at: jan.mandrup-poulsen@dep.state.fl.us. This rule development has been given OGC case number 09-0716.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, July 7, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, Southwest District Office, Main Conference Room, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for impaired waters in the Tampa Bay, Alafia River, Hillsborough River, Manatee River, and Little Manatee River basins, to be adopted in Rules 62-304.600, 62-304.605, 62-304.610, 62-304.615, and 62-304.620, F.A.C. respectively. The draft TMDL documents for the impaired waters to be presented at the workshop will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl> by June 19, 2009, and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through July 20, 2009.

Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email at: jan.mandrup-poulsen@dep.state.fl.us.

These rule developments have been given the following OGC case numbers: 09-0718 for 62-304.600, 09-0722 for 62-304.605, 09-0720 for 62-304.610, 09-0717 for 62-304.615, and 09-2870 for 62-304.620.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 9, 2009, 9:30 a.m.

PLACE: St. Johns River Water Management District, Headquarters, Resource Management Building, Room 136A, 4049 Reid Street, Hwy. 100 W, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for the impaired waters in the Lower St. Johns River basin, to be adopted in Rule 62-304.415 F.A.C. The draft TMDL documents to be presented at the workshop for the impaired waters will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl> by June 19, 2009, and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through July 20, 2009. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email at: jan.mandrup-poulsen@dep.state.fl.us. This rule development has been given OGC case number: 09-2853.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 9, 2009, 1:00 p.m.

PLACE: Liberty County Civic Center, Veteran Memorial Park, 10405 Theo Jacobs Way, Bristol, FL 32321

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for the impaired waters in the Apalachicola River basin and the Chipola River basin, to be adopted in Rules 62-304.310 and 62-304.315, F.A.C. respectively. The TMDLs to be presented at the public workshop are, for the Apalachicola River Basin: fecal coliform TMDLs for Poley Creek (WBID 1583), Sweetwater Creek (WBID 728), and Flat Creek (WBID 487), and a dissolved oxygen TMDL for Little Gully Creek (WBID 1039), and for the Chipola River basin, a fecal coliform TMDL for Otter Creek (WBID 819). The draft TMDL documents for these impaired waters will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl> by June 19, 2009, and will be provided upon

request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through July 20, 2009. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email at: jan.mandrup-poulsen@dep.state.fl.us. These rule developments have been given the following OGC case numbers: 09-0719 for 62-304.310 and 09-2871 for 62-304.315.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 9, 2009, 2:30 p.m.

PLACE: Florida Department of Environmental Protection, Northeast District Office, Conference Room A, 7825 Baymeadows Way, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for the impaired waters in the Lower St. Johns River basin, to be adopted in Rule 62-304.415, F.A.C. The draft TMDL documents to be presented at the workshop for these impaired waters will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl> by June 19, 2009, and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through July 20, 2009.

Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email at: jan.mandrup-poulsen@dep.state.fl.us. This rule development has been given OGC case number 09-2853.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Governor's Task Force on Autism Spectrum Disorders** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 25, 2009, 1:00 p.m. – 2:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 9439484

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor's Task Force on Autism Spectrum Disorders. The Task Force will discuss the scope and prioritization of issues to be addressed as listed in Executive Order 09-82.

A copy of the agenda may be obtained by contacting: There will be no formal agenda for this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Kimberly Copley at (850)487-3763 or by email: Kimberly_Copley@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: www.healthyfloridians.com/autism.html.

The Probable Cause Panel of the Florida **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, July 9, 2009, 2:30 p.m. or soon there after

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454590

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of 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: Paula Mask at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Council of Licensed Midwifery** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, July 10, 2009, 9:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454594

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Council.

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Council of Licensed Midwifery at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Athletic Training** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 15, 2009, 10:00 a.m.

PLACE: (850)245-4474 to inquire about the call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to meeting date.

The **Division of Environmental Health**, Bureau of Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2009, 10:00 a.m. (EST)

PLACE: Gulf Coast Research and Education Center, 14625 County Road 672, Wimauma, FL 33598; Or via Conference Call: 1(888)808-6959, Conference Code: 1454070

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. This meeting will include a discussion on the Florida Nitrogen Reduction Strategies Study.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, by e-mail: Susan_Polangin@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 7 days before the workshop/meeting by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, by e-mail: Susan_Polangin@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, by e-mail: Susan_Polangin@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Shared Service Alliance of Okeechobee and the Treasure Coast** announces a public meeting to which all persons are invited.

DATE AND TIME: June 26, 2009, 8:30 a.m. – 10:30 a.m.
 PLACE: Children’s Service Council St. Lucie County, 546 N. W. University Blvd., Suite 201, Port St. Lucie, FL 34986
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Alliance board meeting.

A copy of the agenda may be obtained by contacting: Linda Poston at (772)467-4177.

Pursuant to the provisions of 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: Linda Poston at (772)467-4177. If you are 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 **Council on Homelessness** announces a series of conference call meetings of its committees to which all interested parties are invited to participate. The committees are the Executive, Continuum of Care Capacity, Supportive Housing, Education and Training, Data Collection and Legal and Law Enforcement.

Committee: Executive

DATES AND TIME: Monday, July 6, 2009; Monday, August 3, 2009; Monday, September 14, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Continuum of Care Capacity

DATES AND TIME: Wednesday, July 8, 2009; Wednesday, August 12, 2009; Wednesday, September 9, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Supportive Housing

DATES AND TIME: Wednesday, July 15, 2009; Wednesday, August 19, 2009; Wednesday, September 16, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Education and Training

DATES AND TIME: Friday, July 10, 2009; Friday, August 7, 2009; Friday, September 4, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Data Collection

DATES AND TIMES: Monday, July 13, 2009; Monday, August 10, 2009; Monday, September 14, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Legal and Law Enforcement

DATES AND TIMES: Tuesday, July 14, 2009; Tuesday, August 11, 2009; Tuesday, September 8, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees’ continued development of policy recommendations and work tasks to address the Council’s Strategic Plan to reduce homelessness in Florida.

A copy of the agenda for any of the conference calls may be obtained by contacting: Tom Pierce, Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691, or email: Tom_Pierce @ dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact: Office on Homelessness, (850)922-4691 at least 48 hours in advance of the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: June 29, 2009, 8:30 a.m. – 11:30 a.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, 620 South Meridian Street, Room G52C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To work on the State Chief Information Officer Council of all state agencies Strategic Plan for Fiscal Year 2009-2010.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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).

For more information, you may contact: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

DEPARTMENT OF FINANCIAL SERVICES

The **Fire and Emergency Incident Information System**, Technical Advisory Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 17, 2009, 9:00 a.m.

PLACE: Harbor Beach Marriott Resort & Spa, 3030 Holiday Drive, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@myfloridacfo.com.

The **Firefighters Employment, Standards and Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 17, 2009, 10 minutes upon adjournment of the Fire and Emergency Incident Information System Technical Advisory Panel

PLACE: Harbor Beach Marriott Resort & Spa, 3030 Holiday Drive, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@myfloridacfo.com.

GOVERNOR’S COMMISSION ON DISABILITIES

The **Governor’s Commission on Disabilities** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, June 22, 2009, 9:00 a.m. – 5:00 p.m. or until close of business; Tuesday, June 23, 2009, 9:00 a.m. – 5:00 p.m. or until close of business (There will be time for public comment on both days.)

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Ste. 180, Tallahassee, FL 32399. Conference Call: 1(888)808-6959, Conference Code: 6101108#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The commission is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

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

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to: commission@dms.myflorida.com.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 23, 2009, 5:30 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

For more information, you may contact: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

SCRIPPS FLORIDA FUNDING CORPORATION

The Investment Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 25, 2009, 12:00 Noon (EST)

PLACE: Via Teleconference: (219)509-8111, Passcode: 85241
GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Committee will review the monthly investment reports and discuss investment vehicles.

A copy of the agenda may be obtained by contacting: jenni.garrison@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: jenni.garrison@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: jenni.garrison@myflorida.com.

The Audit Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 30, 2009, 12:00 Noon (EST)

PLACE: Teleconference: (219)509-8322, Passcode: 888954
GENERAL SUBJECT MATTER TO BE CONSIDERED: TSRI and Scripps Florida financial statements from first quarter 2009, the Audit Committee Charter and the Audit engagement letters.

A copy of the agenda may be obtained by contacting: jenni.garrison@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: jenni.garrison@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: jenni.garrison@myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Market Accountability Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 25, 2009, 12:30 p.m. (EDT)

PLACE: Citizens Property Insurance Corporation, 8301 Cypress Plaza Drive, Suite 108, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by contacting: Sara Golding at 1(800)807-7647, extension 3874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sara Golding at 1(800)807-7647, extension 3874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sara Golding at 1(800)807-7647, extension 3874.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.** announces eleven teleconference meetings of its Investment Committee to which all interested parties are invited to attend. announces a telephone conference call to which all persons are invited.

DATES AND TIME: June 26, 2009; July 31, 2009; August 28, 2009; September 25, 2009; October 30, 2009; November 30, 2009; December 28, 2009; January 29, 2010; February 26, 2010; March 26, 2010; April 30, 2010, 10:00 a.m.

PLACE: To participate in the teleconference meetings, please contact Kathy Coyne at (941)378-7408.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics for each meeting will include the approval of minutes, a compliance review of the current investment portfolio, and a review of policy and guidelines for the investment of assets and associated matters.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

SANTA FE COMMUNITY COLLEGE

The **CJST Region IV Training Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 30, 2009, 2:00 p.m. (EST)

PLACE: Santa Fe College Institute of Public Safety, 3737 N. E. 39th Ave., Gainesville, FL 32609

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CJST Region IV Training Council will hold a telephone conference call to discuss the training activity of the region's training centers and the Officers Training Monies budget for FY 2008/09.

A copy of the agenda may be obtained by contacting: Nancy Nipper, 3737 N. E. 39th Avenue, Gainesville, Florida 32609 or nancy.nipper@sfcollege.edu.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

POLK COMMUNITY COLLEGE

The **Criminal Justice Training Standards and Training Commission**, Region VIII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2009, 2:00 p.m.

PLACE: Polk State College, Kenneth C. Thompson Institute of Public Safety, 999 Avenue H, N.E., Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Approve Minutes from April 9, 2009 Meeting
2. Old Business
3. New Business
 - a. Region VIII Course Offerings
 - b. Region VIII Reports (2008-2009 and Budget (2009-2010)
 - c. CJSTC Rules

- 4. Training Issues
- 5. Other Issues
- 6. Adjournment

A copy of the agenda may be obtained by contacting: Captain Craig C. Smith, Director, Polk State College, Kenneth C. Thompson Institute of Public Safety, 999 Avenue H, N. E., Winter Haven, FL 33881.

For more information, you may contact: Debbie Bull at (863)669-2908.

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: September 26, 2009, 9:00 a.m. (Eastern Time)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4737801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss proposed rules or small business concerns received between May 22, 2009 and the time of the call in addition to other Council business. Additional information can be found at <http://floridasbrac.org>.

A copy of the agenda may be obtained by contacting: Jennifer Crews at (850)473-7817, by email: jennifer.crews@floridasbrac.org.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT the Department of Environmental Protection has received the petition for declaratory statement from The Conservancy of Southwest

Florida. The petition seeks the agency's opinion as to the applicability of Final Order Number 11-0209794-001 as it applies to the petitioner.

Petitioner requests that the Department of Environmental Protection issue an order clarifying whether Lely Beach Condominium Association, Inc., has any rights to alter mangroves under General Permit No. 11-0209794-001. This petition has been given OGC case number 09-2811.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Jacob Brown, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, (850)245-2264 or via email: jacob.m.brown@dep.state.fl.us.

Please refer all comments to: Jacob Brown, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, (850)245-2264, or via email: jacob.m.brown@dep.state.fl.us.

Section VIII

Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-169, Chemistry Bldg 688 Roof Replacement, estimated budget: \$350,000, to be opened July 22, 2009, 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The work includes complete removal of the existing roofing system and install of a new modified bitumen roofing system with replacement of all roof flashings. A General Contractor's license is required and the contractor's main office must be located within a sixty mile radius of Gainesville, FL. Mandatory pre-bid meeting will be held July 8, 2009, 1:30 p.m., PPD A/E Main Street Trailer, Building 0270, Radio Road, Gainesville, FL.

Questions should be directed to: Lisa Pennington, lpenn@ufl.edu or (352)392-1331. For more information visit www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

Notice of Bid/Request for Proposal

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-170, Replace Condensate Piping Bldgs. 719, 720, 721 & 725 Part A & B, estimated budget: \$400,000, to be opened August 6, 2009, 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The work includes all site excavation, restoration, piping, valves, insulation, labor and associated materials required to execute the piping installation indicated in the contract documents.

Mandatory pre-bid meeting will be held July 23, 2009, 10:00 a.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Questions should be directed to Lisa Pennington, lpenn@ufl.edu or (352)392-1331. For more information visit www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

Notice of Bid/Request for Proposal

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-171, Materials Engineering Bldg. 719 Roof Replacement, estimated budget: \$380,000, to be opened July 29, 2009, 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The work includes complete removal of the existing roofing system and install of a new modified bitumen roofing system with replacement of all roof flashings. A General Contractor's license is required and the contractor's main office must be located within a sixty mile radius of Gainesville, FL. Mandatory pre-bid meeting will be held July 14, 2009, 1:30 p.m., PPD A/E Main Street Trailer, Building 0270, Radio Road, Gainesville, FL.

Questions should be directed to: Lisa Pennington, lpenn@ufl.edu or (352)392-1331. For more information visit www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services will be required for the project listed below:

Project Name and Number: International Hurricane Research Center, BT-895

Project Location: This facility will be located at Florida International University, University Park.

Project Description: The International Hurricane Research Center (IHRC) at Florida International University (FIU) promotes a multi-disciplinary research mission focused on mitigating hurricane damage to people, the economy, and the built and natural environments. The IHRC has received funding from the State of Florida to construct its own building near the National Hurricane Center. This building will be one-of-a-kind and house the foremost hurricane impact research center in the world. Therefore it needs to be a signature building, both in design and construction materials, to promote outreach, education and fundraising for naming opportunities. The building is being planned as a dedicated structure to house each of the IHRC's four labs; a wind tunnel, a seminar/training room and an educational, interactive lobby, a marquis feature of the structure. Since the wind tunnel will be a significant and prominent feature of this project, firms will be evaluated with an emphasis on experience related to wind tunnel construction.

This new building will not only house academic researchers, but will also serve as a hub for coordinating with federal and state agencies, such as the National Hurricane Center and the National Weather Service's Miami Weather Forecast Office,

NOAA's Hurricane Research Division, Federal Emergency Management Agency (FEMA), National Aeronautics and Space Administration (NASA), and Florida Division of Emergency Management. The new facility will bring nationally and internationally acclaimed researchers to collaborate with FIU hurricane scientists and engineers, students, and the community at large.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement form. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet may be obtained from the web-site <http://facilities.fiu.edu> (find project under Selection Process Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning at padillag@fiu.edu or (305)348-4090.

Six (6) bound copies of the required proposal data will be submitted to: Selection Committee, Facilities Planning, Florida International University, University Park, CSC 142, Miami, Florida 33199.

Submittals must be received between 8:30 a.m. – 12:30 p.m. or 1:30 p.m. – 4:00 p.m. (Local Time), July 20, 2009. Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University, on behalf of Florida Gulf Coast University Board of Trustees, announces that Professional Services in the discipline of master planning will be required for the project listed below:

Project No. BR-1070

Project and Location: Campus Master Plan Update 2010, Florida Gulf Coast University, Fort Myers, Florida

Description of Project

The project consists of updating the current university's comprehensive campus master plan. Emphasis will be directed toward the resolution of goals and objectives regarding components of the comprehensive plan that have illustrated growth over the past five years. The planning effort will continue to preserve the integrity of the original master plan while strategically aligning the University for future growth. The services will include:

1. The development of an Evaluation and Appraisal Report that reviews and appraises implementation of the 2005 Campus Master Plan and provides assistance in confirmation of a projected facilities program for future enrollment accommodation. These facilities will include research, academic, student life, support, housing, parking, infrastructure, utilities, athletics, recreation, parking, and others to be determined in terms of capacity, density, cost, visibility, availability of infrastructure, pedestrian and vehicular access, etc.
2. Development of a final comprehensive Campus Master Plan Update 2010 document, which fulfills statutory requirements, including determination of impacts to the Level of Service of services/roadways, potential public hearings, and assistance to FGCU in providing information for updating the Development Agreement with the host municipality. The 2010 Year Master Plan will be updated in accordance with Section 1013.30, Florida Statutes, and Rule Chapter 6C-21, Florida Administrative Code, and its proposed rewrite, Florida Board of Governors Regulation Chapter 21, F.S. The required Elements include Future Land Use, Transportation, Housing, General Infrastructure, Conservation, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements. Ten optional elements and a long-range plan are also included. The successful consultant must demonstrate experience in campus planning, including LEED, Sustainability, and resolution of parking and traffic issues, as well as familiarity with statutory and administrative rule requirements. Consultants must demonstrate the ability to assess the impacts of university facilities development on campus and public facilities/services. Major components that may be included in the services consist of storm water capacity/conveyance/ management, chilled water capacity/conveyance, traffic/transportation/parking and campus way finding/signage studies. The University is seeking consultants with experience in campus master planning, local government comprehensive planning and concurrency management.

3. The selected firm shall provide comprehensive consulting services for the referenced project. Any proposed Sub-consultants, as required by the Primary Consultant firm to meet project scope requirements, shall be identified by the generic discipline on the PQS form, but shall not be identified specifically by firm name, unless services are provided within the primary consulting firm. Sub-consultant firms shall be recommended after selection, at the time of contract negotiations, for the University’s approval.

Selection of finalists for interview will be made on the basis of:

- a. Professional qualifications of the proposed design team members, including experience and ability to meet the project requirements goals and objectives of the University’s strategic plan
- b. Past experience with similar University Master Planning projects
- c. Design ability
- d. Volume of work
- e. Distance from project

Florida Gulf Coast University is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises (“MBEs”) in the provision of design services. The selected firm will be required to provide computer-generated drawings according to the standards of FGCU. Blanket professional liability insurance will not be required for this project. Project development, including professional services, is contingent upon availability of funds. Additional Campus Master Plan Update services may be added to the contract scope for this project subject to the availability of funds and need.

Instructions:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents “Professional Qualifications Supplement,” dated February 1999. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An application must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

The “Professional Qualifications Supplement (PQS)” and “Project Fact Sheet”, which includes project information and selection criteria, may be obtained at www.fgcu.edu/facilities or by contacting: Pam Courter, Facilities Planning, via e-mail at pcourter@fgcu.edu, by mail: 10501 FGCU Blvd., South, Fort Myers, FL 33965-6565, by phone at (239)590-1500.

Interested firms are invited and encouraged to attend a Pre-Submittal Meeting on Friday, July 10, 2009, 9:00 a.m., Academic Building 5, Conference Room 210.

Requests for meetings by individual firms will not be granted. No verbal communication shall take place between the applicants and the employees of the Florida Gulf Coast University except as provided at the Pre-Submittal Meeting and the request for the PQS and the Fact Sheet. Requests for any project information must be in writing to the above e-mail address. The Selection Committee may waive any irregularities and may reject all proposals and stop the selection process at any time. One (1) original and five (5) copies of the requested submittal data shall be addressed to:

Mr. Barrett Genson, Director of Facility Planning
 10501 FGCU Blvd., South
 Fort Myers, Florida 33965-6565
 Phone: (239)590-1500

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. (Local Time), July 21, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Notice of Bid/Request for Proposal

School Administration Building Re-Roofing

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the School Administration Building, 301 – Fourth Street, S. W., Largo, FL 33770-3536, Florida until 3:00 p.m. (Local Time), July 13, 2009, for the purpose of selecting a Roofing Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

School Administration Building
 Re-Roofing

Bid# 09-968-327

School Administration Building
 301 – Fourth Street, S.W.
 Largo, FL 33770-3536

SCOPE OF PROJECT: This bid will select a “Roofing Contractor”. The work shall consist of furnishing all materials, labor, tools, equipment and supervision required for Phenolic foam removal, and insulation replacement, plywood, decking, metal roof panels, cement plaster, fascias, and sheet metal flashings and accessories. All work shall be in accordance with plans and specifications.

- The awarded contractor may subdivide the work into reasonable subcontracts as deemed necessary.
 - Provide a list of proposed subcontractors along with your bid response.
 - This project requires Bid and Performance Security.
- BID AND PERFORMANCE SECURITY: Bid and Performance Security is required with this bid.

LICENSING REQUIREMENTS: "Roofing Contractor" with the license of "CC".

MANDATORY PRE-BID CONFERENCE:

School Administration Building, Room D-134/135, 301 Fourth Street, S.W., Largo, Florida 33770-3536 at 10:00 a.m., June 30, 2009 (Signing in at the front entrance guard desk does not constitute the required pre-bid attendance). Attendance at this pre-bid conference is MANDATORY in order for all potential bidders to receive the benefit of answers to theirs and other's technical questions first hand. If you are not the prime bidder but are attending on behalf of someone else, please make note of this when signing the attendance roster where indicated. We apologize for any inconvenience this may cause you, but it is imperative that all information be disseminated in a public forum with all potential bidders present to minimize confusion or misunderstandings. Additions or changes to the original bid documents resulting from this conference of a material nature, will be documented in the form of written addenda and distributed to all attendees. Please note that if you are late to this mandatory pre-bid conference you will not be eligible to sign the attendance roster and therefore may not submit a bid. You may still, however, attend the conference if you wish.

Purchasing Department
301 Fourth Street, S. W.
Largo, Florida 33770
(727)588-6149
(727)588-6129 (Fax)

The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. JULIE M. JANSSEN, ED. D PEGGY L. O'SHEA
SUPERINTENDENT OF SCHOOLS CHAIRMAN
AND EX-OFFICIO SECRETARY
TO THE SCHOOL BOARD MARK C.
LINDEMANN
DIRECTOR,
PURCHASING

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."

EXPRESSWAY AUTHORITIES

REQUEST FOR QUALIFICATIONS FOR DISCLOSURE COUNSEL – CONTRACT NO.: 000631

The Orlando-Orange County Expressway Authority (Authority) requires the services of a qualified law firm to serve as the Authority's Disclosure Counsel for the issuance of

revenue bonds and other debt instruments, including but not limited to commercial paper or interim financings, which may be required from time to time to finance additions and improvements to the Authority's Expressway System and to refund outstanding indebtedness.

Consideration will be given to only those firms who are qualified to perform the work as determined by the Authority. Any firm wanting to be considered by the Authority should contact: Robert Johnson at (407)690-5372, email: johnsonr@ocea.com for a Request for Qualifications (RFQ) package.

DESCRIPTION OF SERVICES: Services to be provided under the Contract include: Primary Debt Offerings; Review and Assistance with the Annual Disclosure Document; Formulation of Comprehensive Policies and Standardized Documents for Primary and Secondary Disclosure; and General Advice and Consultation to the Authority and its financing team related to disclosure issues.

QUALIFICATION REQUIREMENTS: Firms must demonstrate they have the ability to provide the services necessary throughout the duration of the contract and are willing to meet the requirements of the Authority as stated in the Scope of Services.

The Authority will evaluate and determine the relative ability of each firm to perform the required services based upon the information provided by the firm in response to the RFQ.

NON-SOLICITATION PROVISION: From the first date of publication of this Notice, no person may contact any Authority Member, Officer, Employee, or any selection committee member, with respect to this Notice or the services to be provided, except as related to the submittal requirements detailed in the RFQ. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

SUBMITTAL DUE DATE: Submittals will be received by the Authority until 3:00 p.m. (Orlando local time), July 7, 2009. Submittals delivered or received after that time and date will be disqualified.

CODE OF ETHICS: All firms selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which is available on the Authority's web site at www.expresswayauthority.com.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all firms and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

**REQUEST FOR QUALIFICATIONS FOR
ISSUER'S COUNSEL – CONTRACT NO.: 000632**

The Orlando-Orange County Expressway Authority (Authority) requires the services of a qualified law firm to serve as the Authority's Issuer's Counsel for the rendering of appropriate opinions as to the adequacy and completeness of information included in the offering documents relating to Authority financings and assisting the Authority in ensuring compliance with Federal and State regulatory agencies' laws and regulations in the course of its financing transactions, and other associated tasks as may be necessary.

Consideration will be given to only those respondents who are qualified to perform the work as determined by the Authority. Any firm wanting to be considered by the Authority should contact: Robert Johnson at (407)690-5372, email: johnsonr@ocea.com for a Request for Qualifications (RFQ) package.

DESCRIPTION OF SERVICES: Services to be provided under the Contract include rendering appropriate opinions as to the adequacy and completeness of information included in the offering documents relating to Authority financings and assisting the Authority in ensuring compliance with Federal and State regulatory agencies' laws and regulations in the course of its financing transactions, and other associated tasks as may be necessary.

QUALIFICATION REQUIREMENTS: Firms must demonstrate they have the ability to provide the services necessary throughout the duration of the contract and are willing to meet the requirements of the Authority as stated in the Scope of Services.

The Authority will evaluate and determine the relative ability of each firm to perform the required services based upon the information provided by the firm in response to the RFQ.

NON-SOLICITATION PROVISION: From the first date of publication of this Notice, no person may contact any Authority Member, Officer, Employee, or any selection committee member, with respect to this Notice or the services to be provided, except as related to the submittal requirements detailed in the RFQ. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

SUBMITTAL DUE DATE: Submittals will be received by the Authority until 3:00 p.m. (Orlando Local Time), July 7, 2009. Submittals delivered or received after that time and date will be disqualified.

CODE OF ETHICS: All contractors selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which is available on the Authority's web site at www.expresswayauthority.com.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, sex, national origin, age, religion and disability.

The Authority hereby notifies all firms and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

REQUEST FOR PROPOSALS

MDX PROCUREMENT/CONTRACT NO.: RFP-09-07

MDX WORK PROGRAM NO.: N/A

**MDX PROJECT/SERVICE TITLE: INSPECTION &
REPORTING SERVICES FOR MDX STRUCTURES**

The Miami-Dade Expressway Authority is seeking a pool of two (2) qualified Consultant Firms ("Proposers") with the necessary qualifications and experience to perform safety inspections of bridges and structures located within the MDX System which includes State Road 836, State Road 874, State Road 878, State Road 924, State Road 112, and additionally, structures listed in the MDX inventory. A Pre-Proposal Conference is scheduled for June 12, 2009, 10:00 a.m. (Eastern Time). Although, attendance at this meeting is not mandatory, all Proposers are encouraged to attend. MDX notifies all Proposers and individuals that it encourages small, minority and women-owned businesses full opportunity to submit a response to any solicitation issued by MDX. For a copy of the RFP with information on the Scope of Services, Pre-qualification and submittal requirements, please logon to MDX's Website: www.mdxway.com to download the documents under "Doing Business with MDX: Vendor Login", or call MDX's Procurement Department at (305)637-3277 for assistance. Note: In order to download any MDX solicitation, you must first be registered as a Vendor with MDX. This can only be facilitated through MDX's Website: www.mdxway.com under "Doing Business with MDX: Vendor Registration". The deadline for submitting a Proposal is June 30, 2009, by 2:00 p.m. (Eastern Time).

DEPARTMENT OF MANAGEMENT SERVICES

BIDS FOR GENERAL CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES FOR "SPECIAL NEEDS GENERATOR RENOVATIONS" AT EACH SITE LISTED:

NOTE: Each Contractor may bid all projects, but please bid each project separately.

PROJECT NUMBER: DEM-25070340

PROJECT NAME: Special Needs Shelter (SpNS) Generator Renovations, Wesley Chapel High School

PROJECT LOCATION: 30651 Wells Road, Wesley Chapel, Florida

ENGINEER: Pinnacle Engineering Group, PA

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$1,250,000.00

PROJECT NUMBER: DEM-25070341

PROJECT NAME: Special Needs Shelter (SpNS) Generator Renovations, Challenger K-8

PROJECT LOCATION: 13400 Elgin Blvd., Spring Hill, Florida

ENGINEER: Pinnacle Engineering Group, PA

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$1,250,000.00

PROJECT NUMBER: DEM-25070342

PROJECT NAME: Special Needs Shelter (SpNS) Generator Renovations, Oak Grove Middle School

PROJECT LOCATION: 1370 S. Belcher Road, Clearwater, Florida

ENGINEER: Pinnacle Engineering Group, PA

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.

Please visit the Department’s Website http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu and click on “Search Advertisements – Division of Real Estate Development and Management” Look for “Opportunities for Design and Construction Firms” and click on link.

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 MILITARY AFFAIRS

CLARIFICATION OF REQUEST FOR QUALIFICATIONS FOR DESIGN – BUILD TEAMS

The State of Florida, Department of Military Affairs (DMA), Construction and Facility Management Office (CFMO) requests qualifications from State of Florida registered licensed General/Building Contractors (GC) and Architect/Engineering (A/E) Teams for Design – Build Services for the following projects located at Camp Blanding Joint Training Center, Starke, Florida 32091.

FOR COMPLETE INFORMATION, SUBMISSION REQUIREMENTS AND FEDERAL ARRA CONDITIONS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM AT: http://vbs.dms.state.fl.us/vbs/main_menu.

A separate submission is required and a separate contract will be issued for each of the following projects.

PROJECT NUMBER: 201165

HVAC INSTALLATION, AREA 4600

PROJECT NUMBER: 201164

HVAC INSTALLATION, AREA 4700

PROJECT NUMBER: 201163

HVAC INSTALLATION, AREA 4800

FUNDING: AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009

The Scope of Work for Project Numbers 201165, 201164, and 201163 may include but not necessary limited to: Provide high efficiency HVAC climate control system. Remove existing ventilation systems. Repair and/or replace sheet rock/ceiling. Install concrete blocks after vent removal. Upgrade existing electrical panels in all affected buildings. Insulate all buildings with spray insulation. Install new HVAC unit enclosure. Paint buildings. Rework or replace all exterior doors. Upgrade electrical distribution lines. Add new primary and secondary overhead services.

One submission will be required and only one contract will be issued for both projects below as they are located together at the same facility and there is minor work only on Building 2000.

PROJECT NUMBER: 209019

REFURBISH BUILDING 2000

together with:

PROJECT NUMBER: 209027

REFURBISH BUILDING 2001

FUNDING: SUSTAINMENT, RESTORATION AND MODERNIZATION.

The Scope of Work for Project Numbers 209019 and 209027 may include but not necessary limited to: General renovation/refurbishment/reconfiguration of office space, cage and drill hall; as well as, male and female latrines with showers.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA. The State of Florida’s performance and obligation to pay under any contract is contingent upon availability of funding and an annual appropriation by the Legislature.

POINT OF CONTACT: Department of Military Affairs, Construction and Facility Management Office, Contracting Branch (904)823-0255, (904)823-0252 or e-mail: cfmocontracting@fl.ngb.army.mil.

SERVICES TO BE PROVIDED: CFMO will contract with a single contract entity, for each project listed above, whose Design – Build team shall provide all services including, but

not necessarily limited to site investigation, preconstruction, schematic and preliminary designs, constructability reviews, complete design and engineering, construction documents, specifications, detailed line-item construction cost estimates, procurement, permitting and permits, bidding, labor, materials, equipment, construction management, and construction required to provide upgrades and repair to code.

Blanket professional design liability insurance will be required for each project in the amount of \$250,000.00 and will be provided as a part of the services. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class VIII.

SELECTION INFORMATION: Selection of applicants for consideration will be made on the basis of Design-Build successful relative experience of the Architect-Engineer firm and the General/Building Contractor and their ability to perform based on, but not limited to the information submitted on DBC Forms 5085 and 5112 for licensed and/or professional personnel; professional services qualifications, financial capability, recent, current, and projected workloads of the Design-Build team members, and location of their office in relation to the project site. A minimum requirement of two successfully completed projects within the previous three years of similar size, scope and complexity shall apply. The qualifications packages will be reviewed and three semi-finalists will be interviewed to determine the best qualified Design-Build team for this project. The three semi-finalists may be required to participate in formal presentations or telephone interviews. The selection committee may reject all submissions and stop the selection process at any time. Additional building requirements and information will be provided to short-listed firms at the Mandatory Site Visit. Order of Negotiations for the selected shortlisted firms will be made on the basis of past performance references, knowledge of site and local conditions, proposed project staff, ability to meet budget, ability to meet project schedule, understanding program and requirements, and approach and methodology.

CONTRACT AWARD: The short list for interviews and the final order of negotiations will be posted on the MyFlorida.com website: http://vbs.dms.state.fl.us/vbs/main_menu. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, a contract will be negotiated with the firm which the Department considers the most qualified for the intended project. If an agreement, for compensation which the Department determines is fair, competitive, and reasonable, cannot be reached and the Department is unable to negotiate a satisfactory contract, negotiations will be formally ceased and negotiations shall be undertaken with the firm the Department has determined is the second most qualified after Departmental review of the submissions.

One original and four copies of each submission document are required. Forms must be electronically obtained in MICROSOFT WORD software format (file extension “.doc”-document format) from CFMO-Contracting Branch, telephone: (904)823-0252 or (904)823-0255 or e-mail: cfmocontracting@fl.ngb.army.mil. Forms are available in Adobe Acrobat software (file extension “.pdf”-portable document format) with the original solicitation on the Vendor Bid System on MyFlorida.com. CFMO issued forms must be used. No other forms or format will be accepted.

Submittals received after the due date will not be considered. However, submittals may be sent to the CFMO-Contracting Branch any time prior to the final due date.

Submittals are to be sent to Department of Military Affairs, Construction and Facility Management Office (CFMO), Attention: Contracting Branch, Robert F. Ensslin, Jr., National Guard Armory, 2305 State Road 207, St. Augustine, Florida 32086.

Faxed or e-mailed submittals are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners, or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

AREA AGENCY ON AGING FOR NORTH FLORIDA, INC.

Notice of Bid/Request for Proposal Request for Information

The Area Agency on Aging for North Florida, Inc. Nutrition Program is seeking sources interested in providing pre-plated frozen meals to senior citizens organizations in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla and Washington Counties. Prospective sources must be established and have current or previous experience in providing the pre-plated frozen meals to public or private entities. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc. anticipates duration of not more than one year with two, one-year renewal options pending continued funding availability. Responsibilities include, but are not limited to:

- Utilization of approved kitchen facilities
- Employment of qualified staff to oversee facility operation and meal production
- Delivery of frozen pre-plated meals to individual sites in the counties listed above

- Supplying meals which provide older individuals a minimum of 33 1/3% of the current Dietary Reference Intake and comply with the current Dietary Guidelines for Americans
 - Provision of disposable supplies to delivery sites
- Services must also adhere to guidelines set forth by the State of Florida Department of Elder Affairs Program and Services Handbook, dated July 2008, and contracts between the Area Agency on Aging for North Florida, Inc. and State of Florida Department of Elder Affairs.

Deadline: Written responses to this RFI are due to the Area Agency on Aging for North Florida, Inc. on June 26, 2009 by 3:00 p.m. (EST). Only written responses will be accepted.

Contact: Area Agency on Aging for North Florida, Inc.
 Attention: Lisa Bretz
 2414 Mahan Drive
 Tallahassee, Florida 32308

The responses to this Request for Information (RFI) will be used to identify those organizations that are qualified and interested in providing pre-plated frozen meals for the Area Agency on Aging for North Florida, Inc. Nutrition Programs in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla and Washington Counties. The Area Agency on Aging for North Florida, Inc. does not plan to award a contract or pay for information provided as a result of this request. This RFI is a preliminary step to the release of an Invitation to Bid package on or around June 29, 2009. Failure to respond by the deadline specified in this notice shall constitute a "not interested" response.

COMMUNITY TRANSPORTATION COORDINATOR FOR THE TRANSPORTATION DISADVANTAGED PROGRAM

Monroe County Local Coordinating Board for Transportation Disadvantaged – RFP No. 2009 TDMC 01

The Health Council of South Florida, Inc. (HCSF) is accepting proposals from qualified agencies or firms to coordinate transportation services for the transportation disadvantaged in Monroe County, Florida until the deadline of July 13, 2009. The selected contractor will be recommended as the designated Community Transportation Coordinator to the Florida Commission for the Transportation Disadvantaged (CTD). If approved by the CTD, the selected contractor will operate in the Transportation Disadvantaged system, as authorized by Chapter 427, Florida Statutes (FS), and more fully described in Chapter 41-2, Florida Administrative Code (FAC).

The following timeline will guide this RFP process:

Date/Time	Event
June 12, 2009	Release of RFP
June 26, 2009	Pre-Proposal Information Session
July 13, 2009	Deadline for Receipt of Proposals
July 17, 2009	RFP Review Committee

July 28, 2009	RFP Review Committee Recommendation
August 6, 2009	Monroe County DOPA Recommendation
August 7, 2009	Recommendation provided to Commission for Transportation Disadvantaged
August 17, 2009	Commission for Transportation Disadvantaged Approval
January 1, 2010	New CTC Start-Up

To view and respond to this RFP, please access the HCSF website at www.healthcouncil.org and click on Request for Proposals for Monroe County CTC Released under the News section.

If you have any questions, please contact:
 Violet Murunga
 (305)592-1452 ext. 117
vmurunga@healthcouncil.org

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 17-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Escambia County School Board and each of the following local governments: Escambia County, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Escambia County Development Services Bureau, Long Ranch Planning Division, 1190 West Leonard Street, Pensacola, Florida 32501.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Escambia County School Board, Escambia County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections

120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

DEPARTMENT OF LAW ENFORCEMENT

Notice of Application for Federal Funds and Funding Availability

The State of Florida, Department of Law Enforcement (FDLE), Office of Criminal Justice Grants will be submitting an application to the United States Department of Justice, Bureau of Justice Assistance, for \$20,421,492 in Federal Fiscal Year 2009 funds made available under Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Section 500 as amended.

A copy of the application will be available for review and comment by the public at FDLE, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308. Interested parties should contact the Office of Criminal Justice Grants at (850)617-1250 to obtain a copy of the application for review.

If the Bureau of Justice Assistance approves this application, units of local government will be eligible to receive subgrants from the Department of Law Enforcement. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision

of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

Chapter 11D-9, Florida Administrative Code, governs program administration and funding. Local governments should thoroughly review rule provisions before applying for subgrant funds.

FDLE is not yet accepting applications for this program. FDLE will mail a notice of funding availability to the chief official of each county. The notice will state the amount of funds available to the county and will include information about the application process. The funding notice will include the supplemental amount of FFY 2008 JAG funding which was advertised in the December 12, 2008, edition of the Florida Administrative Weekly.

Questions regarding FDLE's application and the funding process should be directed to Clayton Wilder, Administrator of the Office of Criminal Justice Grants, FDLE at (850)617-1250.

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 Rhino Motorcycles, Inc., intends to allow the establishment of TGT Companies, Inc. d/b/a Extreme Motor Sales, as a dealership for the sale of motorcycles manufactured by Jiangmen Qipai Motorcycle Co. Ltd. (QIPA) at 1918 South Orange Blossom Trail, Apopka (Orange County), Florida 32703, on or after June 2, 2009.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc. d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 1918 South Orange Blossom Trail, Apopka, Florida 32703; principal investor(s): Tina Wilson, 6255 Linneal Beach Drive, Apopka, Florida 32703 and Heidi Drwal, 6255 Linneal Beach Drive, Apopka, Florida 32703.

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: Alex Chividian, Rhino Motorcycles, Inc., 229 North Central Avenue, Suite #507, Glendale, California 91203.

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 North American Imports, LLC, intends to allow the establishment of Fast Trix Power Sports, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 2386 Allen Road, Tallahassee (Leon County), Florida 32312-2602, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fast Trix Power Sports, Inc. are dealer operator(s): Danny Maddox, 2386 Allen Road, Tallahassee, Florida 32312-2602; principal investor(s): Danny Maddox, 2386 Allen Road, Tallahassee, Florida 32312-2602.

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: Jerry H. Robinson, North American Imports, LLC, 2400 Lakeview Parkway, Suite 600, Alpharetta, Georgia 30009.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Jealse Scooters, Inc., as a new point for motorcycles manufactured by Benzhou Vehicle Industry Group (SHWI) motorcycle franchise dealership in Osceola County by Garverick Group, Inc., published in Vol. 35, No. 22, pp 2773 of the Florida Administrative Weekly on June 5, 2009, has been withdrawn.

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 Pacific Rim International West, Inc., intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 228 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after June 8, 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: Wendy Yu, Pacific Rim International West, Inc., 2260 South Archibald Avenue, Unit E, Ontario, California 91761.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that North American Imports, LLC, intends to allow the establishment of Richard Weber Real Estate Investment Co., Inc. d/b/a Orlando Yamaha Kawasaki, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 9334 East Colonial Drive, Orlando (Orange County), Florida 32817-4130, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Richard Weber Real Estate Investment Co., Inc. d/b/a Orlando Yamaha Kawasaki are dealer operator(s): Richard Weber, 9334 East Colonial Drive, Orlando, Florida 32817-4130; principal investor(s): Richard Weber, 9334 East Colonial Drive, Orlando, Florida 32817-4130.

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: Jerry H. Robinson, North American Imports, LLC, 2400 Lakeview Parkway, Suite 600, Alpharetta, Georgia 30009.

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 QLink, L.P., intends to allow the establishment of The Navitas Financial Group, Inc. d/b/a Pompano Pat's Motorcycles, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32724, on or after June 3, 2009.

The name and address of the dealer operator(s) and principal investor(s) of The Navitas Financial Group, Inc. d/b/a Pompano Pat's Motorcycles are dealer operator(s): Patrick Johnson, 2075 South Woodland Boulevard, Deland, Florida 32724 and Ronald Hurtibise, 2075 South Woodland Boulevard, Deland, Florida 32724; principal investor(s): Patrick Johnson, 2075 South Woodland Boulevard, Deland, Florida 32724 and Ronald Hurtibise, 2075 South Woodland Boulevard, Deland, Florida 32724.

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: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

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 QLink, L.P., intends to allow the establishment of The Navitas Financial Group, Inc. d/b/a Pompano Pat's Motorcycles, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32724, on or after June 3, 2009.

The name and address of the dealer operator(s) and principal investor(s) of The Navitas Financial Group, Inc. d/b/a Pompano Pat's Motorcycles are dealer operator(s): Patrick Johnson, 2075 South Woodland Boulevard, Deland, Florida 32724 and Ronald Hurtibise, 2075 South Woodland Boulevard, Deland, Florida 32724; principal investor(s): Patrick Johnson, 2075 South Woodland Boulevard, Deland, Florida 32724 and Ronald Hurtibise, 2075 South Woodland Boulevard, Deland, Florida 32724.

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: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

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 Scooter City USA, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 4535 34th Street, Orlando (Orange County), Florida 32811, on or after June 3, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter City USA, LLC are dealer operator(s): Randy Lazarus, 4535 34th Street, Orlando, Florida 32811; principal investor(s): Randy Lazarus, 4535 34th Street, Orlando, Florida 32811.

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 KYMCO USA, Inc., intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters of Vero, as a dealership for the sale of KYMCO

motorcycles (KYOO) at 4901 North US Highway 1, Suite J, Vero Beach (Indian River County), Florida 32967, on or after June 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters of Vero are dealer operator(s): Heidi S. Long, 1013 Rose Arbor Drive, Sebastian, Florida 32950; principal investor(s): Heidi S. Long, 1013 Rose Arbor Drive, Sebastian, Florida 32950.

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: Steve Lazoff, KYMCO USA, Inc., 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

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 Renmin Motors, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 3311 West Lake Mary Boulevard, Units 1 and 2, Lake Mary (Seminole County), Florida 32746, on or after August 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports, LLC are dealer operator(s): Jason M. Rupp, 3311 West Lake

Mary Boulevard, Units 1 and 2, Lake Mary, Florida 32746; principal investor(s): Jason M. Rupp, 3311 West Lake Mary Boulevard, Units 1 and 2, Lake Mary, Florida 32746.

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: Alexander H. Li, Renmin Motors, Inc., 1810 South Park Street, Madison, Wisconsin 53713.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

Estimated Borrowing Capacity

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida ("the Board") of its revised estimate of the borrowing capacity of the Florida Hurricane Catastrophe Fund ("the Fund") and the projected balance of the Fund as of December 31, 2009, in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. This revision is made necessary by CS/CS/CS/HB 1495, which became law after the prior notice was published. The projected year-end balance on December 31, 2009, is estimated to be \$4.460 billion, which represents the amount of assets available to pay

claims, not including any bond proceeds, resulting from Covered Events which may occur during the June 1, 2009 through May 30, 2010 Contract Year. The Fund's projected post-event borrowing capacity estimate is \$8 billion. Given the current state of the financial markets, the range of potential borrowing capacity estimates is dependent on many factors, such as: the size of the event, the markets accessed, the time necessary to access such markets, and the interest rates utilized. The estimated borrowing capacity and projected available year-end cash balance, together with other liquid resources, provides the Fund with a total estimated loss reimbursement capacity of \$15.960 billion over the next twelve months. Greater detail, can be obtained in the "May 2009 Estimated Loss Reimbursement Capacity Report, Assumes passage of CS/CS/CS/HB 1495, Revised 5/12/09", which can be found on the Fund's website at www.sbafla.com/fhcf/ under "Bonding Program". The obligation of the Board for the payment of reimbursable losses is limited in Section 215.555(4)(c)2., Florida Statutes, and shall not exceed the actual claims-paying capacity of the Fund. The Board recognizes that its good faith estimate is being made while highly volatile global financial market conditions exist; therefore, changing market conditions can dramatically impact the Fund's actual loss reimbursement capacity either positively or negatively. Current conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds.

FLORIDA PAROLE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Parole Commission has issued an Order Denying Petition to Initiate Rulemaking in response to a Petition filed by Jeffrey Walker on May 6, 2009. By order dated June 3, 2009, the Commission denied the Petition finding that any rule changes requiring a definition for the term "unsatisfactory institutional adjustment" under Rule 23-21.002, Florida Administrative Code is unnecessary where the term is not used in Rule 23-21.013, Florida Administrative Code. Further the term has a clear, plain meaning.

A copy of the Petition and the Commission's Order No. 09-01-AR may be obtained by contacting: Sarah Rumph, Acting General Counsel, Florida Parole Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA STATE CLEARINGHOUSE

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted one new and one revised policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html.

Agency Use and Safeguarding Social Security Account Numbers (FDJJ – 1700) This new policy articulates the Department's responsibilities under Florida statute regarding the safeguarding and appropriate uses of Social Security Account Numbers. The policy is intended to protect the public and staff from inappropriate use and disclosure of the SSAN.

Vehicle Operations (FDJJ – 1306) This revised policy establishes standards regarding the management, operation and maintenance state owned vehicles.

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 July 17, 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.

DEPARTMENT OF HEALTH

On June 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 certificate of Jeanette L. Johnson, C.R.T. certificate #CRT 43997. 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 Chapters 20 and 468, Park IV, Sections 20.43 and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 9, 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 Forrest Carlton Arthur, M.D. License #ME 64552. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 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 Crystal Ann Downes, R.N. License #RN 2212082. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 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 Nancy Delle Kline, L.P.N. License #PN 5149598. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida

Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 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 Julie Christina Thompson, R.N. License #RN 9254188. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: 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., July 10, 2009):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Community Bank of Manatee, Bradenton, Florida

Proposed Purchasers: CBM Florida Holding Company (in organization), Marcelo Lima, São Paulo, SP BRAZIL, and Trevor R. Burgess, Milan, New York, Received: June 8, 2009

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.flofr.com/banking/cufm.asp>.

Name and Address of Applicant: Florida Transportation Credit Union, 3400 West Commercial Blvd., Fort Lauderdale, Florida, Florida 33309

Expansion Includes: Geographic based

Received: June 5, 2009

HERNANDO COUNTY METROPOLITAN PLANNING ORGANIZATION

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

GOAL FOR FISCAL YEAR 2009/10

IT IS THE POLICY of the Hernando County Metropolitan Planning Organization (MPO) to provide Disadvantaged Business Enterprises (DBEs) the opportunity to participate in contracts for The Hernando Express Bus (THE Bus) that are financed in whole or part with funds from the Federal Transit Administration. For this reason, the MPO has established a

fiscal year 2009/10 goal of 4% for the DBE Program. A description of the goal and the process for establishing the goal are available for review during regular business hours by contacting: Mr. Steve Diez, Transportation Planner II, Hernando County Metropolitan Planning Organization, 20 North Main Street, Room 262, Brooksville, FL 34601, email: stevend@hernandocounty.us or by telephone (352)754-4057. The DBE goal and rationale may also be viewed online via THE Bus website at www.hernandobus.com. The address for the Federal Transit Administration, Office of Civil Rights is: 230 Peachtree Street, N. E., Suite 800, Atlanta, GA 30303. The DBE goal and rationale for its adoption will be available for inspection for 45 days following the date of this notice.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 1, 2009
 and June 5, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF EDUCATION
State Board of Education

6A-1.09441	6/2/09	6/22/09	35/16	
6A-1.099822	6/2/09	6/22/09	35/15	

Commission for Independent Education

6E-5.001	6/2/09	6/22/09	35/15	
----------	--------	---------	-------	--

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Wiregrass Community Development District

42MMM-1.001	6/4/2009	6/24/2009	35/13	
42MMM-1.002	6/4/2009	6/24/2009	35/13	
42MMM-1.003	6/4/2009	6/24/2009	35/13	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares, and Mobile Homes

61B-23.002	6/3/09	6/23/09	35/13	
------------	--------	---------	-------	--

Florida Building Code Administrators and Inspector

61G19-6.016	6/4/09	6/24/09	35/14	
-------------	--------	---------	-------	--

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

62B-56.010	6/2/09	6/22/09	34/17	35/15
62B-56.020	6/2/09	6/22/09	34/17	35/15
62B-56.030	6/2/09	6/22/09	34/17	35/15
62B-56.040	6/2/09	6/22/09	34/17	35/15
62B-56.050	6/2/09	6/22/09	34/17	35/15
62B-56.060	6/2/09	6/22/09	34/17	35/15
62B-56.070	6/2/09	6/22/09	34/17	35/15
62B-56.080	6/2/09	6/22/09	34/17	35/15
62B-56.090	6/2/09	6/22/09	34/17	35/15
62B-56.100	6/2/09	6/22/09	34/17	35/15
62B-56.110	6/2/09	6/22/09	34/17	35/15
62B-56.120	6/2/09	6/22/09	34/17	35/15
62B-56.130	6/2/09	6/22/09	34/17	35/15

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62B-56.140	6/2/09	6/22/09	34/17	35/15
62B-56.150	6/2/09	6/22/09	34/17	35/15
62B-56.160	6/2/09	6/22/09	34/17	35/15
62B-56.900	6/2/09	6/22/09	34/17	35/15

DEPARTMENT OF HEALTH
Board of Medicine

64B8-30.008	6/3/09	8/2/09	35/15	
-------------	--------	--------	-------	--

Board of Nursing

64B9-2.016	6/2/09	6/22/09	35/17	
------------	--------	---------	-------	--

Board of Orthotists and Prosthetists

64B14-7.002	6/2/09	6/22/09	35/17	
-------------	--------	---------	-------	--

Board of Osteopathic Medicine

64B15-6.0038	6/3/09	8/2/09	35/15	
--------------	--------	--------	-------	--

Division of Environmental Health

64E-6.001	6/5/09	6/25/09	35/9	
64E-6.003	6/5/09	6/25/09	35/9	
64E-6.004	6/5/09	6/25/09	35/9	
64E-6.005	6/5/09	6/25/09	35/9	35/14
64E-6.008	6/5/09	6/25/09	35/9	35/14
64E-6.009	6/5/09	6/25/09	35/9	35/14
64E-6.010	6/5/09	6/25/09	35/9	
64E-6.0101	6/5/09	6/25/09	35/9	
64E-6.011	6/5/09	6/25/09	35/9	35/17
64E-6.012	6/5/09	6/25/09	35/9	
64E-6.013	6/5/09	6/25/09	35/9	
64E-6.014	6/5/09	6/25/09	35/9	
64E-6.015	6/5/09	6/25/09	35/9	
64E-6.0151	6/5/09	6/25/09	35/9	
64E-6.023	6/5/09	6/25/09	35/9	
64E-6.027	6/5/09	6/25/09	35/9	
64E-6.028	6/5/09	6/25/09	35/9	

DEPARTMENT OF FINANCIAL SERVICES

Funeral and Cemetery Services

69K-5.0024	6/2/09	6/22/09	35/9	
69K-5.003	6/2/09	6/22/09	35/9	
69K-6.009	6/1/09	6/21/09	35/16	