

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

**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."

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Florida Energy & Climate Commission**

RULE NO.:	RULE TITLE:
27N-3.001	State Energy Efficient Appliance Rebate Program

**PURPOSE AND EFFECT:** Section 377.808, F.S., authorizes the Florida Energy and Climate Commission to establish a consumer rebate program for residential energy efficient appliances, consistent with 42 U.S.C. s. 15821 and any other federal agency guidance or regulations issued in furtherance of federal law.

**SUBJECT AREA TO BE ADDRESSED:** As part of the American Recovery and Reinvestment Act, Congress appropriated \$300 million nationwide to support state rebate programs for residential ENERGY STAR appliance products (those that represent improvements in efficiency compared to the majority of products in the market). States will receive formula-based funding to establish or supplement established ENERGY STAR appliance rebate programs. The Appliance Rebate Program objectives are: (1) save energy by encouraging appliance replacement through consumer rebates; (2) make rebates available to consumers; (3) enhance existing rebate programs by leveraging ENERGY STAR national partner relationships and local program infrastructure; (4) keep administrative costs low while adhering to monitoring and evaluation requirements; (5) promote state and national tracking and accountability; and (6) use existing ENERGY STAR consumer education and outreach materials.

Chapter 2009-36, Laws of Florida, authorizes the Florida Energy and Climate Commission (Commission) to develop and administer a consumer rebate program for residential energy efficient appliances, consistent with 42 U.S.C. s.15821 and any federal agency guidance or regulations issued in furtherance of federal law. The bill authorizes the Commission to adopt rules pursuant to Sections 120.536(1) and 120.54, F.S., designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The Commission is authorized to enter into contracts or memoranda of agreement with other state agencies, public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

**RULEMAKING AUTHORITY:** 377.807 FS.

**LAW IMPLEMENTED:** 377.807 FS.

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

**DATES AND TIME:** August 10, 2009; September 16, 2009; 9:00 a.m. – 12:00 Noon

**PLACE:** Toni Jennings Room, 110 Senate Office Building, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brittany Cummins, 600 S. Calhoun Street, Suite 251, Tallahassee, FL 32399-0001 or (850)487-3800. If you are 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:** Brittany Cummins, 600 S. Calhoun Street, Suite 251, Tallahassee, FL 32399-0001 or (850)487-3800

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-602.223	Special Management Meal

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to permit the placement of inmates on close or maximum management status on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

**SUBJECT AREA TO BE ADDRESSED:** Special Management Meal.

**RULEMAKING AUTHORITY:** 20.315, 944.09 FS.

**LAW IMPLEMENTED:** 20.315, 944.09 FS.

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

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

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

33-602.223 Special Management Meal.

(1) through (2) No change.

(3) Inmates in any confinement status may be placed on the special management meal for creating a security problem by any of the following acts:

(a) The throwing or misuse of food, beverage, food utensils, food tray, or human waste products, ~~or spitting at staff;~~

(b) Spitting at staff;

~~(c)~~ (b) The destruction of food trays or utensils;

~~(d)~~ (e) Any other acts of violence that would place staff in jeopardy if a serving tray or utensils were provided.

(4) Inmates on close or maximum management status may be placed on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

(4) through (8) renumbered (5) through (9) No change.

Rulemaking Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-12-88, Amended 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02, 11-3-03, 2-18-04, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-1.1003	Time for Consideration of a Petition for an Emergency Variance or Waiver
40D-1.1010	Point of Entry into Proceedings
40D-1.1021	Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.
40D-1.600	Permit Applications – General and Noticed General Permits
40D-1.604	Bonds
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to make District permit application processing rules consistent with recent statutory amendments relating to the processing of permit applications.

**SUBJECT AREA TO BE ADDRESSED:** Permit application processes.

**RULEMAKING AUTHORITY:** 120.54(5), 373.044, 373.113, 373.118, 373.149, 373.171, 373.4135, 373.4136, 373.414 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.569(2)(n), 120.60, 253.115, 373.079, 373.083, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.216, 373.219, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427, 373.439 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.311	Competing Applications
40D-2.331	Modification of Permits
40D-2.381	Standard Permit Conditions

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to make District rules for water use permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

**SUBJECT AREA TO BE ADDRESSED:** Permit application processes.

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

**LAW IMPLEMENTED:** 373.036, 373.0361, 373.042, 373.0421, 373.079, 373.083, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.233, 373.239, 373.243, 373.244 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.091	Publications and Agreements Incorporated by Reference
40D-4.341	Revocation and Cancellation of Permits
40D-4.381	General Conditions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make District rules for individual environmental resource permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

SUBJECT AREA TO BE ADDRESSED: Permit application processes.

RULEMAKING AUTHORITY: 373.016, 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.114, 373.171, 373.403, 373.409, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.426, 373.429, 373.430(1), 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-40.302	Conditions for Issuance of General Permits
40D-40.381	General Conditions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make the District rules for general environmental resource permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

SUBJECT AREA TO BE ADDRESSED: Permit application processes.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.117, 373.413, 373.414, 373.416, 373.419, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-400.215	General Conditions for All Noticed General Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make District rules for noticed general environmental resource permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

SUBJECT AREA TO BE ADDRESSED: Permit application processes.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419, 373.429 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NOS.:           RULE TITLES:  
 61A-1.010           Approved Advertising and Promotional Gifts  
 61A-1.01027       Merchandise Exception  
 61A-1.01028       Recordkeeping

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to reformat and clarify the rules addressing advertising and promotional gifts as they pertain to the sale of alcoholic beverages.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the implementation of the statutory ban on assistance to vendors from manufacturers and distributors of alcoholic beverages found in Section 561.42, Florida Statutes.

RULEMAKING AUTHORITY: 561.11, 561.42 FS.

LAW IMPLEMENTED: 561.08, 561.42 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: Patricia Nelson, (850)488-0062

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.:           RULE TITLE:  
 61B-39.003       Filing of Single-Site Timeshare Plans

PURPOSE AND EFFECT: This rule amendment is required to address the new public offering statement disclosure requirement relating to a timeshare owner's obligation to pay assessments as amended by Section 8 of Chapter 2009-133, LOF. The amendment also deletes redundant disclosure requirements in this rule.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses the public offering statement disclosure requirements for timeshare interests.

RULEMAKING AUTHORITY: 721.26(6) FS.

LAW IMPLEMENTED: 721.05, 721.06(1)(g), 721.07(5), (6), 721.52(4), (5), 721.53 FS.

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

DATE AND TIME: August 17, 2009, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary text of the proposed rule development is also available on line at <http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:           RULE TITLE:  
 61G15-23.002       Seal, Signature and Date Shall Be Affixed

PURPOSE AND EFFECT: To update the signing and sealing rules for licensees who are unable to sign and seal due to disability.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to update the signing and sealing rules for licensees who are unable to sign and seal due to disability.

RULEMAKING AUTHORITY: 471.008, 471.025 FS.

LAW IMPLEMENTED: 471.025 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-19.010  
 RULE TITLE: Criteria for Investigators and Consultants

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the criteria for investigators and consultants.

SUBJECT AREA TO BE ADDRESSED: Criteria for Investigators and Consultants.

RULEMAKING AUTHORITY: 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida.

LAW IMPLEMENTED: 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-19.010 Criteria for Investigators and Consultants.

Except for investigation of non-technical matters, all investigators and consultants hired by the Department of ~~Business and Professional Regulation~~ who undertake the investigation of certified public accountants ~~Florida CPA's~~ shall be active Florida certified public accountants with a minimum of five (5) years of active licensure in the area of public accountancy. Non-technical matters are defined as those not encompassing the technical proficiency of a certified public accountant ~~licensee~~ in the practice of public accountancy.

Rulemaking Specific Authority 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida. Law Implemented 455.203(8) FS., Ch. 81-302, § 27, Laws of Florida. History—New 11-2-81, Formerly 21A-19.10, 21A-19.010, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NOS.:	RULE TITLES:
61H1-20.003	Client
61H1-20.004	Enterprise
61H1-20.0051	Assembled Financial Statements
61H1-20.0052	Offer to Perform or Perform Services Involving Assembled Financial Statements
61H1-20.0053	Standards for Assembled Financial Statements
61H1-20.007	Generally Accepted Accounting Principles
61H1-20.008	Generally Accepted Auditing Standards
61H1-20.009	Standards for Accounting and Review Services
61H1-20.0092	Government Auditing Standards
61H1-20.0093	Rules of the Auditor General
61H1-20.0095	Standards for Consulting Services
61H1-20.0096	Services for Tax Practice
61H1-20.0097	Standards for Personal Financial Planning
61H1-20.0099	Standards for Attestation Engagements
61H1-20.010	Engagement
61H1-20.013	Employee
61H1-20.016	Non-CPA Shareholders, Partners, and Members

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the definitions of client and enterprise; to provide the correct citation for “assembled financial statements;” to update language concerning the certified public accountant; to clarify and edit punctuation errors; to update generally accepted accounting principles from the GASB to the FASB; to update the auditing standards; to provide a website by which to obtain the Standards for Accounting and Review Services; to provide a website by which to obtain the Government Auditing Standards; to update the effective dates and rules of the Auditor General; to update the standards for consulting services; to update the standards for tax practice by providing the updated standards; to provide the updated standards for personal financial planning and to provide the updated standards for attestation engagements.

SUBJECT AREA TO BE ADDRESSED: Client; Enterprise; Assembled Financial Statements; Offer to Perform or Perform Services Involving Assembled Financial Statements; Standards for Assembled Financial Statements; Generally Accepted Accounting Principles; Generally Accepted Auditing Standards; Standards for Accounting and Review Services; Government Auditing Standards; Rules of the Auditor

General; Standards for Consulting Services; Services for Tax Practice; Standards for Personal Financial Planning; Standards for Attestation Engagements; Engagement; Employee; Non-CPA Shareholders, Partners and Members.

**RULEMAKING AUTHORITY:** 455.203(8), 473.304, 473.314, 473.315, 473.317, 473.323 FS., Ch. 81-302, § 27, §1, Ch. 97-35, Laws of Florida.

**LAW IMPLEMENTED:** 455.203(8), 473.302, 473.304, 473.309(1)(b), 473.314, 473.315, 473.317, 473.318, 473.319, 473.322, 473.3101 FS., Ch. 81-302, § 27, §1, 12, Ch. 98-340, §1, Ch. 97-35, Laws of Florida.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-20.003 Client.

“Client” shall be deemed and construed to mean the person(s) or entity which retains a certified public accountant or firm licensee for the performance of public accounting services.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.317, 473.318, 473.319 FS. History–New 12-4-79, Formerly 21A-20.03, 21A-20.003, Amended.

61H1-20.004 Enterprise.

“Enterprise” shall be deemed and construed to mean any person(s) or entity, whether organized for profit or not, for which a certified public accountant or firm licensee provides public accounting services.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Formerly 21A-20.04, 21A-20.004, Amended.

61H1-20.0051 Assembled Financial Statements.

(1) No change.

(2) The term “assembled financial statements” refers to any financial statements included in Section 473.302(8)(7)(c), F.S.

(3) No change.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented ss. 1, 12, Ch. 98-340, Laws of Florida. History–New 10-28-98, Amended.

61H1-20.0052 Offer to Perform or Perform Services Involving Assembled Financial Statements.

The term “offer to perform or perform services involving assembled financial statements” as used in Rule 61H1-20.0053, F.A.C., applies to an actively licensed certified public accountant who performs one or more types of services involving the preparation of assembled financial statements including:

(1) through (3) No change.

(4) Being the only certified public accountant licensee involved with providing services involved in the preparation of financial statements.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented ss. 1, 12, Ch. 98-340, Laws of Florida. History–New 10-28-98, Amended.

61H1-20.0053 Standards for Assembled Financial Statements.

A certified public accountant holding an active license may offer to perform or perform services involving assembled financial statements so long as the certified public accountant complies with the standards for assembled financial statements, which are as follows:

(1) Understanding with the Entity – The certified public accountant shall establish a written understanding with the entity regarding the services to be performed. This written understanding shall include a description of the nature and limitations of the services to be performed. The understanding shall also provide:

(a) That the engagement cannot be relied upon to disclose errors, fraud, or illegal acts; and

(b) Disclose whether or not the entity preparing the financial statement is or is not licensed by the Florida Board of Accountancy. An example engagement letter is provided for illustrative purposes:

(Appropriate Salutation)

This letter is to confirm our understanding of the terms and objectives of our engagement to provide accounting services during (date), the output of which will be in the form of (monthly/quarterly/other frequency) assembled financial statements.

- We will perform the following services (selected illustrations):

- Assist you in recording transactions on a (monthly/quarterly/other frequency) basis.

- Prepare a trial balance from your accounts and journals.

- Assemble that information in the form of financial statements.

- Provide comments of a business advisory nature.

We do not undertake to, and will not, provide any opinion or form of assurance on the financial statements we assemble in connection with these services and, accordingly, we do not undertake to make inquiries or perform other procedures to

verify, corroborate, or review information supplied by you. In addition, those statements may (will) contain departures from generally accepted accounting principles or another comprehensive basis of accounting.

Our engagement to assemble financial statements cannot be relied upon to disclose errors, fraud, or illegal acts, including fraud or defalcations that may exist. These assembled financial statements are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

Our fees for these services. . . .

We shall be pleased to discuss this letter with you at any time.

If the foregoing is in accordance with your understanding, please sign the copy of this letter in the space provided and return it to us.

Sincerely yours,

\_\_\_\_\_  
(Signature of ~~C~~ertified ~~P~~ublic ~~A~~ccountant)

Accepted and agreed to:

XYZ Company

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

(2) Any ~~c~~ertified ~~p~~ublic ~~a~~ccountant who offers to perform or performs assembled financial statements must comply with the provisions of Rule 61H1-22.001, F.A.C.

(3) Language or style similar to that used in reports as defined in Rule 61H1-20.009, F.A.C., shall be avoided to reduce any possible risk of misunderstanding.

(4) Assembled financial statements are not prepared with an expression of any form of opinion or assurance.

(5) Assembled financial statements shall be accompanied by a transmittal letter. See example standard transmittal letter following (12) below.

(6) Before issuing the transmittal letter, the ~~c~~ertified ~~p~~ublic ~~a~~ccountant shall read the assembled financial statements and consider whether such financial statements appear to be free from obvious material errors. In this context, the term error refers to mistakes in the assembly of financial statements, including arithmetical or clerical mistakes.

(7) The date of completion of the assembled financial statement(s) shall be used as the date of the transmittal letter.

(8) The transmittal letter shall include the name and license number of the ~~c~~ertified ~~p~~ublic ~~a~~ccountant who offers to perform or performs services involving assembled financial statements. If more than one ~~c~~ertified ~~p~~ublic ~~a~~ccountant offers to perform or performs such services, then the name and license number of the ~~c~~ertified ~~p~~ublic ~~a~~ccountant who assumes responsibility for the statements shall be included. If a Licensed Audit Firm or Public

Accounting Firm offers to perform or performs such services, the name and license number of the firm may be utilized instead of the name and license number of an individual ~~c~~ertified ~~p~~ublic ~~a~~ccountant.

(9) The following language shall be included in the transmittal letter and on each page of the assembled financial statements: These assembled financial statements are not prepared with an expression of any form of opinion or assurance and they are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

(10) If the Licensed Audit Firm, ~~c~~ertified ~~p~~ublic ~~a~~ccountant or the ~~c~~ertified ~~p~~ublic ~~a~~ccountant employer's is not independent, as defined in Rule 61H1-20.001, F.A.C., the transmittal letter shall disclose the lack of independence.

(11) Transmittal letters may include comments of a business advisory nature to which the ~~c~~ertified ~~p~~ublic ~~a~~ccountant wishes to draw the client's attention.

(12) An example standard transmittal letter is provided for illustrative purposes:

(Date)

These assembled financial statements for XYZ Company as of (date) are prepared without an expression of any form of opinion or assurance and they are prepared by an entity that is (is not) licensed by the Florida Board of Accountancy.

(Comments of a business advisory nature may be included in a separate paragraph(s).

\_\_\_\_\_  
(Signature of Licensed Audit Firm), or

\_\_\_\_\_  
(Signature of Active Certified Public Accountant) ~~Licensee~~

\_\_\_\_\_  
(State of Issuance and License Number)

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.302, 473.322 FS. History—New 10-28-98, Amended 9-20-00, 8-28-06,\_\_\_\_\_.

61H1-20.007 Generally Accepted Accounting Principles. Non-governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Financial Accounting Standards Board (FASB) Accounting Standards Codification<sup>TM</sup>, published on July 1, 2009 and effective for interim and annual periods ending after September 15, 2009. The FASB Accounting Standards Codification TM, is available from FASB at 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116, telephone (203)847-0700 or at its website at <http://asc.fasb.org/>.

Governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Governmental Accounting Standards Board (GASB) Summary of Statement No. 55.

The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments (Issued 03/09) and available from GASB at 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06850-5116, telephone: (203)847-0700 or at its website at <http://www.gasb.org/>, for state and local governments or the principles and standards as promulgated by the Federal Accounting Standards Advisory Board (FASAB), available from FASAB, 750 First Street, Suite 1001, Washington, D.C. 20002, telephone (202)512-7350 or at its website at <http://www.fasab.gov/index.html> for federal governmental entities.

~~“Generally Accepted Accounting Principles” shall be deemed and construed to mean accounting principles generally accepted in the United States of America in effect as of June 30, 2002, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial Accounting Standards Board (FASB), the Governmental Accounting Standards Board (GASB) and the Federal Accounting Standards Advisory Board (FASAB). The FASB materials are entitled Original Pronouncements 2001/2002 Edition, vols. I, II, & III, dated 12/31/00, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856 5116, 1(888)777 7077, <http://www.epa2biz.com>. The GASB materials are entitled Governmental Accounting and Financial Reporting Standards, (Statement 34 Edition), available from GASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06850 5116. The FASAB materials are entitled FASAB Statements 1 22, dated 12/31/00, and are available from FASAB, 750 First Street, Suite 1001, Washington, D.C. 20002, (202)512-7350.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Amended 2-3-81, 3-16-81, 1-25-82, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.07, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.007, Amended 10-19-94, 9-30-97, 9-29-02,\_\_\_\_\_.

#### 61H1-20.008 Generally Accepted Auditing Standards.

Non-issuer ((non-issuers are (1) all entities who are not issuers as that term is defined by the Sarbanes-Oxley Act of 2002, and (2) entities whose audits are not required by Securities & Exchange Commission (SEC) rules to be conducted in accordance with the standards of the Public Company Accounting Oversight Board (PCAOB))<sup>2</sup> Generally Accepted Auditing Standards<sup>2</sup> shall be deemed and construed to mean auditing standards generally accepted in the United States of America in effect as of June 30, 2009<sup>2</sup>, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA); as amended by the AICPA Auditing Standard Board (ASB) and standards promulgated by the ASB in the form of Statements

~~on Auditing Standards (entitled Codification of Statements on Auditing Standards, (including Statements on Standards for Attestation Engagements) Numbers 1 to 93, dated 2001, available from the AICPA's Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at eah 1(888)777-7077).~~

Issuer (issuer means an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), the securities of which are registered under section 12 of that Act (15 U.S.C. 78l), or that is required to file reports under section 15(d) (15 U.S.C. 78o(d)), or that files or has filed a registration statement that has not yet become effective under the Securities Act of 1933 (15 U.S.C. 77a et seq.), and that it has not withdrawn), generally accepted auditing standards shall be deemed and construed to mean auditing and attest standards generally accepted in the United States of America in effect as of July 1, 2009 as published by the PCAOB and available at its website at [www.pcaob.org](http://www.pcaob.org).

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Amended 3-16-81, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.08, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.008, Amended 10-19-94, 9-30-97, 9-29-02,\_\_\_\_\_.

#### 61H1-20.009 Standards for Accounting and Review Services.

“Standards for Accounting and Review Services” shall be deemed and construed to mean Statements on Standards for Accounting and Review Services published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, 2002. (Entitled Codification of Statements on Standards for Accounting and Review Services, Numbers 1 8, dated 1/1/02, available from the AICPA's Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at eah 1(888)777-7077).

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Amended 3-16-81, 1-25-82, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.09, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.009, Amended 10-19-94, 9-30-97, 9-29-02,\_\_\_\_\_.

#### 61H1-20.0092 Government Auditing Standards.

“Government Auditing Standards” shall be deemed and construed to mean Government Audit Standards issued by the Comptroller General of the United States, in effect as of July 2007 June 30, 2002. (Entitled Government Auditing Standards, July 2007 Revision (GAO-07-731G)) 1994 Revision, and its Amendments entitled Government Auditing Standards Amendment No. 1, Documentation Requirements When Assessing Control Risk at Maximum for Controls Significantly Dependent Upon Computerized Information Systems, GAO/A-GAGAS 1, revised May 1999, and Amendment No. 2, Auditor Communication, GAO/A-GAGAS 2, revised July



4999, available from the United States General Accounting Office, Washington, D.C. 20548-0001} or from its website at <http://www.gao.gov/govaud/ybk01.htm>.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.304, 473.315 FS. History–New 10-28-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0092, Amended 10-19-94, 9-30-97, 9-29-02,\_\_\_\_\_.

61H1-20.0093 Rules of the Auditor General.

“Rules of the Auditor General” shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida (~~effective 9-30-01~~), in effect as follows of June 30, 2002:

Chapter	Title
10.550	Local Government Entity Audits, <u>effective 9/30/2007</u>
10.650	State Single Audits Non-profit and For-profit Organizations, <u>effective 9/30/2007</u>
10.700	<u>Audits of Certain Nonprofit Organizations, effective 6/30/2008</u> <del>Audits of Direct Support Organizations and Citizen Support Organizations</del>
10.800	District School Board Audits, <u>effective 6/30/2008</u>
10.850	Charter School Audits, <u>effective 6/30/2008</u>

These rules are available from the State of Florida, Auditor General’s Office or from the website <http://www.state.fl.us/audgen>, under the Rules and Guidelines section.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 10-22-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0093, Amended 9-30-97, 9-29-02,\_\_\_\_\_.

61H1-20.0095 Standards for Consulting Services.

“Standards for Consulting Services” shall be deemed and construed to mean the Statement on Standards for Consulting Services No. 1, as Statements on Standards for Consulting Services, aka CS Section 100, Consulting Services: Definitions and Standards from the AICPA Professional Standards published by the AICPA American Institute of Certified Public Accountants, in effect as of June 30, 2002, available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at call 1(888)777-7077.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 5-20-91, Formerly 21A-20.0095, Amended 9-30-97, 9-29-02,\_\_\_\_\_.

61H1-20.0096 Services for Tax Practice.

“Standards for Tax Services” shall be deemed and construed to mean Statements on Standards for Tax Services, ~~dated August 2000~~, as published by the American Institute of Certified Public Accountants, and in effect as of December 31, 2003.

available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at 1(888)777-7077 ~~June 30, 2002~~.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 5-20-91, Formerly 21A-20.0096, Amended 9-30-97, 9-29-02,\_\_\_\_\_.

61H1-20.0097 Standards for Personal Financial Planning.

“Standards for Personal Financial Planning” shall be deemed and construed to mean Basic Personal Financial Planning Engagement Functions and Responsibilities First Issued October 1992; Revised January 1996, aka Statements on Responsibilities in Personal Financial Planning Practice, as published by the American Institute of Certified Public Accountants, ~~in effect as of June 30, 2002~~, available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request call at 1(888)777-7077.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 11-8-95, Amended 9-30-97, 9-29-02,\_\_\_\_\_.

61H1-20.0099 Standards for Attestation Engagements.

“Standards for Attestation Engagements” shall be deemed and construed to mean Statements on Standards for Attestation Engagements published by the American Institute of Certified Public Accountants, (entitled Codification of Statements on Standards for Attestation Engagements, Numbers 1 to ~~14~~ 4), dated ~~December 2006~~ January 1, 2002, available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at call 1(888)777-7077), ~~in effect as of June 30, 2002~~.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 9-29-96, Amended 6-22-98, 9-29-02,\_\_\_\_\_.

61H1-20.010 Engagement.

“Engagement” shall be deemed and construed to mean the association between a client and a certified public accountant or firm licensee relative to the performance of public accounting services by the certified public accountant or firm licensee for the client.

Rulemaking Specific Authority 473.304, 473.314, 473.315, 473.317 FS. Law Implemented 473.314, 473.315, 473.317 FS. History–New 12-4-79, Formerly 21A-20.10, 21A-20.010, Amended \_\_\_\_\_.

61H1-20.013 Employee.

A certified public accountant licensee would be considered an employee of a ~~CPA~~ firm for purposes of Chapter 473 if the certified public accountant licensee has the status of an employee under the usual common law rules applicable in determining the employer-employee relationship. A certified public accountant licensee may be leased ~~licensed~~ to a ~~CPA~~ firm through an employee leasing company as defined in

Section 443.036(16), F.S., as long as the ~~CPA~~ firm has the power to hire and fire, has complete supervision and control over the ~~certified public accountant's licensee's~~ work product, and accepts the ~~certified public accountant licensee~~ as its responsibility for purposes of complying with Rule 61H1-26.002, F.A.C.

Rulemaking Specific Authority 473.304, FS. Law Implemented 473.302, 473.309(1)(b), 473.3101 FS. History--New 10-17-90, Formerly 21A-20.013, Amended.

61H1-20.016 Non-CPA Shareholders, Partners and Members.

(1) For purposes of Chapter 473, F.S., and these rules, the terms non-CPA shareholders, partners, and members shall be deemed and construed to mean natural persons materially participating in the business conducted by the firm and when their participation ceases, their interest shall revert to the firm.

(2) Non-CPA shareholders, partners, and members shall not hold themselves out as ~~c~~Certified ~~p~~Public ~~a~~Accountants ~~or~~ ~~Public Accountants~~.

Rulemaking Specific Authority 473.304 FS., s. 1, Chapter 97-35, Laws of Florida. Law Implemented s. 1, Chapter 97-35, Laws of Florida. History--New 2-5-98, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61H1-21.001	Independence
61H1-21.002	Integrity and Objectivity
61H1-21.005	Contingent Fees
61H1-21.006	Communication with Client of Another Certified Public Accountant

**PURPOSE AND EFFECT:** The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

**SUBJECT AREA TO BE ADDRESSED:** Independence; Integrity and Objectivity; Contingent Fees; Communication with Client of Another Licensee.

**RULEMAKING AUTHORITY:** 473.304, 473.315, 473.319 FS., s. 2, Chapter 97-35, Laws of Florida.

**LAW IMPLEMENTED:** 473.315 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-21.001 Independence.

(1) A ~~licensed~~ firm shall not express an opinion on financial statements (as that term is defined in the Standards for Independence) of an enterprise or on the reliability of an assertion by one party for use by another (third) party unless the firm is active licensed and independent with respect to such enterprise or the party making the assertion. A licensed firm is also precluded from expressing such an opinion if the firm is aware that an individual in the firm is not independent and that individual is a covered certified public accountant licensee or is otherwise required to be independent. A certified public accountant licensee ~~licensed individual~~ shall not express such an opinion unless the certified public accountant individual is independent with respect to such enterprise or the party making the assertion. A certified public accountant licensee individual is also precluded from expressing such an opinion if he or she is aware that an individual in the firm is not independent and that individual is a covered certified public accountant licensee or is otherwise required to be independent. All covered certified public accountants licensees and all other individuals who are required to be independent are required to disclose to the firm that they are not independent prior to the issuance of such an opinion; failure to do so is a violation of this rule. All firms are required to adopt appropriate policies to implement the disclosure requirement and to monitor compliance therewith.

(2) In order to delineate the standards against which a ~~certified public accountant's licensee's~~ independence or lack thereof is to be judged, the Board has created a document entitled "Standards for Determining Independence in the Practice of Public Accountancy for CPAs Practicing Public Accountancy in the State of Florida" (effective 5-1-2003, revised 12-31-2004) (hereinafter "Standards for Independence") which document is hereby incorporated by reference in this Rule. The standards contained in the "Standards for Independence" are similar to those contained in the Code of Professional Conduct promulgated by the American Institute of Certified Public Accountants.

(3) In order to be considered independent a certified public accountant licensee must comply with the requirements set out in the "Standards for Independence" and the requirements of this rule.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 12-4-79, Amended 2-3-81, 10-28-85, Formerly 21A-21.01, Amended 10-20-86, Formerly 21A-21.001, Amended 5-21-03, 1-31-05, \_\_\_\_\_.

61H1-21.002 Integrity and Objectivity.

A certified public accountant shall not knowingly misrepresent facts, and, when engaged in the practice of public accounting, shall not subordinate his/her judgment to others including but

not limited to clients, employers or other third parties. In tax practice, a certified public accountant licensee may resolve doubt in favor of his/her client as long as there is reasonable support for his/her position.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Formerly 21A-21.02, Amended 6-4-86, Formerly 21A-21.02, 21A-21.002, Amended \_\_\_\_\_.

#### 61H1-21.005 Contingent Fees.

(1) No certified public accountant or firm licensee shall not accept a fee contingent upon the findings or results of such services if the service is of the type for which a commission or referral fee could not be accepted (See Rule 61H1-21.003, F.A.C.).

(2) No certified public accountant or firm licensee shall not accept a contingent fee for tax filings with the federal, state, or local government unless the findings are those of the tax authorities and not those of the certified public accountant or firm licensee. Unless the certified public accountant or firm licensee has specific reason to know that the filing will be reviewed in detail by the taxing authorities, the findings will be presumed to be those of the certified public accountant or firm licensee and a contingent fee is not permissible. An original or amended federal tax return or a claim for refund cannot be prepared for a contingent fee since the findings are not considered to be those of the taxing authority. If the taxing authority has begun an audit, any findings will be considered those of the taxing authority and a contingent fee may be accepted. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, shall not be regarded as contingent fees for the purposes of this rule. However, a certified public accountant's or firm's licensee's fee may vary depending, for example, on the complexity of the service rendered.

Rulemaking Specific Authority 473.304, 473.319 FS., s. 2, Chapter 97-35, Laws of Florida. Law Implemented 473.319 FS., s. 2, Chapter 97-35, Laws of Florida. History—New 12-4-79, Formerly 21A-21.05, 21A-21.005, Amended 11-30-93, 2-23-98, \_\_\_\_\_.

#### 61H1-21.006 Communication with Client of Another Certified Public Accountant Licensee.

If a client of one certified public accountant or firm licensee requests a second certified public accountant or firm licensee to provide professional advice on accounting or auditing matters in connection with an expression of opinion, the second certified public accountant or firm licensee must consult with the first certified public accountant or firm licensee, after obtaining the client's consent, to make certain that the (the second certified public accountant or firm licensee) licensee is aware of all the relevant facts.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-21.06, 21A-21.006, Amended \_\_\_\_\_.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Accountancy

RULE NO.: 61H1-23.002  
 RULE TITLE: Records Disposition Responsibility  
 PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUBJECT AREA TO BE ADDRESSED: Records Disposition Responsibility.

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315, 473.318 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 61H1-23.002 Records Disposition Responsibility.

(1) A certified public accountant licensee shall furnish to a client or former client within a reasonable time after request of the document the following if they are in the certified public accountant's licensee's possession or control at the time of the request: Any accounting or other records belonging to the client which the certified public accountant licensee may have had occasion to remove from client's premises, or to receive for the client's account, including records prepared as part of the service to the client which would be needed to reconcile to the financial statements or tax return prepared and issued by the certified public accountant. If the tax return or financial statement has not been issued, the certified public accountant must only return records received from the client, but this shall not preclude the certified public accountant licensee from making copies of such documents when same form the basis of work done by the certified public accountant licensee.

(2) This rule shall not preclude a certified public accountant licensee from making reasonable charges for costs incurred. A certified public accountant licensee shall not withhold those items contemplated above under any circumstances following a demand for same from the client.

(3) Provisions of this rule apply to Licensed Audit Firms and to all ~~c~~Certified ~~p~~Public ~~a~~Accountants practicing public accounting.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315, 473.318 FS. History—New 12-4-79, Amended 12-11-83, Formerly 21A-23.02, Amended 9-1-87, Formerly 21A-23.002, Amended 10-28-98,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NOS.:                   RULE TITLES:

61H1-24.001                 Advertising

61H1-24.002                 Solicitation

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUBJECT AREA TO BE ADDRESSED: Advertising; Solicitation.

RULEMAKING AUTHORITY: 473.304, 473.315, 473.323 FS.

LAW IMPLEMENTED: 473.315, 473.318, 473.323 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-24.001 Advertising.

(1) No certified public accountant licensee shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading, if it, among other things:

(a) through (d) No change.

(e) Contains any representation or claims, as to which the certified public accountant licensee, referred to in the advertising, does not expect to perform; or

(f) No change.

(g) In the event that a certified public accountant licensee uses the term “specialty” or “specialist” or any other term tending to indicate an advanced standing in any aspect of the practice of public accountancy, in any advertisement or offering to the public, the advertisement must state that the use of the term is a self-designation and is not sanctioned by the state or federal government. This requirement shall not apply

to any statement indicating the certified public accountant licensee has received any bona fide formal recognition or attainment; or

(h) No change.

(2) As used in Section 473.302(6), F.S., and the rules of the Board, the terms “advertisement,” “advertising” and “advertising as a part of a certified public accountant’s licensee’s business activities” shall mean:

(a) Any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of selling public accounting services, or offering to perform public accounting services, or including members of the public to enter into any obligation relating to such public accounting services. For purposes of this rule, oral or written statements include:

1. Business cards;
2. Letterhead;
3. Signs;
4. Listings in telephone and other media or communication directories;
5. Display of certificate or license from this or any other state;
6. Business reports;
7. Transmittal letters or other written communication issued or associated with accompanying financial statements;
8. Brochures;
9. Forms filed with state and federal regulatory agencies;
10. Press releases;
11. Paid promotional listing in any media;
12. Display of membership in CPA associations;
13. Listings in professional directories;
14. Presentation during court proceedings;
15. Website, e-mail, or any other electronic communication.

(b) “Advertisement,” “advertising” and “advertising as a part of a certified public accountant’s licensee’s business activities” as defined terms by this rule does not include:

1. Verbal statements in a social context
2. Use of the designation by faculty members in an educational institution when functioning in the capacity of a faculty member, and
3. Use of the designation by authors when used only for identification as authors of books, articles or other publications, provided that such publications, do not offer the performance of services or the sale of products (other than books, articles or other publications).

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.323(1)(f) FS. History—New 12-4-79, Amended 2-3-81, 12-29-83, Formerly 21A-24.01, Amended 5-20-91, Formerly 21A-24.001, Amended 2-12-95, 5-7-96, 10-8-97, 11-18-07,\_\_\_\_\_.

61H1-24.002 Solicitation.

(1) A certified public accountant licensee may respond to any request for a proposal to provide public accounting services and may provide such services to those requesting same.

(2) A certified public accountant licensee may solicit an engagement to perform public accounting services provided the certified public accountant licensee complies with 61H1-24.001, F.A.C., and provided the certified public accountant licensee does not use coercion, duress, compulsion, intimidation, threats, or conduct that is overreaching, or vexatious or harassing.

(3) Any form of written communication to a potential client, invited or not, is permissible under this rule provided such communication conforms to the advertising guidelines of Rule 61H1-24.001, F.A.C.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.323 FS. History--New 12-4-79, Amended 2-3-81, Formerly 21A-24.02, 21A-24.002, Amended 11-30-93,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:                      RULE TITLE:

61H1-25.001                      Responsibility for Other Persons

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUBJECT AREA TO BE ADDRESSED: Responsibility for Other Persons.

RULEMAKING AUTHORITY: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.322, 473.323 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-25.001 Responsibility for Other Persons.

A certified public accountant licensee shall not permit others to carry out on his/her behalf, either with or without compensation, acts which, if carried out by the certified public accountant licensee would place him/her in violation of Chapters 455 and 473, F.S., or rules promulgated thereto.

Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.322, 473.323 FS. History--New 12-4-79, Formerly 21A-25.01, 21A-25.001, Amended\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:                      RULE TITLE:

61H1-27.005                      Educational Advisory Committee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUBJECT AREA TO BE ADDRESSED: Educational Advisory Committee.

RULEMAKING AUTHORITY: 120.53(1), 473.304 FS.

LAW IMPLEMENTED: 120.53(1), 473.306 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-27.005 Educational Advisory Committee.

The Board shall appoint an Educational Advisory Committee which shall be composed of one (1) member of the Board, two (2) Florida certified public accountants licensees in public practice, and four (4) academicians on faculties of universities within the State of Florida. The Board member shall be appointed by the Chairman and serve at his or her pleasure. The other members of the Committee will be selected by the Chairman of the Committee for terms of two (2) years, with the potential for reappointment for one (1) additional two (2) year term. Any member appointed to fill a vacated, partial term, can serve two (2) full terms. In addition, the Committee shall consist of expert staff retained by the Department of Business and Professional Regulation. Said staff shall be individuals who have knowledge and experience with educational curricula and national accreditation standards for accounting and business programs. The Educational Advisory Committee shall assist the Board and Board staff with any educational matters or issues brought to the Committee, including but not limited to questions regarding academic qualification for applications for examination and licensure by endorsement. The Committee may also bring educational issues it deems of importance to the Board.

~~Rulemaking Specific Authority 120.53(1), 473.304 FS. Law Implemented 120.53(1), 473.306 FS. History--New 7-7-85, Formerly 21A-27.05, Amended 12-2-92, Formerly 21A-27.005, Amended \_\_\_\_\_.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:                      RULE TITLE:

61H1-28.0011                      Examinations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove outdated language and update the requirements for the CPA examination.

SUBJECT AREA TO BE ADDRESSED: Examinations.

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

LAW IMPLEMENTED: 455.217(1), 473.306 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-28.0011 Examinations.

(1) The Board adopts the Uniform CPA Examination "CPA Examination" prepared by the Board of Examiners of the American Institute of Certified Public Accountants ~~and the examination approved by the Board on Chapters 455 and 473, F.S., and the related administrative rules "Law and Rules Examination"~~ as its licensure examinations.

(2) As used in Chapter 61H1-28, F.A.C., ~~the following terms are hereby defined:~~

(a) "Examination window" means a three-month period in which candidates have an opportunity to take the CPA Examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus candidates will be able to test two out of the three months within each examination window.

~~(b) "Special examination window" means the period from April 5, 2004 to September 30, 2004 during which a candidate may have the opportunity to take the CPA Examination and during which the examination may be available for a period of~~

~~time more than two months due to the unique circumstances surrounding the initial administration of the CPA Examination. The special examination window shall count as one examination window. During the special examination window a candidate may retake a failed section(s) one time.~~

(3) For purposes of the ~~Uniform~~ CPA Examination:

(a) A first-time candidate is defined as a candidate who is required to file an application in order to qualify to sit for all sections of an examination.

(b) A re-examination candidate is defined as a candidate who has not received credit for all sections within the time frame allotted, as set out in Rule 61H1-28.0052, F.A.C.

(c) Candidates cannot retake a failed test section(s) in the same examination window.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:                      RULE TITLE:

61H1-29.005                      CPA Education/CPE Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUBJECT AREA TO BE ADDRESSED: CPA Education/CPE Credit.

SPECIFIC AUTHORITY: 473.304, 473.3101, 473.323(2) FS.

LAW IMPLEMENTED: 473.311, 473.312 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-29.005 CPA Education/CPE Credit.

The CPE reestablishment period for new Florida certified public accountants ~~licensees~~ begins on the date of certification, which is printed on the license. Only courses completed after that date may be used for CPE credit. Accordingly, no courses which count as education for obtaining the CPA license may be used for CPE credit.

Rulemaking Specific Authority 473.304, 473.3101, 473.323(2) FS. Law Implemented 473.311, 473.312 FS. History–New 11-2-95, \_\_\_\_\_.

Rulemaking Specific Authority 473.304, 473.312 FS. Law Implemented 473.312 FS. History–New 12-4-79, Amended 2-3-81, 7-2-85, Formerly 21A-33.02, 21A-33.002, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

<p>RULE NOS.:</p> <p>61H1-33.002</p> <p>61H1-33.0031</p> <p>61H1-33.0033</p> <p>61H1-33.0065</p>	<p>RULE TITLES:</p> <p>Organization and Administration</p> <p>Continuing Professional Education/Ethics</p> <p>Obligations of CPA Ethics Course Continuing Education Providers</p> <p>Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States</p>
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**PURPOSE AND EFFECT:** The Board proposes the rule amendment in order to clarify language concerning the certified public accountant and to update the requirements for ethics continuing professional education.

**SUBJECT AREA TO BE ADDRESSED:** Organization and Administration; Continuing Professional Education/Ethics; Obligations of CPA Ethics Course Continuing Education Providers; Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

**RULEMAKING AUTHORITY:** 120.55(1)(a)4., 455.02(2), 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

**LAW IMPLEMENTED:** 455.02(2), 455.213(6), 455.2178, 455.2179, 473.312 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.002 Organization and Administration.

There is created the Committee on Continuing Professional Education. Subject to the approval of the Board, said Committee shall:

(1) through (2) No change.

(3) Audit the continuing professional education records of Florida certified public accountants licensees on a sample basis from time to time.

61H1-33.0031 Continuing Professional Education/Ethics. Effective with the CPE reporting period ending June 30, 2006:

(1) A Florida certified public accountant licensee must complete no less than four of the total hours required for any reestablishment period in ethics from a provider approved pursuant to Rule 61H1-33.0032, F.A.C.

~~(2) Licensees shall attain a certificate of course completion prior to completing the exam requirements in Rule 61H1-28.007, F.A.C.~~

~~(2)(3)~~ In the event the four hours course is completed taken in two modules, Florida certified public accountants licensees must complete the four-hour requirement with the same provider.

Rulemaking Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History–New 5-18-05, Amended \_\_\_\_\_.

61H1-33.0033 Obligations of CPA Ethics Course Continuing Education Providers.

To maintain an approved status as an ethics course continuing education provider, the provider must:

(1) Retain documentation that the course instructor is a certified public accountant ~~licensed by a state or territory of the United States~~ who has practiced in a public accounting firm for five of the last ten years, whose background, training, education or experience makes it appropriate for the person to teach the course.

(2) Require each Florida certified public accountant licensee to complete the entire four-hour certified public accountant ethics course requirement in order to receive a certificate of attendance. Offer the four-hour certified public accountant ethics course in one module of four credit hours or two modules of two credit hours.

(3) No change.

(4) Ensure that all promotional material for courses or seminars offered to Florida certified public accountant licensee for credit contain the certified public accountant ethics course provider number and course title.

(5) through (6) No change.

(7) Provide a written examination to each participating Florida certified public accountant licensee in correspondence study courses. In order to complete the course, the Florida certified public accountant licensee must sign and date the examination and receive a minimum grade of eighty percent (80%). If a Florida certified public accountant licensee fails the examination, the Florida certified public accountant licensee will be permitted to take the examination again in order to achieve a passing grade.

(8) through (10) No change.

Rulemaking Specific Authority 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History–New 5-18-05, Amended \_\_\_\_\_.

61H1-33.0065 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

A Florida certified public accountant licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The Florida certified public accountant licensee must show proof to the Board of the absence and the spouse’s military status.

Rulemaking Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New 7-13-04, Amended \_\_\_\_\_.

**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:
62-302.200	Definitions
62-302.300	Findings, Intent, and Antidegradation Policy for Surface Water Quality
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters
62-302.500	Surface Waters: Minimum Criteria, General Criteria
62-302.520	Thermal Surface Water Criteria
62-302.530	Table: Surface Water Quality Criteria
62-302.540	Water Quality Standards for Phosphorus Within the Everglades Protection Area
62-302.700	Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
62-302.800	Site Specific Alternative Criteria

PURPOSE AND EFFECT: On July 20, 2009, the Department of Environmental Protection (Department) received a petition to initiate rulemaking from the Florida Stormwater Association to establish a more refined surface water classification system. The Department is initiating rulemaking and has scheduled a workshop to receive comments from the public regarding the establishment of a new surface water classification system

based on the recommendations of a previously established advisory committee known as the Designated Uses Policy Advisory Committee.

SUBJECT AREA TO BE ADDRESSED: Rule development will address the need to establish a more refined surface water classification system.

RULEMAKING AUTHORITY: 373.043, 373.4592, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.414, 373.4592, 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.201, 403.502, 403.504, 403.702, 403.708, 403.802, 403.918 FS.

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

DATE AND TIME: Tuesday, August 18, 2009, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Southwest District Office, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, 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 five days before the workshop/meeting by contacting: Eric Shaw with the Water Quality Standards and Assessment Section at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Water Quality Standards and Assessment Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, Florida 32399-2400, telephone (850)245-8429, Email: Eric.Shaw@dep.state.fl.us THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-8.0021	Provisions Governing All Supervisors or Monitoring Physicians

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address limited instances in which probation supervisors/monitors may be compensated by physicians who are on probation.

SUBJECT AREA TO BE ADDRESSED: Compensation of probation supervisors/monitors.



RULEMAKING AUTHORITY: 458.309, 459.331 FS.  
 LAW IMPLEMENTED: 459.331 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**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-11.002	Definitions
64E-11.004	Food Protection
64E-11.006	Food Equipment and Utensils

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to incorporate food safety requirements that will allow the regulated community to utilize current practices that maintain food safety without the use of specified equipment and without submitting a variance. Additionally, the purpose of the proposed rule change is to clarify terminology used to document food safety practices and to clarify that the prerequisite for appropriate equipment to maintain food at a safe temperature when temperature requirements must be met. The effect of the changes will be to give food service establishments an alternative for complying with one of the current rule requirements.

SUBJECT AREA TO BE ADDRESSED: Methods for maintaining food safety temperatures when temperature requirements must be met and related terminology.

RULEMAKING AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 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: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, (850)245-4277

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.:	RULE TITLE:
68D-24.017	Palm Beach County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety on the Atlantic Intracoastal Waterway. The effect of this rule will be to reduce vessel speeds over specified portions of the Atlantic Intracoastal Waterway in Palm Beach County where necessary to manage and promote the use of this state waterway for safe and enjoyable boating.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits within and adjacent to portions of the Florida Intracoastal Waterway in Palm Beach County.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17169

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
690-170.0144	Public Hurricane Loss Projection Model-Fee Schedule

PURPOSE AND EFFECT: Amending Fee Schedule for Public Hurricane Loss Projection Model.

SUBJECT AREA TO BE ADDRESSED: Public Hurricane Loss Projection Model.

RULEMAKING AUTHORITY: 627.06281 FS.

LAW IMPLEMENTED: 627.06281 FS.

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

DATE AND TIME: August 20, 2009, 2:00 p.m.

PLACE: 142 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: Laura Parsons, Office of Insurance Regulation, E-mail Laura.parsons@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Laura Parsons, Office of Insurance Regulation, E-mail Laura.parsons@flor.com

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-170.0155      RULE TITLE: Forms

PURPOSE AND EFFECT: This rule is being amended to adopt revised versions of Office of Insurance Regulation forms OIR-B1-1655, “Notice of Premium Discounts for Hurricane Loss Mitigation”, and OIR-B1-1802, “Uniform Mitigation Verification Inspection Form”. The forms are being revised based on changes to the My Safe Florida Home program and the experience of the Office of Insurance Regulation, insurers and policyholders with the forms since their last revisions in July 2007.

SUBJECT AREA TO BE ADDRESSED: Section 627.711, Florida Statutes, required the Office to develop two forms. The first, OIR-B1-1655, is used by insurers to provide policyholders information about available windstorm mitigation discounts. The second, OIR-B1-1802, is used by home inspectors to verify the presence of windstorm-mitigation features on policyholder’s property so the insurer can calculate appropriate discounts. Because the free inspections and the grants offered by the My Safe Florida Home program are no longer available, Form OIR-B1-1655 is being revised to remove references to these programs. Form OIR-B1-1802 is being revised to use terminology commonly used in the construction industry in describing the construction features to be inspected and to require the inspector and homeowner to verify the inspector actually conducted the inspection.

RULEMAKING AUTHORITY: 624.308, 627.711 FS.

LAW IMPLEMENTED: 215.5586, 627.711 FS.

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

DATE AND TIME: August 18, 2009, 9:30 a.m.

PLACE: 142 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: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com

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

**Section II  
Proposed Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.303      RULE TITLE: Reporting Disciplinary Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to state that acts directly associated with an inmate’s intentional self injurious behavior shall not be reported for disciplinary action.

SUMMARY: The proposed rule is amended to state that acts directly associated with an inmate’s intentional self injurious behavior shall not be reported for disciplinary action.

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 the statement of estimated regulatory costs, or to 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: 20.315, 944.09, 945.04 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:

33-601.303 Reporting Disciplinary Infractions.

(1) through (3) No change.

(4) The commission of acts that should normally result in consideration for formal disciplinary action shall not be subject to such action when these acts are directly associated with an inmate's intentional self injurious behavior.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended 5-21-00, 2-11-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-4.021	Definitions
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to: (1) 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) 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 as classified by FWC as endangered, threatened, or species of special concern; and (3) 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 4.2.7-1 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District" (Basis of Review) to remove the Bald Eagle from the category of threatened species and to amend section 4.2.7 to refer to the Bald Eagle so that its existing nesting habitat in uplands would continue to be

protected under the District's rules. The amendments also provide that secondary cumulative 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 2.0, 4.2.7, and 4.3.1.5 of the Basis of Review, and Rule 40E-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 40E-4.021(2), F.A.C., and subsections 2.10, 2.18 and 2.37 of the Basis of Review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District is proposing continued protection of the Bald Eagle under the secondary impacts provision of the Basis of Review. In addition, the District is proposing to revise and add an option to the actions that can be taken to avoid adverse secondary impacts related to Bald Eagles and their habitat. Previously, an applicant whose proposed activities could cause secondary impacts could either propose mitigation to the District in accordance with section 4.3.1.5 of the Basis of Review (unchanged) or follow the U.S. Fish and Wildlife Habitat Management Guidelines for the Bald Eagle in the Southeast Region (Third Revision, January 1987). The proposed revisions continue to allow the proposal of mitigation for adverse secondary impacts. The second option is to follow the guidelines in the FWC Bald Eagle Management Plan (April 9, 2008). The third, additional option is to obtain a Bald Eagle permit from the FWC if either mitigation is not proposed to the District or the FWC Bald Eagle Management Plan guidelines are not followed.

The proposed revisions should pose no significant negative impacts to permit applicants as the mitigation provisions remain unchanged, previous authorizations for proposed activities are recognized, the FWC Bald Eagle Management Plan guidelines are significantly less restrictive than the previous U.S. Fish and Wildlife habitat management guidelines (based on the findings of years of monitoring of development activities on Bald Eagles), and the permit applicant may obtain an FWC permit when it is more advantageous than the other two options.

Both Environmental Resource Permit (ERP) holders and applicants may be affected by the proposed rule. Applicants will be affected if they seek to obtain an ERP to develop a parcel hosting a Bald Eagle nest. Existing permittees will be affected if they seek to revise their ERP in order to develop or redevelop a parcel hosting a Bald Eagle nest.

There has not been a significant amount of ERP permitting activity on sites hosting Bald Eagle nests. Annually, since 2003, the District has issued around 12.5 permits with Bald Eagle nests (less than 1% of total). No significant increases are expected.

The proposed revisions are not expected to pose any additional implementation, monitoring or enforcement costs to the District or any other state or local governments.

Transactional costs associated with the District mitigation activities to protect Bald Eagles and their habitat from adverse impacts could include costs associated with:

- 1) loss of revenue associated with reduction of developable or seasonally usable area due to required buffer zones, setbacks or conservation easements (and the costs of establishing such easements);
- 2) the loss of revenue due to changes in the type or optimal arrangement of development and associated activities;
- 3) loss of revenue and/or increases in financing or development costs due to delays caused by restrictions on certain development or ongoing activities during nesting season;
- 4) monitoring and reporting, or
- 5) monetary or in-kind contributions to wildlife mitigation parks.

These provisions are not changed. To some extent, the above costs may be offset by the additional value conveyed to land adjacent to preserved natural areas.

Transactional costs (and benefits to adjacent land) of complying with the guidelines in the FWC Bald Eagle Management Plan are similar to those listed above.

Transactional costs of adopting the FWC Bald Eagle Management Plan are likely to be significantly less than the previous federal management plan option.

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, 373.103(8), 373.113, 373.171, 373.413, 373.414, 373.418, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

**LAW IMPLEMENTED:** 373.019, 373.403-373.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS.

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

**DATE AND TIME:** September 10, 2009, 9:00 a.m.  
**PLACE:** South Florida Water Management District, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Anita R. Bain, Division Director, Environmental Resource Permitting, Environmental Resource Regulation Department, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov or Susan Martin, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6251 or (561)682-6251, email: smartin@sfwmd.gov. For procedural questions, contact Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

40E-4.021 Definitions.

When used in this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.,

(1) through (28) No change.

(29) "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), F.A.C., and those plant species listed in 50 Code of Federal Regulation 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

(30) through (46) No change.

Rulemaking Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, 10-1-06, \_\_\_\_\_.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ 7-22-07".

(b) through (k) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History--New 9-3-81 Amended 1-31-82, 12-1-82,

Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anita R. Bain, Division Director, Environmental Resource Permitting, Environmental Resource Regulation

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCES PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2.0 Definitions

2.1 through 2.9 No change.

2.10 "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.

2.11 through 2.17 No change.

2.18 "Listed species" – Those animals 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 listed in 50 Code of Federal Regulation 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

2.19 through 2.36 No change.

2.37 "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.

2.38 through 2.39 No change.

4.2.7 Secondary Impacts

Pursuant to paragraph 4.1.1(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 4.2.2; water quality; upland habitat for Bald Eagle (*Haliaeetus leucocephalus*), 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 4.3.8. If such secondary impacts can not be prevented, the applicant may propose mitigation measures as provided for in subsections 4.3 – 4.3.9. 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 subsection 4.2.2. 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 4.2.4.3(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 Chapters 40E-2 and 40E-3, F.A.C., shall not be considered under rules adopted pursuant to Part IV, 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 Eagle (*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.

De\_minimis or remotely related secondary impacts such as changes in air quality due to increased vehicular traffic associated with road construction will not be considered unacceptable.

(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 Eagle (*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 4.2.7-1 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 the applicant holds a valid permit pursuant to paragraph 68A-16.002(1)(a), F.A.C. (May 15, 2008) or a valid authorization as described in paragraph 68A-16.002(1)(c), 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 4.2.7-1

Listed Wildlife Species That Are Aquatic or Wetland Dependent And That Use Upland Habitats For Nesting or Denning Fishes

Species of Special Concern

No change.

Reptiles

Endangered

No change.

Threatened

No change.

Species of Special Concern

No change.

Birds

Endangered

No change.

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 ONLY 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

No change.

Mammals

Endangered

No change.

Threatened

No change.

Species of Special Concern

No change.

4.3.1.5 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 4.2.7(b), mitigation can include the implementation of management plans, participation in a wildlife mitigation park establish 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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-10.0021  
 RULE TITLE: Stamping Agent – Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify how the estimated monthly tax liability is determined as it relates to calculating the amount of surety bond required for cigarette stamping agents.

SUMMARY: The subject area to be addressed in this rule is the monthly tax liability upon which the required surety bond is calculated.

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

OTHER RULES INCORPORATING THIS RULE: None.

AFFECT ON THOSE OTHER RULES: None.

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: 210.10, 210.05 FS.

LAW IMPLEMENTED: 210.01, 210.05, 210.08 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: Ben Pridgeon, Revenue Program Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)414-6172

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-10.0021 Stamping Agent – Requirements.

The Division shall authorize a wholesale dealer as a stamping agent to affix stamps to packages of cigarettes provided the dealer furnishes the Division with;

(1) An irrevocable letter of credit, certificate of deposit, unconditional guarantee contract, or a surety bond, issued by a solvent surety company registered to do business in this state, equal to 110% of the estimated monthly tax liability, but not less than \$2,000, as required in Sections 210.05 and 210.08, F.S. The Division shall determine the estimated monthly tax liability based on the packs of unstamped cigarettes purchased for resale within the State of Florida, for which the stamps have been purchased on credit in lieu of cash payment.

(a) through (b) No change.

(c) Each month, an agent that has met the surety amount for credit liability may purchase additional stamps for cash on delivery, provided that the division receives the cash equivalent payment prior to sale of additional stamps.

(d) Payment for stamps must be made by certified check or the bank equivalent, or by electronic funds transfer, but not by cash currency.

(e)(e) Stamping agents will provide the Division with a continuation certificate of the surety when the stamping agents pay their surety premium.

(f)(d) If a surety instrument is cancelled, the stamping agent must cease operation.

(g)(e) Applicants shall properly execute and submit form DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (2/08). Instructions for filling out form DBPR ABT-6032 are provided in form DBPR ABT-6032i, Instructions for Completing DBPR ABT-6032, Division of Alcoholic Beverages and Tobacco Surety Bond Form, which may be obtained as specified in Rule 61A-5.001, F.A.C., and is incorporated herein by reference and effective (2/08).

(2) A letter from manufacturers and importers stating that they will ship to the applicant direct.

(3) A letter from the wholesale dealer requesting to be a stamping agent.

(4) If licensed as a stamping agent by another state, authorization from that state to purchase and affix that state’s tax indicia within the State of Florida.

Rulemaking Specific Authority 210.10 FS. Law Implemented 210.01, 210.021, 210.05, 210.08, 210.15, ~~210.40~~ FS. History–New 9-2-08, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ben Pridgeon, Revenue Program Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)414-6172  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-20.0015  
RULE TITLE: Application for Licensure by Endorsement

PURPOSE AND EFFECT: To update requirements for licensure by endorsement.

SUMMARY: The Board proposes to update requirements for licensure by endorsement.

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

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

RULEMAKING AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0015 Application for Licensure by Endorsement.

(1) through (4) No change.

(5) The Board shall deem that an applicant for licensure by endorsement who has an engineering degree that is not EAC/ABET accredited from a foreign institution has demonstrated substantial equivalency to an EAC/ABET

accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer’s license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.

(6) No change.

Rulemaking Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History–New 9-27-01, Amended 4-9-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-27.0041  
RULE TITLE: One Year of Work Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a revised work experience documentation form and address changes necessitated by SB 1640 in 2009 legislative session.

SUMMARY: A revised work experience documentation form will be incorporated into the rule.

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

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

RULEMAKING AUTHORITY: 455.271, 473.304 FS.

LAW IMPLEMENTED: 455.271 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.0041 One Year of Work Experience.

With the exception of an applicant who completes the requirements of Section 473.308(3), F.S., on or before December 31, 2008, and who passes the licensure examination



~~on or before June 30, 2010, an If application for licensure is made after December 31, 2008, and the applicant has not applied for and been approved to take the licensure examination by January 1, 2009, the applicant must document one year of work experience as follows:~~

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) "Applicant." An applicant is a person who has met Florida's educational requirements for licensure and intends from the outset of the supervised experience to meet the supervised experience requirement for licensure.

(b) "Supervised" and "supervision:" the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished.

(c) "Supervisor." A supervisor is either a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB).

(2) One year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The experience must either average at least twenty (20) hours a week over no more than one hundred and four (104) weeks or average no more than forty (40) hours a week over no more than fifty-two (52) weeks. Reasonable vacation time and sick leave or other required absences may be permitted. The supervisor, in her or his report to the Department, shall certify that the applicant rendered such services as are customarily performed by full-time, regularly employed staff employees for a minimum of 2,000 hours gained over a period of not less than fifty-two (52) or more than one hundred and four (104) weeks. The sequence of the experience is considered immaterial, that is, whether the experience was secured before or after taking the examination, or partly before the examination and partly after the examination, provided the two periods combined equal at least one year.

(3) The one year of work experience may be achieved by teaching accounting full-time for one year at an accredited college or university, as defined in subsection 61H1-27.001(1), F.A.C., under the following conditions:

(a) Full-time teaching as described by the rules of the educational institution where the applicant taught will be accepted by the Board to be full-time teaching. However, in no case will less than twelve (12) semester hours, or the equivalent, be accepted by the Board as full-time teaching.

(b) If the applicant has not taught accounting full-time for one year, credit will be allowed by the Board for teaching accounting less than full-time on a pro rata basis based upon the number of semester or quarter hours required for full-time teaching at the educational institution where the applicant taught. However, in no case will an applicant receive credit for a full-time teaching year for teaching done in less than one academic year or more credit than one full-time teaching year for teaching done within one calendar year.

(c) Courses outside the fields of accounting and general business will not be counted toward full-time teaching.

(4) Documentation of the one year of work experience shall be made using the Certification of Work Experience form (DBPR Form CPA 32/Revised 9/08), which is hereby incorporated by reference, a copy of which may be obtained from the Board office located at 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607-6655.

~~Rulemaking Specific Authority 455.271, 473.304(1), 473.308(4) FS. Law Implemented 455.271, 473.308(4) FS. History--New 3-3-09, Amended \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.015  
RULE TITLE: Notices of Satisfactory Course Completion

PURPOSE AND EFFECT: To clarify existing language and delete the provision that up to 25% of licensees and instructors will be randomly audited for compliance.

SUMMARY: This rule clarifies existing language and deletes the provision that up to 25% of licensees and instructors will be randomly audited for compliance.

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

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

RULEMAKING AUTHORITY: 455.2123, 475.05 FS.  
LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.015 Notices of Satisfactory Course Completion.

(1) Applicants for initial licensure as a broker or salesperson ~~associate~~ must provide the course completion report with the application or at the individuals scheduled examination as proof that they have satisfactorily completed the applicable Commission prescribed course.

(2) An application for renewal or reactivation of an existing status as a broker, broker-salesperson ~~associate~~, salesperson ~~associate~~ or instructor shall contain an affirmation by the individual of having satisfactorily completed the applicable Commission prescribed, conducted or approved course(s). ~~The BPR shall perform random audits of up to 25% of the licensees and instructor permitholders to verify compliance with continuing education or post-license education requirements.~~ Each licensee and instructor permitholder shall retain the course completion report as proof of successful completion of continuing education or post-license education requirements for at least 2 years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education or post-license education requirements or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the licensee or instructor.

(3) Commission approved equivalent courses offered by accredited Florida universities, colleges, community colleges and area technical centers shall provide students with the applicable course completion report (notice) described below. The course completion report for these equivalent courses must contain the college equivalent course identifying number.

(4) All requests for equivalency for credit courses taken at universities, colleges and community colleges outside of Florida must be accompanied by an official transcript. An official transcript contains the seal of the institution and the signature of the registrar.

(5) The course completion report must be typed or printed in ink and must be completely filled out by the institution, school or sponsor certifying successful course completion.

(6) The course completion reports shall contain the following information for the type of course being completed.

(a) Pre-licensing Course for Salesperson Associate.

- Name of School
- Address of School
- Course Title: Course I
- Start Date
- Finish Date
- Exam Date
- Social Security Number
- Student Name
- Student Address
- Authorized Signature for the School

(b) Pre-licensing Course for Broker.

- Name of School
- Address of School
- Course Title: Course II
- Start Date
- Finish Date
- Exam Date
- Salesperson Associate License Number
- Social Security Number
- Student Name
- Student Address
- Authorized Signature for the School

(c) Broker and Salesperson Associate Continuing Education and Reactivation Education.

- Name of School
- Address of School
- Course Title
- Course Hours
- Start Date
- Finish Date
- License Number
- Student Name
- Student Address
- Authorized Signature for the School

(d) Post-licensing Education for Broker and Salesperson Associate.

- Name of School
- Address of School
- Course Title
- Course Hours
- Start Date
- Finish Date
- License Number
- Student Name
- Student Address
- Authorized Signature for the School

(e) Instructor Continuing Education.

- Name of School
- Address of School
- Course Title
- Course Hours
- Start Date
- Finish Date
- Permit Number
- Student Name
- Student Address
- Authorized Signature for the School

(f) Each course completion report shall contain the following information:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original course completion report is to be given to the student and a copy retained by the school.

Rulemaking Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, 1-18-00, 10-15-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Commission  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 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."

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

**PURPOSE AND EFFECT:** In 1979, the Legislature established a sales tax exemption on the purchase of resource recovery equipment that is owned by or operated on behalf of a unit of local government. Resource recovery equipment is equipment that is integrally and exclusively used in the actual process of recovering material or energy resources from solid waste and specifically includes recycling equipment.

For the purpose of implementing the sales tax exemption provided by Section 212.08(7)(q), Florida Statutes (F.S.), Section 403.715, F.S., specifically authorizes the Department of Environmental Protection ("the Department") to establish a system for the examination and certification of resource recovery and recycling equipment. The Department's rules governing this process are found in Chapter 62-704, Florida Administrative Code (F.A.C.), while subsection 12A-1.001(5), F.A.C., governs the process in Department of Revenue.

In 2008, the Department of Revenue amended its rule to incorporate several substantive and procedural changes that clarified requirements that resource recovery equipment must be owned or operated exclusively on behalf of a unit of local government, requirements of certification to dealers and certifications for refund. These changes required conforming changes to Chapter 62-704, F.A.C., by the Department.

Rules 62-704.400 and .410, F.A.C., require that an applicant for the sales tax exemption certify that the equipment is installed and operational, submit documentation from a Professional Engineer that the equipment is integral to the recycling process and is owned and operated by or on behalf of a local government, and allow the Department to inspect the equipment. However, if the equipment is on the list in Rule 62-704.600, F.A.C., the requirements for documentation from a Professional Engineer are waived, and the Department is not required to inspect the equipment.

Rule 62-704.600, F.A.C., is being amended to include certain materials handling equipment. This will have the effect of reducing the burden and the costs to both the applicant and the Department and make it easier to qualify for the sales tax exemption.

**SUMMARY:** Rule 62-704.400, F.A.C., is being amended to properly incorporate a form by reference. It is also being amended to conform to the Department of Revenue's subsection 12A-1.001(5), F.A.C., by requiring that equipment be owned and operated by or exclusively on behalf of a local government. Rule 62-704.410, F.A.C., is being amended to clarify that equipment must be installed and operational to qualify for the sales tax exemption. Rule 62-704.600, F.A.C., is being amended to add to the list of approved equipment materials handling equipment that is used exclusively to transfer or transport recyclable materials from the point of generation to the recycling facility, specifically including trucks, carts and bins. There are also several clerical changes and updated cross-references throughout the chapter.

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. The SERC concludes that the primary impacts of this rule will be to reduce costs to applicants for the sales tax exemption.

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: 403.704 FS.

LAW IMPLEMENTED: 403.715, 212.08(7)(q) 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: August 25, 2009, 10:00 a.m.

PLACE: Room 609, 2600 Blair Stone Road, 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: Jan Rae Clark at (850)245-8744. If you are 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: Jan Rae Clark, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida, 32399-2400, telephone (850)245-8744, email: jan.rae.clark@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-704.400 Procedure for the Preliminary Examination of Resource Recovery Equipment.

When tax may become or has become due pursuant to Chapter 212, F.S., on equipment ~~that which~~ may be resource recovery equipment and such equipment is not available for inspection by the Department, the prospective purchaser or purchaser of such equipment may apply to the department for a preliminary examination report based on a review of plans, specifications, equipment lists, and other descriptions in the application. The preliminary examination report of proposed resource recovery equipment may be considered by the Department of Revenue as a prerequisite for delay of tax due on such equipment as indicated in rules promulgated by the Department of Revenue. The Department shall use the following procedure when preliminarily examining resource recovery equipment:

(1) Application for preliminary examination of resource recovery equipment shall be submitted to the Department on a Form ~~62-701.900(9)(6)~~, Application for Preliminary Examination and Final Examination and Certification of

Resource Recovery Equipment, effective date [eff. date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. All supporting documentation shall be submitted with the application. The application shall include the following information:

- (a) No change;
- (b) Identity of county or municipality that will eventually own or exclusively benefit from the resource recovery equipment;
- (c) A list and brief description of resource recovery equipment and the estimated cost thereof ~~that which~~ the applicant declares is subject to this exemption.

- (d) through (e) No change.
- (2) An application for preliminary examination of resource recovery equipment ~~that which~~ includes only recycling equipment may include equipment appearing on the list in Rule 62-704.600, F.A.C.

- (a) No change.
- (b) For equipment not appearing on the list in 62-704.600, F.A.C., or for listed equipment ~~that which~~ has auxiliary equipment also being certified as recycling equipment, certification by a Professional Engineer that the equipment meets the requirements in Rule 62-704.420, F.A.C., shall be included in the application.

(3) To provide the certification required in this subsection for preliminary examination of resource recovery equipment that is recycling equipment, a Professional Engineer shall examine the plans, drawings, and descriptions of the facility and process, and the attached equipment list. The Professional Engineer shall certify that the equipment is:

- (a) No change.
- (b) Owned and operated by or exclusively on behalf of a unit of local government.
- (4) through (5) No change.

Rulemaking Specific Authority 403.704 ~~403.703~~ FS. Law Implemented 212.08(7)(q)(p), 403.715 FS. History--New 5-24-79; Formerly 17-7.42, 17-7.420, Amended 8-14-90, Formerly 17-704.400, Amended 12-17-96,\_\_\_\_\_.

62-704.410 Procedure for the Final Examination and Certification of Resource Recovery Equipment.

Final examination and certification of resource recovery equipment shall be a requirement for sales tax exemptions as indicated in Section 212.08(7)(q) ~~212.08(7)(p)~~, F.S. The Department shall use the following procedure in granting or denying certification of resource recovery equipment:

(1) After the equipment is installed, an application for final examination and certification of resource recovery equipment shall be submitted to the Department on Form 62-701.900(9) ~~62-701.900(6)~~. The application shall include the

information required for preliminary examination in subsection 62-704.400(1), F.A.C., and the Department shall request additional information if required for proper completion of the application. If the applicant has previously submitted the required information on a preliminary examination application form, then an updated copy of that preliminary examination application form shall satisfy this requirement.

(2) An application for final examination and certification of resource recovery equipment ~~that which~~ includes only recycling equipment may or may not include equipment appearing on the list in Rule 62-704.600, F.A.C.

(a) For equipment appearing on the list in Rule 62-704.600, F.A.C., the purchaser shall include with the application a certification that:

1. The equipment meets the criteria in Rule 62-704.420, F.A.C., and

2. The listed equipment is installed and operational.

(b) For equipment not appearing on the list in Rule 62-704.600, F.A.C., or for listed equipment that ~~which~~ has auxiliary equipment also being certified as recycling equipment, the application shall include a certification by a Professional Engineer that:

1. The equipment meets the criteria in Rule 62-704.420, F.A.C., and

2. The equipment is installed and operational.

(c) If the applicant has previously submitted the required information on a preliminary examination application form, then an updated copy of that preliminary examination application form shall satisfy this requirement.

(3) To provide the certification required in this subsection for final examination and certification of resource recovery equipment, that is recycling equipment, a Professional Engineer shall examine the plans, drawings, and descriptions of the facility and process and the attached equipment list. The Professional Engineer shall inspect the installed equipment. The Professional Engineer shall certify that the equipment is:

(a) Integral to the recycling process;

(b) Owned and operated by or on behalf of a unit of local government; and

(c) Installed and operational.

(4) When the proposed resource recovery equipment is installed, a representative of the Department shall inspect the equipment within thirty (30) days of receipt of a properly completed application. However, the Department shall accept certification of equipment and installation specified in subsection (2) of this section above in lieu of inspecting such recycling equipment when the Department finds that such certification is sufficient to determine that the recycling equipment meets the criteria of this rule.

(5) Within thirty (30) days of such inspection or receipt of a complete and sufficient certification of equipment and installation as specified in subsection (2) of this section above,

the Department shall issue a written decision granting or denying certification. A copy of the certification shall be sent to the Department of Revenue and the Applicant.

Rulemaking Specific Authority 403.704 403.703 FS. Law Implemented ~~212.08(5)(e);~~ 212.08(7)(q)(p), 403.715 FS. History—New 5-24-79, Formerly 17-7.43, 17-7.430, Amended 8-14-90, Formerly 17-704.410, Amended 12-17-96, \_\_\_\_\_.

62-704.420 Criteria for Preliminary Examination and Certification of Resource Recovery Equipment.

The Department shall use the following criteria when determining whether equipment shall be certified as resource recovery equipment.

(1) Resource recovery equipment includes all equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste. Resource recovery equipment does not include:

(a) No change.

(b) Land or buildings. A building includes the walls, roof, ceiling, floor, and all other necessary supporting structures to enclose an area. However, extraordinary foundations and structural members used exclusively for the support of resource recovery equipment shall be considered resource recovery equipment. Buildings or structures ~~that which~~ are integral to the process shall be considered resource recovery equipment if they:

1. through 2. No change.

(c) No change.

(2) Resource recovery equipment shall be a unit ~~that which~~ by itself provides a significant function in the resource recovery process. Examples of such equipment include, ~~but are not limited to~~, conveyors, pumps, and fans. The Department shall not certify spare parts or maintenance items of resource recovery or recycling equipment such as nuts, bolts, and drive belts.

(3) Resource recovery equipment may include fixed pieces of equipment exclusively and integrally used in the actual process of recovering material or energy resources from solid waste. Examples of such equipment include, ~~but are not limited to~~, bridge cranes and fixed storage bins.

(4) No change.

Rulemaking Specific Authority 403.704 FS. Law Implemented ~~212.08(5)(e);~~ 212.08(7)(q)(p), 403.715 FS. History—New 5-24-79, Formerly 17-7.44, 17-7.440, Amended 8-14-90, Formerly 17-704.420, Amended \_\_\_\_\_.

62-704.600 Recycling Equipment List.

Recycling equipment ~~that which~~ appears on the list below is considered presumed to be recycling equipment and shall be certified by the Department as recycling equipment if other requirements for equipment eligibility, pursuant to Rules 62-704.420 ~~and 62-704.510~~, F.A.C., are certified.

(1) No change.

(2) Separation equipment or machinery ~~that which~~ is used for removing contaminants from recyclable materials:

(a) through (e) No change.

(3) Materials handling equipment ~~that which~~ is exclusively used to move recyclable materials to or from other recycling equipment within the recycling facility or plant site:

(a) through (d) No change.

(4) Materials handling equipment that is used exclusively to transfer or transport recyclable materials from the point of generation to the recycling facility:

(a) Trucks delivered with specially designed recycling bodies:

(b) Carts specially designed to store recyclables prior to transfer to a recyclable collection vehicle;

(c) Bins specially designed to store recyclables prior to transfer to a recyclable collection vehicle;

Rulemaking Specific Authority 403.704 FS. Laws Implemented 212.08(7)(q), 403.715, 212.08(5)(e) FS. History—New 8-14-90, Formerly 17-704.600, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jan Rae Clark

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 10, 2009

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS.:	RULE TITLES:
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Emergency Dispatcher Certification

PURPOSE AND EFFECT: To identify training and education equivalency criteria for 911 emergency dispatchers and to identify the requirements for renewal of the 911 emergency dispatchers certification. Please note the 64J-3.002 rule title will change to: 64J-3.002 Public Safety Telecommunication Course Equivalency.

SUMMARY: The proposed rules are in accordance to the “Denise Amber Lee Act” by Section 401.465, F.S. The statute gives the department the authority to establish by rule the educational and training criteria for the certification and recertification of 911 emergency dispatchers. These are new rules being adopted to meet the legislative directive outlined in Section 401.465, F.S. Rule 64J-3.002, F.A.C., will incorporate DH Form 5067, 911 Emergency Dispatcher Training Course Equivalency Application. Rule 64J-3.003, F.A.C., will incorporate DH Form 5068, Renewal/Change of Status 911

Emergency Dispatcher Certification Form. These forms can be found on the “Legislation and Rules” page on the Bureau of EMS website at <http://www.fl-ems.com>.

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: 401.35, 401.465 FS.

LAW IMPLEMENTED: 401.65 FS.

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

DATE AND TIME: August 28, 2009, 2:30 p.m. – 4:00 p.m.

PLACE: Florida Department of Health, 4052 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, FL 32399

Interested parties may submit written comments for the consideration of the department before the initiation of rule adoption proceedings. Comments are due no later than August 21, 2009, in order to be considered by the department and made part of the record of the rulemaking proceeding, pursuant to subsection 120.54(3)(c)1., F.S. Pursuant to subsection 120.54(3)(d)1., F.S., changes to the proposed language in this notice, other than a technical change, that does not affect the substance of the rule, must be supported by the record of the public hearing on the rule, must be in response to written material received on or before the date of the final public hearing (within 21 days of the Notice of Proposed Rule/Notice of Rulemaking), or must be in response to a proposed objection by the Joint Administrative Procedures Committee. Send comments to either Alexander Macy or Lisa Walker at 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399. Visit the Bureau of EMS website, <http://www.fl-ems.com>, to subscribe to the electronic mailing list.

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

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

Pursuant to the provisions of 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: Alexander Macy, phone: (850)245-4440, ext. \*2735 or by email at: [Alexander\\_Macy@doh.state.fl.us](mailto:Alexander_Macy@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve McCoy, EMS Systems Analyst, Phone: (850)245-4440, ext. \*2727 or by email: Steve\_McCoy@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-3.002 Public Safety Telecommunication Course Equivalency.

An agency seeking to determine equivalency of their training program shall submit to the Department of Health a copy of their training curriculum and DH Form 5067, 06/09, 911 Emergency Dispatcher Training Course Equivalency Application, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at: <http://www.fl-ems.com>. The training program shall consist of no less than 208 hours. The department shall identify from DH Form 5067, 06/09, 911 Emergency Dispatcher Training Course Equivalency Application, the instructional objectives within their training program that meet each of the student performance standards as outlined in the Department of Education's Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point – Data Code A, Dispatcher: Police Fire and Ambulance, available for reference on the Department of Education website at: <http://www.fldoe.org>. Entities subject to the jurisdiction of the Department of Education are not eligible for this determination.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New \_\_\_\_\_.

64J-3.003 Renewal of 911 Emergency Dispatcher Certification.

(1) To be eligible for renewal certification as a 911 emergency dispatcher, the applicant shall submit DH Form 5068, 06/09, Renewal/Change of Status 911 Emergency Dispatcher Certification Form, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at <http://www.fl-ems.com>, prior to February 1 of each odd year and complete the following:

(a) Complete 24 hours of 911 emergency dispatcher renewal training based on the Department of Education Public Safety Telecommunication Curriculum Framework, Program Number P090101, available for reference on the Department of Education website at: <http://www.fldoe.org>. The department shall accept either the affirmation from a public safety agency as defined in Section 365.171(3)(c), F.S., or a certificate of completion of 24 hours of renewal training from a department-approved Florida 911 emergency dispatcher training program equivalent to the most recently approved emergency dispatcher course of the Department of Education.

(b) Applicants applying for recertification must obtain 24 hours of renewal training, as defined in paragraph 64J-3.002(1)(a), F.A.C., which may be earned through various delivery methods outlined in Table I.

911 Emergency Dispatcher Renewal Requirement	
Table I	
Delivery Method	Maximum Credit Hours Allowed
Journal Review	12 Hours
Workshop/Seminar/Classroom	16 Hours
Multi-media	12 Hours
QA/QI Review	12 Hours
Planning and Management	12 Hours
Meetings	
Teaching	12 Hours
Protocol Review	12 Hours

(2) An individual who has received an initial certification as a 911 emergency dispatcher of no more than 180 days prior to February 1 of each odd year shall be exempt from the first renewal period. If an initial certification is obtained prior to August 1st of the preceding renewal year, that certificate holder must apply for renewal certification.

(3) In the event a certified 911 emergency dispatcher changes the mailing address, name, or place of supervised full-time employment he or she has provided to the department, the applicant shall notify the department upon renewal.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Bixler, Chief, Bureau of EMS, Florida Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros, Florida State Surgeon General, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008 Vol. No. 34/43 and March 13, 2009 Vol. No. 35/10

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.712  
 RULE TITLE: SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amends SSI-Related Medicaid resource policy.

SUMMARY: The proposed rule amends language to clarify the look back period for Deficit Reduction Act provisions, and allows a resource disregard for the Long Term Care Insurance Partnership Policy for the Home and Community Based Waiver Services Program, the Program of All Inclusive Care for the Elderly (PACE), and hospice benefits.

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

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: September 14, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) For MEDS-AD Demonstration Waiver, an individual whose income is equal to or below 88 percent of the federal poverty level must not have resources exceeding the current Medically Needy resource limit specified in Rule 65A-1.716, F.A.C.

(b) through (e) No change.

(f) For ~~the~~ a Home and Community Based Waiver Services (HCBS) Program, an individual cannot have countable resources that exceed \$2,000. If the individual's income falls within the MEDS-AD Demonstration Waiver limit, the individual can have resources up to \$5,000.

(2) Exclusions. The ~~D~~epartment follows SSI policy prescribed in 20 C.F.R. § 416.1210 (2009) and 20 C.F.R. § 416.1218 (2009), incorporated by reference. ~~Part 416~~ in determining what is counted as a resource with the following exceptions, as mandated by federal Medicaid policies, or additional exclusions, as adopted by the ~~D~~epartment under section 42 U.S.C. § 1396a(r)(2) (2006), incorporated by reference. SSI policy requires resources in a blocked account to be countable resources. This applies regardless of whether the individual or their representative is required to petition the court to withdraw funds for the individual's care. A blocked account is one in which state law protects an individual's funds by specifically requiring that the funds be made available for the care and maintenance of the individual.

(a) through (f) No change.

(g) An individual who is a beneficiary under a qualified state Long-Term Care Insurance Partnership Policy ~~issued after November 1, 2007~~ is given a resource disregard equal to the amount of the insurance benefit payments made to or on behalf of the individual for long term care services when determining if the individual's countable resources are within the program limits to qualify for Medicaid nursing home care, Home and Community Based Waiver Services Program, the Program of All Inclusive Care for the Elderly (PACE), or hospice benefits.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c) (2006), incorporated by reference, if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the ~~D~~epartment must presume that the disposal of resources or income was to become Medicaid eligible and impose a period of ineligibility for nursing facility care services, institutional hospice or HCBS waiver services. The ~~D~~epartment will mail a notice to individuals who report a transfer for less than fair market value (Form CF-ES 2264, 02/2007 ~~Feb 2007~~, Notice of Determination of Assets (Or Income) Transfer, incorporated herein by reference), advising of the opportunity to rebut the presumption and of the opportunity to request and support a claim of undue hardship per subparagraph (c)5. below. If the ~~D~~epartment determines the individual is eligible for Medicaid on all other factors of eligibility except the transfer, the individual will be approved for general Medicaid services (not long-term care services) and advised of their penalty period (Form 2358, 02/2007 ~~Feb 2007~~, Medicaid Transfer Disposition Notice, incorporated herein by reference.) The look back period is 36 months prior to the date of application, except in the case of a trust treated as a transfer in which case the look back period is 60 months prior to the date of application. All applications for nursing home and



waiver based Medicaid programs (except in the case of a trust treated as a transfer) are subject to an asset transfer look back period as provided for below.

<u>If the application is received:</u>	<u>The look back period is:</u>
<u>Prior to November 1, 2010</u>	<u>36 months prior to the month of application</u>
<u>November 2010</u>	<u>37 months prior to the month of application</u>
<u>December 2010</u>	<u>38 months prior to the month of application</u>
<u>January 2011</u>	<u>39 months prior to the month of application</u>
<u>February 2011</u>	<u>40 months prior to the month of application</u>
<u>March 2011</u>	<u>41 months prior to the month of application</u>
<u>April 2011</u>	<u>42 months prior to the month of application</u>
<u>May 2011</u>	<u>43 months prior to the month of application</u>
<u>June 2011</u>	<u>44 months prior to the month of application</u>
<u>July 2011</u>	<u>45 months prior to the month of application</u>
<u>August 2011</u>	<u>46 months prior to the month of application</u>
<u>September 2011</u>	<u>47 months prior to the month of application</u>
<u>October 2011</u>	<u>48 months prior to the month of application</u>
<u>November 2011</u>	<u>49 months prior to the month of application</u>
<u>December 2011</u>	<u>50 months prior to the month of application</u>
<u>January 2012</u>	<u>51 months prior to the month of application</u>
<u>February 2012</u>	<u>52 months prior to the month of application</u>
<u>March 2012</u>	<u>53 months prior to the month of application</u>
<u>April 2012</u>	<u>54 months prior to the month of application</u>
<u>May 2012</u>	<u>55 months prior to the month of application</u>
<u>June 2012</u>	<u>56 months prior to the month of application</u>
<u>July 2012</u>	<u>57 months prior to the month of application</u>
<u>August 2012</u>	<u>58 months prior to the month of application</u>
<u>September 2012</u>	<u>59 months prior to the month of application</u>
<u>On or after October 1, 2012</u>	<u>60 months prior to the month of application</u>

(a) The Department follows the policy for transfer of assets mandated by 42 U.S.C. §§ 1396p (2006) and 1396r-5 (2006), incorporated by reference. Transfer policies apply to the transfer of income and resources.

(b) When funds are transferred to a retirement fund, including annuities, with the transfer look back period the Department must determine if the individual will receive fair market compensation in their lifetime from the fund. If fair compensation will be received in their lifetime there has been no transfer without fair compensation. If not, the child or their representative disposes of the remainder for less than fair market value. establishment of the fund must be regarded as a transfer without fair compensation. Fair compensation shall be calculated based on life expectancy tables published by the Office of the Actuary of the Social Security Administration. See Rule 65A-1.716, F.A.C.

1. Individuals and their spouses must disclose their ownership interest in any annuity, including annuities that are not subject to the transfer of assets provision, and if purchased after November 1, 2007 must name the state as a remainder beneficiary (for applicants at the time of approval or for recipients at time of annual review) in the first position for no more than the total amount of medical assistance paid on behalf of the institutionalized individual annuitant or in the second position after the community spouse and/or minor or disabled child unless the spouse,

2. No change.

3. Individual Retirement Accounts (IRAs) or annuities (as described in Section 408 of the Internal Revenue Code (2008), incorporated by reference) established by an employee or employer are not considered under the transfer of assets provision and are not required to name the state as the primary remainder beneficiary in accordance with subparagraph (b)1. above.

(c) No penalty or period of ineligibility shall be imposed against an individual for transfers described in 42 U.S.C. § 1396p(c)(2) (2006), incorporated by reference.

1. through 4. No change.

5. A transfer penalty shall not be imposed if the Department determines that the denial of eligibility due to transferred resources or income would work an undue hardship on the individual. Undue hardship exists when imposing a period of ineligibility would deprive an individual of medical care such that their life or health would be endangered. Undue hardship also exists when imposing a period of ineligibility would deprive the individual of food, clothing, shelter or other necessities of life. All efforts to access the resources or income must be exhausted before this exception applies. The facility in which the institutionalized individual is residing may request an undue hardship waiver on behalf of the individual with the consent of the individual or their designated representative.

(d) Except for allowable transfers described in 42 U.S.C. § 1396p(c)(2), in all other instances the Department must presume the transfer occurred to become Medicaid eligible unless the individual can prove otherwise.

1. through 3. No change.

4. A life estate interest purchased in another individual's home after November 1, 2007 is considered a transfer of assets for less than fair market value. If the individual has not lived in the home for at least one year, the full amount of the purchase price paid for the life estate will be considered an uncompensated transfer without considering the value of the life estate. If the individual has resided in the home for at least one continuous year, the value of the life estate will be considered compensation and will be calculated by multiplying the current market value of the property at the time of the purchase by the life estate factor that corresponds to the individual's age at the time of the purchase. The life estate tables are incorporated by reference from the Social Security Administration's online Program Operations Manual System (SI 01140.120) (04/99), incorporated by reference, as found in Appendix A-17 of the Department's online manual located at www.dcf.state.fl.us/ess/ (June 2009). Brief absences from the life estate property such as stays in a rehabilitation facility or vacations may not disrupt the client's residency in the home. The facts of each absence will be evaluated to determine if the home continued to be the individual's principal place of residence such as whether the person's mail was delivered and received there or whether they paid the property taxes.

(e) through (f) No change.

(g) For transfers prior to November 1, 2007, periods of ineligibility are calculated beginning with the month in which the transfer occurred and shall be equal to the actual computed period of ineligibility, rounded down to the nearest whole number. For transfers made on or after November 1, 2007, periods of ineligibility begin with the later of the following dates: (1) the day the individual is eligible for medical assistance under the state plan and would otherwise be receiving institutional level care based on an approved application for such care but for the application of the penalty period; or (2) the first day of the month in which the individual transfers the asset; or (3) the first day following the end of an existing penalty period. The Department shall not round down, or otherwise disregard, any fractional period of ineligibility of the penalty period but will calculate the period down to the day. There is no limit on the period of ineligibility. Once the penalty period is imposed, it will continue although the individual may no longer meet all factors of eligibility and may no longer qualify for Medicaid long-term care benefits.

1. Monthly periods of ineligibility due to transferred resources or income are determined by dividing the total cumulative uncompensated value of all transferred resources or income computed in accordance with paragraph 65A-1.712(3)(f), F.A.C., by the average monthly private pay nursing facility rate at the time of application as determined by the Department (refer to paragraph 65A-1.716(5)(d), F.A.C.).

a. through c. No change.

2. If an institutionalized individual is ineligible for medical assistance due to a transfer of resources or income by the community spouse, and the community spouse becomes potentially eligible for ICP, HCBS, or institutional hospice services, any remaining penalty period must be apportioned between the spouses. The Department shall apportion penalty periods by dividing any new or remaining penalty periods by 2 and attribute the quotient to each spouse. Any excess months may be attributed to the spouse that caused the penalty or according to the wishes of the couple or their representative.

3. No change.

(4) Spousal Impoverishment. The Department follows 42 U.S.C. § 1396r-5 for resource allocation and income attribution and protection when an institutionalized individual, including a hospice recipient residing in a nursing facility, has a community spouse. Spousal impoverishment policies are not applied to individuals applying for, or receiving, HCBS waiver services, except for individuals in the Long-Term Care Community Diversion Program, the Assisted Living Facility waiver or the Cystic Fibrosis waiver.

(a) through (c) No change.

(d) After the institutionalized spouse is determined eligible, the Department allows deductions from the eligible spouse's income for the community spouse and other family members according to 42 U.S.C. § 1396r-5 and paragraph 65A-1.716(4)(c), F.A.C.

(e) If either spouse can verify that the community spouse resource allowance provides income that does not raise the community spouse's income to the State's minimum monthly maintenance income allowance (MMMIA), the resource allowance may be revised through the fair hearing process to an amount adequate to provide such additional income as determined by the hearing officer. Effective November 1, 2007 the hearing officers must consider all of the community spouse's income and all of the institutionalized spouse's income that could be made available to a community spouse. The hearing officers will base the revised community spouse resource allowance on the amount necessary to purchase a single premium lifetime annuity that would generate a monthly payment that would bring the spouse's income up to the MMMIA (adjusted to include any excess shelter costs). The community spouse does not have to actually purchase the annuity. The community spouse will have the opportunity to present convincing evidence to the hearing officer that a single premium lifetime annuity is not a viable method of protecting the necessary resources for the community spouse's income to be raised to the State's MMMIA. If the community spouse requests that the revised allowance not be based on the earnings of a single premium lifetime annuity, the community spouse must offer an alternative method for the hearing officer's consideration that will provide for protecting the minimum amount of assets required to raise the community spouse's income to the State's MMMIA during their lifetime.

(f) through (g) No change.

1. No change.

2. The institutional spouse assigns to the State any rights to support from the community spouse by submitting the Assignment of Rights to Support, Form CF-ES 2504, PDF 10/2005 (incorporated by reference), ~~Support Rights form referenced in Rule 65A-1.400, F.A.C.,~~ signed by the institutionalized spouse or their representative; and

3. through 4. No change.

(5) Other Resource Policies.

(a) No change.

1. No change.

2. Paragraph (5)(a) does not apply if the individual's spouse, individual's child under age 21 or the individual's blind or disabled child (based on the federal definitions of "blindness" in 20 C.F.R. § 416.981-416.986 (2009), incorporated by reference, and "disability" in 20 C.F.R. § 416.905-416.906 (2009), incorporated by reference ~~20 CFR 416~~) of any age are residing in the institutionalized individual's home.

3. No change.

4. The Department will mail a notice to individuals whose home equity interest exceeds \$500,000 (Form CF-ES 2354, 02/2007 Feb 2007, Notice of Excess Home Equity Interest, incorporated herein by reference), advising of the opportunity to have the home equity interest policy waived.

(b) An individual's entrance fee in a continuing care retirement community or life care community shall be considered a resource, as set forth in 1917(g) of the Social Security Act (2007), which is incorporated herein by reference.

(6) Copies of the forms and materials incorporated by reference in this rule are available from the ACCESS Florida Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1)(a), (f), 8-10-06(1)(f), 8-10-06(3)(g)1., 11-1-07,\_\_\_\_\_.

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: July 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 690-156.020  
RULE TITLE: Prohibition Against Use of Genetic Information and Requests for Genetic Testing

PURPOSE AND EFFECT: To update this rule part, to allow for a new product generation by adopting further 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). This rule revision adopts 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: 627.674 FS.

LAW IMPLEMENTED: 627.6741 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: August 25, 2009, 9:30 a.m.

PLACE: 142 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](mailto: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 RULE IS: Gerry Smith, Office of Insurance Regulation, E-mail [Gerry.Smith@flor.com](mailto:Gerry.Smith@flor.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

690-156.020 Prohibition Against Use of Genetic Information and Requests for Genetic Testing.

This rule applies to all policies and certificates with policy years beginning on or after May 21, 2009.

(1) An issuer of a Medicare supplement policy or certificate:

(a) Shall not deny or condition the issuance or effectiveness of the policy or certificate (including the imposition of any exclusion of benefits under the policy based on a preexisting condition) on the basis of the genetic information with respect to such individual; and

(b) Shall not discriminate in the pricing of the policy or certificate (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

(2) Nothing in subsection 690-156.020(1), F.A.C., shall be construed to limit the ability of an issuer, to the extent otherwise permitted by law, from:

(a) Denying or conditioning the issuance or effectiveness of the policy or certificate or increasing the premium for a group based on the manifestation of a disease or disorder of an insured or applicant; or

(b) Increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case,

the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the group).

(3) An issuer of a Medicare supplement policy or certificate shall not request or require an individual or a family member of such individual to undergo a genetic test.

(4) Subsection 69O-156.020(3), F.A.C., shall not be construed to preclude an issuer of a Medicare supplement policy or certificate from obtaining and using the results of a genetic test in making a determination regarding payment (as defined for the purposes of applying the regulations promulgated under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) and consistent with subsection 69O-156.020(1), F.A.C.

(5) For purposes of carrying out subsection 69O-156.020(4), F.A.C., an issuer of a Medicare supplement policy or certificate may request only the minimum amount of information necessary to accomplish the intended purpose.

(6) Notwithstanding subsection 69O-156.020(3), F.A.C., an issuer of a Medicare supplement policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

(a) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

(b) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that:

1. Compliance with the request is voluntary; and

2. Non-compliance will have no effect on enrollment status or premium or contribution amounts.

(c) No genetic information collected or acquired under this Subsection shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rates, or the issuance, renewal, or replacement of a policy or certificate.

(d) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this Subsection, including a description of the activities conducted.

(e) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this Subsection.

(7) An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information for underwriting purposes.

(8) An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

(9) If an issuer of a Medicare supplement policy or certificate obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subsection 69O-156.020(8), F.A.C., if such request, requirement, or purchase is not in violation of subsection 69O-156.020(7), F.A.C.

(10) For the purposes of this Section only:

(a) "Issuer of a Medicare supplement policy or certificate" includes third-party administrator, or other person acting for or on behalf of such issuer.

(b) "Family member" means, with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

(c) "Genetic information" means, with respect to any individual, information about such individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. Any reference to genetic information concerning an individual or family member of an individual who is a pregnant woman, includes genetic information of any fetus carried by such pregnant woman, or with respect to an individual or family member utilizing reproductive technology, includes genetic information of any embryo legally held by an individual or family member. The term "genetic information" does not include information about the sex or age of any individual.

(d) "Genetic services" means a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education.

(e) "Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detect genotypes, mutations, or chromosomal changes. The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(f) "Underwriting purposes" means:

1. Rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

2. The computation of premium or contribution amounts under the policy;

3. The application of any preexisting condition exclusion under the policy; and

4. Other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

Rulemaking Authority 627.674 FS. Law Implemented 627.6741 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gerry Smith, Office of Insurance Regulation, E-mail  
Gerry.Smith@florid.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-1.0115	Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies

**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.

Subsection (3) of Rule 12A-1.0115, F.A.C., has been withdrawn for further consideration. Proposed subsections (4) through (14) have been renumbered (3) through (13). Prior to withdrawal, subsection (3) of Rule 12A-1.0115, F.A.C., read as follows:

**(3) FOOD PRODUCTS CONSUMED IN PLACES WHERE AN ADMISSION IS CHARGED.**

(a) Food products are subject to tax when furnished, served, prepared, or sold on the premises of a place where admission is charged for entrance. The term “premises” will be construed broadly to include: the lobby, aisle, or auditorium of

a theater; the seating, aisle, or parking area of an arena, rink, or stadium; the parking area of a drive-in or outdoor theater; or similar places.

(b) When food products are furnished to patrons who have paid an admission charge for entrance as a part of that admission charge and there is no separately itemized charge to the patron for the food products, tax is due on the cost of the food products furnished. When the food products are purchased from a caterer, restaurant, or similar establishment, tax is due on the total charge made by the caterer, restaurant, or similar establishment.

(c) When the charges for food products are separately itemized and priced from the admission charge to the patron, tax is required to be collected on the sales price of the food products. (See Rule 12A-1.005, F.A.C., for admission charges.) Food products that are separately itemized and sold to the patron may be purchased for resale, as provided in Rule 12A-1.039, F.A.C.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NOS.:	RULE TITLES:
61A-1.0101	Product Displays Exception
61A-1.01010	Expendable Retailer Advertising Specialties Exception
61A-1.01011	Durable Retailer Advertising Specialties Exception
61A-1.01012	Consumer Advertising Specialties Exception
61A-1.01013	Inside Signs Advertising Brands Exception
61A-1.01014	Brand Images
61A-1.01015	Advertising Vendor Locations Where Brand Sold Exception
61A-1.01018	Trade Shows and Conventions Exception
61A-1.0102	Private Labels
61A-1.01021	Split or Mixed Cases Exception
61A-1.01022	Combination Packages
61A-1.01024	Alcoholic Beverage Samples Exception
61A-1.0103	Premium Offers Exception
61A-1.0104	Sweepstakes, Drawings, or Contests Exception

- 61A-1.0105 Vendor’s Property Included in Contests or Sweepstakes Exception
- 61A-1.0106 Vendor-Sponsored Tournaments Exception
- 61A-1.0107 Returns of Damaged Products
- 61A-1.0108 Returns of Undamaged Products

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

Notice is also hereby given that the Department of Business and Professional Regulation will hold an additional hearing on these proposed rules, as well as rules and changes published in the Vol. 34, No. 4, January 25, 2008, and Vol. 34, No. 36, September 5, 2008, issues of the Florida Administrative Weekly as follows:

DATE AND TIME: Thursday, August 13, 2009, 9:00 a.m. – 5:00 p.m., or until business is concluded

PLACE: The Capitol, Senate Office Building, Room 401-Senate, 404 South Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Patricia Nelson at (850)488-0062. If you are hearing or speck impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD).

61A-1.0101 Product Displays Exception.

(1) Manufacturers and distributors may give or sell product displays to vendors, for use ~~on in the interior of~~ a vendor’s licensed premises, to include wine racks, bins, barrels, casks, ~~and shelving, or similar product display items which are separated from a vendor’s ordinary shelves and used primarily exclusively~~ to hold and display factory sealed products of the provider for sale to customers at room temperature or cold. ~~Such displays shall not have, or be used to provide, any secondary function such as that function provided by equipment, including refrigeration; furniture; or fixtures. Manufacturers or distributors may require a minimum purchase to provide vendors with a display.~~

(2) Manufacturers and distributors may transport, install, and disassemble their own product displays on a vendor’s licensed premises.

(3) The value of ~~any the~~ product display, excluding transportation, installation, and disassembly costs, shall not exceed \$300 per brand, and the total value of all product displays at any one time on any one vendor’s licensed premises shall not exceed \$300 per brand. Manufacturers and

distributors shall not pool or combine dollar limitations in order to provide a vendor a product display valued in excess of \$300 per brand.

(4) The product display shall bear product information that is conspicuous; and permanently inscribed or securely affixed to the product display ~~product information~~. The vendor’s name, business name and address may be part of the product display.

(5) Payments of slotting fees shall not be made to vendors. A slotting fee is defined as any form of assistance given by a manufacturer or distributor to a vendor to purchase or rent additional, particular, favorable, or dedicated display, shelf, cooler, storage or warehouse space.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01010 Expendable Retailer Advertising Specialties ~~Exception Premium Offers~~.

(1) When the specialties advertise wine or spirituous beverages, manufacturers and distributors of wine or spirits may give or sell, and when the specialties advertise malt beverages, manufacturers and distributors of malt beverages may sell, at a cost not less than the actual cost of the industry member who purchased them, expendable retailer advertising specialties of nominal value such as coasters; paper, plastic or styrofoam cups; foam scrapers; placemats; back bar mats; menu cards; meal checks; paper napkins; trays; thermometers; alcoholic beverage lists; and similar specialties. Alcoholic beverage lists, menus, and menu cards shall not contain any information other than alcoholic beverages and prices. If a manufacturer or distributor provides a vendor with glassware, pitchers, carafes or similar containers made of other materials, such containers are not expendable retailer advertising specialties and shall be sold at a cost not less than the actual cost of the industry member who purchased them. “Premium Offer” means value-added merchandise, travel, or services held out to consumers in exchange for their purchase of an alcoholic product, sometimes referred to as “product gift” or “gift with sales promotion.”

(2) The vendor’s name, business name, and address may be printed on these items, which shall be intended for use by the vendor on the vendor’s licensed premises. Manufacturers and distributors may furnish premium offers on products to consumers with proof of purchase and may provide vendors with point-of-sale advertising and order forms.

(3) ~~Premium offers shall be made available to all vendors who wish to participate. The premiums shall be offered in similar quantities at the same time; however, the premiums shall not be given or loaned to the vendor for display.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History–New \_\_\_\_\_.

61A-1.01011 Durable Retailer Advertising Specialties Exception Sweepstakes, Drawings, or Contests.

When the specialties advertise malt beverages, manufacturers and distributors of malt beverages may sell, at a cost not less than the actual cost of the industry member who purchased them, without limitation in total value of such specialties provided to a vendor, durable retailer advertising specialties including pool table lights, mirrors, clocks, calendars, and similar specialties bearing substantial advertising material. Durable retailer advertising specialties have a secondary value or purpose, which makes them more than inside signs, but shall not include product displays, equipment, fixtures, furnishings, or furniture. If the durable retailer advertising specialties are loaned or rented, then the manufacturer or distributor may service such specialties. Such specialties shall only be intended for use on a vendor's licensed premises.

(1) Manufacturers and distributors may provide entry forms, rules, and point-of-sale advertising materials to vendors.

(2) Sweepstakes, drawings, and contests shall not require proof of purchase to enter and shall be open for the general public to participate; however, no vendor, or vendor's employee, or agent shall be eligible to participate or win. A means of entry may be provided with a purchased alcoholic beverage, so long as an alternative means of entry not requiring a purchase is made available.

(3) Vendors shall not collect completed entry forms and the selection of winners shall not occur at a vendor's place of business. Live or electronic contests sponsored by manufacturers or distributors shall not be held at a vendor's place of business.

(4) Section 849.094, F.S. requires registration of consumer games where prizes are awarded in excess of \$5,000 with the Florida Department of Agriculture and Consumer Affairs.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.01012 Consumer Advertising Specialties Exception Vendor's Property Included in Contests or Sweepstakes.

(1) When the specialties advertise wine or spirituous beverages, manufacturers and distributors of wine or spirits may give or sell to a vendor consumer advertising specialties of nominal value bearing substantial brand advertising designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, T-shirts, caps, visors, and similar specialties. Manufacturers or distributors may administer consumer contests and sweepstakes that include a vendor's property as the prize. However, the contest or sweepstakes shall not be a joint venture with a vendor. Any contest or sweepstakes prizes purchased by the manufacturer or distributor shall be

purchased at the same cost as charged to the general public. Any room rental fee paid by the manufacturer or distributor to the vendor shall be at the vendor's normal rate.

(2) When the specialties advertise malt beverages, manufacturers and distributors of malt beverages may sell to a vendor consumer advertising specialties of nominal value bearing substantial brand advertising designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, T-shirts, caps, visors, and similar specialties to vendors at no less than the actual cost of the industry member who initially purchased them, unless the manufacturer or distributor gives the items directly to consumers on the vendor's licensed premises. Manufacturers or distributors may use the names and pictures of the vendor's properties related to prizes awarded to consumers. Any reference to a vendor shall be relatively inconspicuous, which in no case may be more 20 percent of the total size of the advertisement or entry form.

(3) Manufacturers and distributors shall not provide assistance to a vendor for allowing the manufacturer or distributor to give specialties directly to consumers on the vendor's licensed premises.

(4) The vendor's name, business name and address may be printed on these items.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.01013 Inside Signs Advertising Brands Exception Vendor-Sponsored Tournaments.

(1) Manufacturers and distributors may give, sell, lend, or furnish inside signs advertising brands to vendors such as neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material authorized by Sections 561.42(1), (11), and (12), F.S., to be displayed or used in the interior of a vendor's licensed premises. The signs must advertise brands sold by the vendor. Manufacturers and distributors may participate in vendor-sponsored tournaments and contests and must pay normal entry fees. Manufacturers and distributors shall not advertise, co-sponsor, underwrite, or contribute in time, money, or gifts.

(2) The signs may include the vendor's name, business name and address; however, identification of vendors shall be relatively inconspicuous in relation to the entire advertisement. The only additional information permitted on the sign is price or a space for the price of the alcoholic beverage product advertised on the signs.

(3) Vendors shall not have more than one neon or electric sign per manufacturer in its window or windows.

(4) Items that provide a secondary function, such as providing the time, the date, reflection, or reading light, shall be considered durable retailer advertising specialties.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New \_\_\_\_\_.

61A-1.01014 Brand Images Gifts to Those Who Are Not Licensed Vendors.

(1) A manufacturer or distributor may provide to any vendors without conditions copy-ready images of alcoholic beverage brands, logos, or products in any format.

(2) “Copy-ready” images are those images ready to be reproduced for immediate use in advertising.

~~Manufacturers and distributors may give gifts to manufacturer’s and distributor’s employees, charitable organizations, market testers, and non-profit civic organization permittees. Alcoholic beverage products shall be invoiced to the individual or organization as a no charge invoice. Individuals or organizations may arrange for delivery of alcoholic beverage products to their function in care of a licensed vendor’s place of business provided the alcoholic beverage products do not become the property of the vendor.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New \_\_\_\_\_.

61A-1.01015 Advertising Vendor Locations Where Brand Sold Exception Private Labels.

(1) If an advertisement includes two or more unaffiliated vendors, manufacturers and distributors may use vendors’ names in brand advertisements to indicate vendors from whom consumers can purchase the advertised brands. Unaffiliated vendors are those vendors not affiliated through having common ownership, being members of the same pool buying group, or being members of the same advertising cooperative. The advertisement shall identify vendors relatively inconspicuously in relation to the entire advertisement. Such advertising is not considered cooperative advertising as long as no vendor shares in the cost of the advertising. Beer, wine, and spirituous liquors may be manufactured under a vendor’s trademark. The vendor may be the exclusive outlet for the product if the vendor maintains ownership of the trademark. The vendor shall not set the price of private label products with the manufacturer, importer, or distributor. Pricing shall be independently established by the manufacturer or importer and the distributor.

(2) Manufacturers and distributors shall not underwrite any vendor’s publications or events through the purchase of advertising. The vendor may petition the division for an exception to the outside sign prohibition when their business name is the same as the private label name. The petition shall be granted if the purpose is clearly to promote the business name and not the alcoholic beverage brand.

(3) The vendor may be paid royalties and other contractual payments if the right to the trademark is sold by the vendor.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New \_\_\_\_\_.

61A-1.01018 Trade Shows and Conventions Exception.

(1) Manufacturers and distributors may participate in non-profit vendor association trade shows and conventions. Participation may include:

- (a) Displaying products;
- (b) Renting display space at normal trade show rates;
- (c) Paying normal registration fees;
- (d) Purchasing tickets to functions;
- (e) Providing samples to attendees;
- (f) Conducting tastings for attendees;
- (g) Providing hospitality independent of sponsored activities by the association or any member vendors; and
- (h) Purchasing advertisements in publications distributed during conventions and trade shows. Payments for all such advertisements shall not exceed \$300 per year to any non-profit vendor retail association.

(2) A malt beverage manufacturers or distributors may shall not provide any expendable retailer advertising specialties, durable retailer advertising specialties, or consumer advertising specialties gifts to a non-profit vendor associations. Where the specialties that advertise malt beverages, such specialties may only be provided pursuant to the conditions and limitations of Rules 61A-1.01010, 61A-1.01011, and 61A-1.01012, F.A.C.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—New \_\_\_\_\_.

61A-1.0102 Private Labels Point of Sale Advertising Items.

(1) Beer, wine, and spirituous liquors may be manufactured under a vendor’s trademark. The vendor may be the exclusive outlet for the product if the vendor maintains ownership of the trademark. The vendor shall not set the price of private label products with the manufacturer or distributor. Pricing shall be independently established by the manufacturer and the distributor. Manufacturers and distributors of wine and spirits may give or sell, and manufacturers and distributors of malt beverages may sell, at a cost not less than the actual cost of the industry member who purchased them, expendable advertising items including coasters, cups, mats, menu cards, meal checks, paper napkins, trays, thermometers, and alcoholic beverage lists or menus. Alcoholic beverage lists or menus shall not contain any information other than alcoholic beverages and prices. Any manufacturer or distributor may sell glasses at a cost not less than the actual cost of the industry member who purchased them.

(2) When a vendor’s business name is the same as the brand name, the vendor may display an outside sign so long as the purpose of the sign is clearly to promote the business name and not the alcoholic beverage brand. Manufacturers and distributors of wine and spirits may give or sell, and manufacturers and distributors of malt beverages may rent,



~~loan without charge for an indefinite duration, or sell durable retailer advertising specialties including pool table lights, foam scrapers, back bar mats, clocks, calendars, and umbrellas.~~

~~(3) The vendor may be paid royalties and other contractual payments if the right to the trademark is sold by the vendor. The vendor's name, business name, and address may be printed on these items, which shall be intended for use by the vendor.~~

Rulemaking Authority 561.11, 561.42, 563.045(4), 564.045(6), 565.095(6) FS. Law Implemented 561.08, 561.42 563.045(1), 564.045(5), 565.095(5) FS. History--New \_\_\_\_\_.

61A-1.01021 Split or Mixed Cases Exception Returns of Damaged Products.

Distributors may offer a split or mixed case containing more than one brand or more than one size of the same brand of alcoholic beverage to vendors. Distributors must have, and uniformly follow, a written policy applying to all vendors if an add-on fee is charged for any split or mixed cases.

~~(1) Vendors may return damaged products to distributors. Vendors shall notify distributors of damaged products received from the distributor within ten days after delivery in order to obtain a credit or exchange. Damaged products shall be verified by the distributor's representative prior to issuing a credit or exchange. Damaged products shall be exchanged in exact quantities with products of near or equal value made by the same manufacturer and in the same size containers unless a credit or cash is issued at the time of the return with supporting documentation. Products damaged by vendors shall not be returned to the distributor for credit or exchange and will be the vendor's liability.~~

~~(2) Distributors shall maintain records of vendor requests for return of damaged products with reference made to the original invoice showing the delivery date and any credit memo issued. Distributors shall make and keep a transaction record of all exchanges detailing the date, the licensed vendor, business name and address, the vendor's license number, and the product exchanged for products, cash, or credit.~~

~~(3) No return of the product shall be permitted if the vendor's request is made more than ten days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective \_\_\_\_\_. This form may be obtained from the Department's website at <http://www.myflorida.com/dbpr/abt/index.html>.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.01022 Combination Packages Returns of Undamaged Products.

Manufacturers and distributors may package and distributors may offer and sell to vendors, non-alcoholic beverages or products packaged with alcoholic beverages.

~~(1) Distributors shall not make consignment sales to vendors. Vendors who make a request for return of undamaged products within five days after delivery shall be entitled to cash or a credit within ten days after the request and at the same time the distributor picks up the products. The distributor shall document the request on the credit or refund memo. The five day requirement excludes days that either the vendor or the distributor are closed for business.~~

~~(2) No return of the product shall be permitted if the vendor's request is made more than five days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective \_\_\_\_\_. This form may be obtained from the Department's website at <http://www.myflorida.com/dbpr/abt/index.html>.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.01024 Alcoholic Beverage Samples Exception Split Cases.

(1) A distributor may give a sample of distilled spirits, wine, or malt beverages to a vendor if that vendor has not purchased the brand or received a sample of the brand within the preceding twelve months. However, if ownership of a distributor or vendor is transferred to a new entity, the distributor is eligible to give, and the vendor is eligible to receive, new samples.

(2) Samples of malt beverages shall not exceed three gallons to each licensed premises; samples of wine shall not exceed three liters to each licensed premises; and samples of spirits shall not exceed three liters to each licensed premises.

(3) If a particular product is not available in a size within the quantity limitations of this section, a distributor may furnish to a vendor the next larger size.

(4) Any withdrawal of tax paid samples from the inventory of a distributor as permitted herein must be substantiated by an invoice to a licensed vendor. The invoice shall include:

- (a) Distributor's name and address.
- (b) Date invoice was prepared.
- (c) Identification of the product as a sample.
- (d) Identification of salesman.
- (e) Name and address and license number of the vendor.
- (f) Brand name.
- (g) Number of containers and size of containers used in sampling.

~~Distributors may offer split cases containing more than one brand or more than one size of the same brand of alcoholic beverage to vendors. Distributors must have a written policy applying to all vendors if an add-on fee is charged for any split cases.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.0103 Premium Offers Exception Consumer Advertising Specialty Items.

(1) Premium offer means value-added merchandise, travel, or services held out to consumers in exchange for their purchase of an alcoholic product, sometimes referred to as "product gift" or "gift with sales promotion." Manufacturers and distributors of wine or spirits may give or sell to a vendor consumer advertising items, designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors.

(2) Manufacturers and distributors may furnish premium offers on products to consumers with proof of purchase and may provide vendors with point-of-sale advertising and order forms. Manufacturers or distributors of malt beverages must sell items advertising malt beverages, designed to be carried away by the consumer, including ashtrays, T-shirts, bottle openers, shopping bags, and the like, to vendors at no less than the actual cost of the industry member who purchased them, unless the manufacturer or distributor gives the items directly to consumers on the vendor's licensed premises.

(3) Premium offers shall be made available to all vendors who wish to participate. The premium offers shall be offered in quantities reasonably calculated to accommodate the individual vendor's level of sales during the promotion period. The premium offers shall not be placed on any vendor's licensed premises for display. Manufacturers and distributors shall not pay a vendor for allowing them to give items directly to consumers on the vendor's licensed premises.

(4) The vendor's name, business name and address may be printed on these items.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New\_\_\_\_\_.

61A-1.0104 Sweepstakes, Drawings, or Contests Exception Alcoholic Beverage Samples.

(1) Manufacturers and distributors may provide entry forms, rules, advertising materials, and a box or other similar container in which to collect completed entry forms to vendors. These advertising materials must be offered to all vendors who wish to participate in quantities reasonably calculated to accommodate the individual vendor's level of sales during the promotion period. A distributor may furnish or give a sample of distilled spirits, wine, or malt beverages to a vendor if that vendor has not purchased the brand from that distributor within the last twelve months. However, if ownership of a distributor or vendor is transferred to a new entity, the distributor is eligible to give, and the vendor is eligible to receive, new samples.

(2) Sweepstakes, drawings, and contests shall not require proof of purchase to enter and shall be open for the general public to participate; however, no vendor or vendor's employee

or agent shall be eligible to participate or win. A means of entry may be provided with a purchased alcoholic beverage, so long as an alternative means of entry not requiring a purchase is made available. Samples of malt beverages shall not exceed three gallons to each licensed premises; samples of wine shall not exceed three liters to each licensed premises; and samples of spirits shall not exceed three liters to each licensed premises.

(3) Vendors shall not collect completed entry forms, and the selection of winners shall not occur at a vendor's place of business. Any completed entry forms deposited on the vendor's licensed premises shall be collected by the manufacturer or distributor. Live or electronic contests sponsored by manufacturers or distributors shall not be held at a vendor's place of business. If a particular product is not available in a size within the quantity limitations of this section, a manufacturer or distributor may furnish to a vendor the next larger size.

Rulemaking authority 561.11 FS. Law Implemented 561.08, 561.42 FS, History--New\_\_\_\_\_.

61A-1.0105 Vendor's Property Included in Contests or Sweepstakes Exception Brand Images.

(1) Manufacturers and distributors may administer consumer contests and sweepstakes that include a vendor's property as the prize. However, the contest or sweepstakes shall not be a joint venture with a vendor. Any contest or sweepstakes prizes purchased by the manufacturer or distributor shall be purchased at a cost which is not more than the cost charged to the general public. Any room rental fee paid by the manufacturer or distributor to the vendor shall be no more than the vendor's normal rate. A manufacturer or distributor may provide to any vendors without conditions copy ready images of alcoholic beverage brands, logos, or products in any format.

(2) Manufacturers and distributors may use the names and pictures of the vendor's properties related to prizes awarded to consumers. Any reference to a vendor shall be relatively inconspicuous in relation to the total advertisement or entry form. "Copy ready" images are those images ready to be reproduced for immediate use in advertising.

Rulemaking Authority 561.11 FS. Law Implemented 561.08, 561.42 FS. History--New\_\_\_\_\_.

61A-1.0106 Vendor-Sponsored Tournaments Exception Cooperative Advertisements.

Manufacturers and distributors may participate in vendor-sponsored tournaments and contests but must pay no more than normal entry fees. Manufacturers and distributors shall not advertise, co-sponsor, underwrite, or contribute in time, money, gifts or provide any other assistance prohibited by Section 561.42(1), F.S.

~~(1) Manufacturers and distributors shall not enter into cooperative advertising with vendors or underwrite any vendor's electronic or printed communications or events through the purchase of advertising.~~

~~(2) Manufacturers and distributors may use vendors' names in brand advertisements if the advertisement includes two or more vendors without common ownership from whom consumers may purchase the advertised product.~~

~~(3) Identification of vendors shall be relatively inconspicuous in relation to the total size of the advertisement.~~

Rulemaking authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.0107 Returns of Damaged Products Inside Signs Advertising Brands.

(1) Vendors may return damaged products to distributors. Vendors shall notify distributors of damaged products received from the distributor within ten days after delivery in order to obtain a credit or exchange. Damaged products shall be verified by the distributor's representative prior to issuing a credit or exchange. Damaged products shall be exchanged in exact quantities with products of near or equal value made by the same manufacturer and in the same size containers unless a credit or cash is issued at the time of the return with supporting documentation. Products damaged by vendors shall not be returned to the distributor for credit or exchange and will be the vendor's liability. Manufacturers and distributors may give, sell, lend, or furnish inside signs advertising brands to vendors such as neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material herein authorized to be displayed or used in the interior of a licensed vendor's business. The signs must advertise brands sold by the vendor.

(2) Distributors shall maintain records of vendor requests for return of damaged products with reference made to the original invoice showing the delivery date and any credit memo issued. Distributors shall make and keep a transaction record of all exchanges detailing the date, the licensed vendor, business name and address, the vendor's license number, and the product exchanged for products, cash, or credit. The signs may include the vendor's name, business name and address; however, identification of vendors shall be relatively inconspicuous in relation to the total size of the advertisement. Signs may include the price or space for the price of the alcoholic beverage product advertised on the signs. Signs shall not include any reference to a vendor's promotion or event. Vendors shall not add anything other than price to any inside sign given them by manufacturers or distributors.

(3) No return of the product shall be permitted if the vendor's request is made more than ten days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective \_\_\_\_\_. This form may be obtained from the Department's website at

<http://www.myflorida.com/dbpr/abt/index.html>. Vendors shall not have more than one neon or electric sign per manufacturer in their window or windows.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

61A-1.0108 Returns of Undamaged Products Combination Packages.

(1) Distributors shall not make consignment sales to vendors. Vendors who make a request for return of undamaged products within five days after delivery shall be entitled to cash or a credit within ten days after the request and at the same time the distributor picks up the products. The distributor shall document the request on the credit or refund memo. The five-day requirement excludes days that either the vendor or the distributor are closed for business.

(2) No return of the product shall be permitted if the vendor's request is made more than five days after the delivery date, unless the division has granted permission on DBPR form 4000A-015, Application to Return Alcoholic Beverages, incorporated herein by reference and effective \_\_\_\_\_.

~~Manufacturers and distributors may package and distributors may offer and sell to vendors, non alcoholic beverages or products packaged with alcoholic beverages.~~

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-1.003  
 RULE TITLE: Examination Administration  
 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. 13, April 3, 2009 issue of the Florida Administrative Weekly. The change is in response to written comments received from the Joint Administrative Procedures Committee. The rule is amended to address JAPC concerns.

64B-1.003 Examination Administration.

(1) through (4) No change.

(5) Candidates and/or their patients shall not be in possession of electronic devices including ~~but not limited to~~ cell phones, palm pilots, pagers, or cameras at the examination site.

(6) through (9) No change.

Rulemaking Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History--New 9-7-98, Amended 7-20-03, 3-26-07, 4-7-08,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NOS.:           RULE TITLES:  
64B24-3.003           Examination Fee  
64B24-3.004           Endorsement Fee

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE NO.:           RULE TITLE:  
64H-2.002           Institutional Review Board  
                          Applications

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of estimated regulatory costs was prepared.

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE NO.:           RULE TITLE:  
64H-2.002           Institutional Review Board  
                          Applications

**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. 25, June 26, 2009 issue of the Florida Administrative Weekly.

(Substantial rewording of Rule 64H-2.002 follows. See Florida Administrative Code for present text.)

64H-2.002 Institutional Review Board Applications.

(1) Requests for Institutional Review Board review shall be submitted electronically using the Department’s electronic system. Payment shall be remitted to the Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585.

(2) Fees are waived for any student who is a candidate for a degree at a university located in Florida.

(3) Fees do not apply to Department of Health employees, including contracted employees, or investigators conducting research involving human subjects at the request of the Department under a contract, memorandum of understanding,

or similar agreement, unless the study is industry sponsored, or sponsored by a for-profit organization. If so, then the fees listed in subsection (5) shall apply.

(4) Requests for review of studies involving Department electronic databases (such as, but not limited to Vital Statistics, Florida Cancer Data System) shall be charged according to the following schedule:

- (a) Initial Requests \$250.
- (b) Amendments \$100.
- (c) Continuing Reviews \$250.
- (d) Studies that expire will be assessed an additional \$250.
- (e) Requests for study closure shall not be charged a fee.
- (f) Requests for Continuing Review are due 60 days prior to study expiration.

(5) Requests for review of studies that are industry sponsored, or sponsored by a for-profit organization, shall be charged according to the following schedule:

- (a) Initial Requests \$2,000.
- (b) Amendments \$100.
- (c) Continuing Reviews \$2,000.
- (d) Studies that expire will be assessed an additional \$2,000 fee.
- (e) Requests for study closure shall not be charged a fee.
- (f) Requests for Continuing Review are due 60 days prior to study expiration.

(6) Requests for review of all other studies shall be charged according to the following schedule:

- (a) Initial Requests \$500.
- (b) Amendments \$100.
- (c) Continuing Reviews \$500.
- (d) Studies that expire will be assessed an additional \$500 fee.
- (e) Requests for study closure shall not be charged a fee.
- (f) Requests for Continuing Review are due 60 days prior to study expiration.

(7) Fees do not apply for non-research determinations or studies that are exempt per 45 CFR 46.101 (b).

(8) Fees are due at the time a request for review is made. IRB determinations will not be granted until payment is received by the Department.

(9) Fees do not apply to studies that are requesting continuing review during the grants no-cost extension period or afterward when the study remains with no funding.

(9) Fees are nonrefundable, except if a fee is paid when none is due.

Specific Authority 381.86 FS. Law Implemented 381.86(5) FS. History--New 9-2-08, Amended \_\_\_\_\_.

## Section IV Emergency Rules

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### **DEPARTMENT OF EDUCATION**

NOTICE IS HEREBY GIVEN THAT on July 16, 2009, the Department of Education, received a petition for a waiver of Rule 6A-6.03315, F.A.C., which requires compliance with all required items to be eligible for participation in McKay and Corporate Tax Scholarship programs administered by the Department prior to May 1 of each year or within forty-five days of receipt of notification from the Department of non-compliance issues. The petition was filed as an emergency petition by St. Elizabeth of Hungary Catholic School; DOE Agency Case No.: DOE-2009-1857.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org).

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NOTICE IS HEREBY GIVEN THAT on July 16, 2009, the Department of Education, received a petition for a waiver of Rule 6A-6.03315, F.A.C., which requires compliance with all required items to be eligible for participation in McKay and Corporate Tax Scholarship programs administered by the Department prior to May 1 of each year or within forty-five days of receipt of notification from the Department of any non-compliance issue. The petition was filed as an emergency petition by Epiphany Catholic School, Agency Case No.: DOE-2009-1860.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org).

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### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on July 20, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family." The Petition was filed by the Early Learning Coalition of Northwest Florida, 703 West 15th Street, Suite A, Panama City, Florida 32401.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

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NOTICE IS HEREBY GIVEN THAT on July 20, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), F.A.C., which provides the eligibility requirements for school readiness services. The Petition was filed by the Early Learning Coalition of Northwest Florida, Inc., 703 West 15th Street, Suite A, Panama City, Florida 32401.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

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NOTICE IS HEREBY GIVEN THAT on July 20, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family." The Petition was filed by the Early Learning Coalition of St. Lucie County, 804 S. 6th Street, Fort Pierce, Florida 34950.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

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The Department of Management Services, E911 Board, hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Hendry County. The Notice of Petition for Variance or Waiver was published in Vol. 35,

No. 18, of the May 8, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on May 21, 2009.

The Board's Order, filed on July 10, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means in that the proposed PSAP would serve the purpose of the underlying statute of acquisition, implementation, and maintenance of PSAP equipment providing facilities and upgrading the rural county's E911 system, thereby furthering the interests of public safety. Additionally, Petitioner has demonstrated that strict application of Rule 60FF-5.002, F.A.C., would create a substantial hardship or violate principles of fairness due to Hendry County's relationship to the Big Cypress Indian Reservation. Moreover, Petitioner has complied with Section 120.542(2), F.S. and Rule 60FF-5.002, F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of Rule 60FF-5.002, F.A.C.

A copy of the Board's Order may be obtained by contacting: John C. Ford, Chair, E911 Board 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-3050.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Strozier Annex in Tallahassee, FL. License Number 4313 & 4317 (VW 2009-236).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Diffenbaugh in Tallahassee, FL. License Number 24517 (VW 2009-237).

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 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Housewright in Tallahassee, FL. License Number 27076 (VW 2009-238).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Love in Tallahassee, FL. License Number 5351 (VW 2009-239).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Old FHP in Tallahassee, FL. License Number 32154 (VW 2009-240).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Richards UPL in Tallahassee, FL. License Number 24408 (VW 2009-241).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on June 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires

Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Shores in Tallahassee, FL. License Number 30551 (VW 2009-253).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on June 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Thomas Shewan on behalf of FSU – Duxbury in Tallahassee, FL. License Number 22493 and 22494 (VW 2009-254).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3 and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from Achim A. Fuhr, CAM on behalf of Palms of Bay Beach Condominium Association License Number 24572 and 24573 (VW 2009-255).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary emergency variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by subsection 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Kenny Thomas on behalf of Renaissance Orlando Resort in Orlando, FL (VW 2009-257).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from unspecified rules as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., from Ned Willison behalf of Kennedy Square Building in St. Petersburg, FL. License Number 23581 and 23582 (VW 2009-258).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Ryan J. Futch on behalf of Marinatown Apartments in Fort Myers License Number 26325 (VW 2009-260).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires restricted door openings from Achim Fuhr on behalf of Palms of Bay Beach Condominium Association in Fort Myers Beach, FL. License Number 24887 and 24888 (VW 2009-260).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Laura E. Melton on behalf of Anglers Cove Condominium Association in Marco Island License Number 31376, 31377, 31471, 31472 and 38030 (VW 2009-263).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Meghan Panek on behalf of 400 Cleveland Street in Clearwater, FL. License Number 5460 and 7041 (VW 2009-264).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Meghan Panek on behalf of 400 Cleveland Street LLC in Clearwater License Number 5460 & 7041 (VW 2009-270).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for petition for a variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 from Sharon Brown, V.P./N.H.A. on behalf of Cathedral Gerontology Center in Jacksonville License Number 7545 & 7846 (VW 2009-271).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on July 13, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

A Routine Variance request was received from the Department on May 8, 2009, from subsection 61C-4.010(5), F.A.C., Paragraph 4-301.12(A), 2001 FDA Food Code from DK Fresh To Go located in Ft. Lauderdale, FL. The above referenced F.A.C. addresses the requirement to provide warewashing facilities within the food service establishment. They are requesting to share warewashing facilities located within a nearby licensed establishment under the same ownership.

The variance was published in Vol. 35, No. 29 – 7/24/09 and approved contingent upon the Petitioner ensuring the three-compartment sink located within Commercial Point Cafe is maintained in a clean and sanitary manner, and is provided with hot and cold running water under pressure and available during all hours of operation. A sufficient supply of clean utensils must be maintained for use within the food service establishment during all business hours and the food handling and preparation procedures must remain minimal as described in the variance request. Transported utensils must be properly protected to maintain their sanitary condition and the operator must adhere to the description and handling procedures provided. If the ownership of the Commercial Point Café or DK Fresh To Go changes or the menu or utensil handling

procedure changes, the operator must immediately advise the division in writing so the variance can be readdressed. This variance is not transferable under any conditions. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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NOTICE IS HEREBY GIVEN THAT on July 14, 2009, the Bureau of Beaches and Coastal Systems has issued an order.

The order, file number B0-514 M1 V, granted the petition for variance received from 550 Seabreeze Development, LLC. Notice of receipt of this petition was published in the F.A.W. on February 13, 2009. The property is located at 550 Seabreeze Blvd., Fort Lauderdale in Broward County.

The petition requested a variance from the criteria contained in subsection 62B-33.013(3), F.A.C., which provides for a maximum one three-year time extension to complete certain activities permitted by the Department. This agency action will allow the petitioner to continue permitted activities until September 28, 2011. No public comment was received. The request was granted because the Petitioner demonstrated that a strict application of the rule would result in substantial financial hardship and that a time extension of the permit expiration date is consistent with the intent of the statute in that it allows the Department to authorize completion of the construction as set forth in the permit.

A copy of the Order may be obtained by contacting: Rosaline Beckham at (850)488-7815, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Blvd., MS 300, Florida 32399, e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us).

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#### **DEPARTMENT OF HEALTH**

The Board of Hearing Aid Specialists hereby gives notice that the petition filed by Dawn M. Ramon, on November 3, 2008, seeking a variance or waiver from paragraph 64B6-8.002(2)(a), Florida Administrative Code, has been withdrawn. The Notice of Petition published in Vol. 34, No. 46 of the November 14, 2008, issue of the Florida Administrative Weekly.



The person to be contacted regarding this petition is: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-5258.

NOTICE IS HEREBY GIVEN THAT on July 14, 2009, the Board of Pharmacy, received a petition for David N. Collins. Although the petition does not state a specific rule, it appears that Petitioner is seeking a variance or waiver of Rule 64B16-26.300, Florida Administrative Code, which lists the requirements for licensure as a Consultant Pharmacist.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy/MQA within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on July 20, 2009, the Department of Health, received a petition for variance from Maria Dobbins, Ph.D., seeking a variance of subsection 64B21-500.011(4), F.A.C. Petitioner requests that the Department accept her examination score from Texas because the scores are no longer retained by the exam provider.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice to: Office of School Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Division of Cultural Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 6, 2009, 2:30 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and evaluate comments regarding updates to the draft of the consolidated grant guidelines submitted to the Division at the recent webinars.

A copy of the agenda may be obtained by contacting: Division of Cultural Affairs at (850)245-6470. Please call to obtain call-in information.

Pursuant to the provisions of 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 mblewis@dos.state.fl.us or call (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).

For more information, you may contact: Division of Cultural Affairs at (850)245-6470.

#### DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Bureau of Advocacy and Grants Management announces a telephone conference call to which all persons are invited.

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

PLACE: 107 West Gaines Street, Collins Bldg., Conference Room 163, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Victims of Crime Act (VOCA) funding for the 2009/2010 grant cycle.

Pursuant to the provisions of 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: Bureau of Advocacy and Grants Management 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, you may contact: Nancy Gunn, Bureau of Advocacy and Grants Management at (850)414-3380.

The **Florida Elections Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, August 18, 2009, 9:30 a.m. – until the Commission adjourns; Wednesday, August 19, 2009, 8:30 a.m. – 6:30 p.m.

PLACE: Senate Office Building, 404 South Monroe Street, Room 401, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

A copy of the agenda may be obtained by contacting: Patsy Rushing at (850)922-4539, e-mail: patsy.rushing@myflorida.legal.com or 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Patsy Rushing at (850)922-4539. If you are 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: Patsy Rushing at (850)922-4539, e-mail: patsy.rushing@myfloridalegal.com or 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2009, 1:30 p.m. (EST)  
 PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: Jim Karels, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

Pursuant to the provisions of 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: Jim Karels, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-4274. If you are 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: Jim Karels, Director, Division of Forestry, (850)488-4274.

**DEPARTMENT OF EDUCATION**

The **Articulation Coordinating Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: August 13, 2009, 2:00 p.m. – 4:00 p.m.  
 PLACE: Via Conference Call: 1(888)808-6959, Conference Code: 2459483  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The public is invited to provide comments relating to the implementation of Senate Bill 1676 (repeal of Section 1008.29, Florida Statutes).

A copy of the agenda may be obtained by contacting: Dr. Heather Sherry, Office of Articulation at (850)245-9483.

The **FCRC Consensus Center** and the **Stormwater Management System Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 14, 2009, 9:00 a.m. – 5:00 p.m.  
 PLACE: Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, FL 32399  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial meeting to review legislative charge and task force scope, and to identify preliminary issues and options as related to the statewide design and regulation of Stormwater Management Systems.

A copy of the agenda may be obtained by contacting: Lisa Fowler, Jeff Blair or Robert Jones at (850)644-6320.

Pursuant to the provisions of 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: Lisa Fowler at (850)644-7063. If you are 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 newly appointed members of the District **Board of Trustees for Florida State College at Jacksonville** will meet:

DATE AND TIME: Thursday, July 30, 2009, 11:30 a.m. – 1:00 p.m.  
 PLACE: Benny’s Steak & Seafood, 2 Independent Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: With College President Steven R. Wallace. As advertised in the Financial News & Daily Record of Jacksonville, FL on July 23, 2009. The purpose of the meeting is to conduct a Board of Trustees orientation session.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida State College at Jacksonville on or before July 30, 2009. All legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college.

If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission**, “The Commission” announces a public meeting to which all persons are invited.

DATES AND TIME: August 10-12, 2009, 8:30 a.m. – Completion

PLACE: Crowne Plaza Hotel, 2605 North A1A, Melbourne, Florida 32903, (321)777-4100

GENERAL SUBJECT MATTER TO BE CONSIDERED: August 10, 2008

8:30 a.m. Meeting of the Product Approval/Program Oversight Committee.

In addition, conducted using Communication Media Technology, specifically, conference call; Phone Number: (888)808-6959 Access Code: 1967168

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Muvico Theaters Cocowalk, 015 Grand Avenue, Coconut Creek; Fire Rescue Station #64, N., W., 154 St. and N. W. 77 Court, Miami Lakes; The Urbana Retail Tenant Building, 311 Third Street, North, Jacksonville Beach; Winter Haven Fire Safety Complex, 74 Highway 17 North, Winter Haven; Dick Brown Park, 900 22nd Avenue, North, Lake Worth; Miami Marlins Ballpark, 1501 N. W. 3rd Street, Miami; Ridge Cinema, 9200 W. State Road 84, Davie; IPic Entertainment, 560 Riverside Drive, Coral Springs; Italia Villa Hotel, 354 Washington Avenue, Miami Beach; Henry Hotel, 536 Washington Avenue, Miami Beach; Henry Hotel, 536 Washington Avenue, Miami Beach; FAU/UF Joint Use Facility, Florida Atlantic University, Boca Raton; Dr. Kiran Patel Center for Global Solutions, 11710 USF Maple Drive, Tampa; Sunrise Cinemas Deerfield Mall, 3984 W. Hillsboro Boulevard, Deerfield Beach.

1:00 p.m. Meeting of the Fire TAC concurrent with Fire Code Advisory Council

1:00 p.m. Meeting of the Accessibility Work Group.

August 11, 2008

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Convene.

Review and approval of the Agenda.

Review and approval of the June 9, 2009 Minutes and Facilitator’s Report.

Chair’s Discussion of Issues and Recommendations.

Review and Update of Commission Workplan

Consideration of requests for waiver from accessibility code requirements: Muvico Theaters Cocowalk, 015 Grand Avenue, Coconut Creek; Fire Rescue Station #64, N., W, 154 St. and N. W. 77 Court, Miami Lakes; The Urbana Retail Tenant Building, 311 Third Street North, Jacksonville Beach; Winter Haven Fire Safety Complex, 74

Highway 17 North, Winter Haven; Dick Brown Park, 900 22nd Avenue, North, Lake Worth; Miami Marlins Ballpark, 1501 N. W. 3rd Street, Miami; Ridge Cinema, 9200 W. State Road 84, Davie; IPic Entertainment, 560 Riverside Drive, Coral Springs; Italia Villa Hotel, 354 Washington Avenue, Miami Beach; Henry Hotel, 536 Washington Avenue, Miami Beach; FAU/UF Joint Use Facility, Florida Atlantic University, Boca Raton; Dr. Kiran Patel Center for Global Solutions, 11710 USF Maple Drive, Tampa; Sunrise Cinemas Deerfield Mall, 3984 W. Hillsboro Boulevard, Deerfield Beach.

Consideration of Applications for Product and Entity Approval.

Consider Applications for Accreditor and Course Approval.

Consideration of Petitions for Declaratory Statement.

Binding Interpretations: Petition #50

Declaratory Statements:

Second Hearing:

DCA09-DEC-121 by Robert Dunn of Collier County Building Department

DCA09-DEC-129 by Rodger England of Bermuda Roof Co., Inc. (Petitioner request deferral until the August meeting)

DCA09-DEC-130 by James Schock P.E. of Building Inspection Division of City of Jacksonville

DCA09-DEC-138 by Nick D’Andrea City of Tampa

DCA09-DEC-139 by David G. Karins, P.E. of Karins Engineering Group, Inc.

First Hearing:

DCA09-DEC-129 by Rodger England of Bermuda Roof Co., Inc.

DCA09-DEC-214 by Thomas E. Smith of General Home Development Corporation of Pinellas

DCA09-DEC-254 by Mike Harris of Sea Shutters, Inc.

DCA09-DEC-259 by Robert S. Fine Counsel for Malibu Lodging Investments, LLC.

DCA09-DEC-260 by Joseph Scofield, Advanced Manufacturing & Power System, Inc.

DCA09-DEC- 257 by Mitch Thomas

DCA09-DEC-263 by Steven Clisset of Windstrips, LLC

DCA09-DEC-253 by C.S. Breslauer of Bermuda Roof Co, Inc.

Section 553.73(10)(d), F.S., Review of FBC/FFPC Local Interpretation Conflict.

Requested by Bill R. Moore of Waldrop Group Regarding Bonita Springs Project.

SFM Case No: 10416309-FM

Legal Reports:

Chapter 9B-72, Product Approval, Recognizing IAPMO as an Evaluation Entity

Rule Adoption Hearing:

Legal Reports:

Chapter 9B-72, Product Approval, Recognizing IAPMO as an Evaluation Entity

Rule Adoption Hearing:

Rule 9B-72.090, Product Approval, Fees.

Consideration of Committee Reports and Recommendations: Accessibility Code Work Group Report; Code Administration TAC Report; Education POC Report; Electrical TAC Report; Fire TAC Report; Product Approval/Manufactured Buildings POC Report; Structural TAC Report.

Consider recommendation for Flood Plain Management Standards Integration into the 2010 FBC

Consider Commission Member Comments and Issues.

Consider General Public Comment.

Review Committee Assignments for the October 12, 13 and 14, 2009 Commission Meeting.

Summary Review of Meeting Work Products

Adjourn.

Tuesday, August 11, 2009

1:00 p.m. Window/Wall Workgroup

Wednesday, August 12, 2009

8:30 a.m. Swimming Pool Subgroup to the Energy Code Workgroup

1:00 p.m. (or at conclusion of Swimming Pool Subgroup to the Energy Code Workgroup meeting) Swimming Pool Subcommittee to the Plumbing TAC.

A copy of the agenda may be obtained by contacting: Mrs. Suzanne Davis, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, or web site: [www.floridabuilding.org](http://www.floridabuilding.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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mrs. Suzanne Davis, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, or go to the web site at: [www.floridabuilding.org](http://www.floridabuilding.org).

**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District One, in cooperation with Sarasota County announces a hearing to which all persons are invited.

DATE AND TIMES: Thursday, August 27, 2009, 5:00 p.m.; Formal Hearing, 5:30 p.m.

PLACE: Sarasota County Facility, 1001 Sarasota Center Blvd., Sarasota, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design and social, economic and environmental effects of the proposed North Cattlemen Road Extension, including four 12-foot wide travel lanes, a median, sidewalks, bicycle lanes, traffic signals, landscaping and streetlights. This project, from Fruitville Road to University Avenue, will complete a gap in the north-south road. North Cattlemen Road from Fruitville Road to Richardson Road and from DeSoto Road to University Avenue have been constructed as a four-lane roadway and are considered a no build for the project. Financial Project ID Number: To Be Determined.

For more information about the project, please contact Kris Fehlberg at Sarasota County at (941)650-1945.

Sarasota County does not discriminate with regard to any programs, services or activities and does not tolerate discrimination. As such, it solicits public participation without regard to race, color, religion, sex, age, national origin, disability or family status. Persons needing special accommodations under the Americans with Disabilities Act of 1990 or language services (free of charge) should contact the Sarasota County Call Center at (941)861-5000 (TTY (941)861-1833)) at least seven (7) days prior to the hearing.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**STATE BOARD OF ADMINISTRATION**

The Florida **Commission on Hurricane Loss Projection Methodology** announces three public meetings to which all persons are invited.

**DATES AND TIME:** August 11-13, 2009, 9:00 a.m. – 4:00 p.m. (ET)

**PLACE:** Hermitage Centre Conference Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida; teleconference 1(888)808-6959, Conference Code: 4765251363

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss, in committee meetings, the 2009 standards and procedures and other general business of the Commission.

A copy of the agenda may be obtained by contacting: Donna Sirmons at (850)413-1349, or email: donna.sirmons@sbafla.com.

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

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a prehearing conference and a hearing in the following dockets to which all persons are invited.

**DOCKET NO. AND TITLES:** Docket Number 080677-EI – Petition for increase in rates by Florida Power & Light Company and Docket Number 090130-EI – 2009 depreciation and dismantlement study by Florida Power & Light Company  
**PREHEARING CONFERENCE**

**DATE AND TIME:** Monday, August 17, 2009, 9:30 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this 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, August 24, 2009, 9:30 a.m.; August 25-28 and 31, 2009; September 2-4, 2009, have also been reserved for the continuation of the hearing, if needed.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this hearing is for the Commission: to take final action on the petition for rate increase, filed on March 18, 2009, in Docket No. 080677-EI, by Florida Power & Light Company (FPL); to take final action on the 2009 depreciation and dismantlement study, filed on March 17, 2009, in Docket No. 090130-EI by FPL; and to consider any motions or other matters that may be pending at the time of the hearing.

The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow FPL to present evidence and testimony in support of its petition and regarding its 2009 depreciation and dismantlement study; (2) permit any intervenors to present testimony and exhibits concerning these matters and; (3) allow for such other purposes as the Commission may deem appropriate.

Sections 366.04, 366.05, 366.06, Florida Statutes, and any other relevant sections of Chapter 366, Florida Statutes, are applicable to these proceedings, as well as Chapter 120, Florida Statutes, and Chapters 25-6, 25-17, 25-22, and 28-106, Florida Administrative Code. Only issues relating to Docket Nos. 080677-EI and 090130-EI will be heard at the hearing.

**Emergency Cancellation of Customer Meeting –** If a named storm or other disaster requires cancellation of the prehearing or hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at the prehearing or hearing because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 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 its regularly scheduled conference to which all interested persons are invited.

**DATE AND TIME:** August 18, 2009, 9:30 a.m.

**PLACE:** Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider those matters ready for decision.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770, Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** August 18, 2009, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a prehearing conference and a hearing in the following docket to which all persons are invited:

**DOCKET NO. AND TITLE:** Docket Number 090009-EI – Nuclear cost recovery clause

**PREHEARING CONFERENCE**

**DATE AND TIME:** Thursday, August 20, 2009, 9:30 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this 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:** Tuesday through Friday, September 8-11, 2009, 9:30 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this hearing is for the Commission to take action on Florida Power & Light Company's and Progress Energy Florida, Inc.'s petitions in Docket No. 090009-EI – Nuclear cost recovery clause. The Commission will receive testimony and exhibits relative to issues and subjects in the above-referenced docket, and consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow each utility to present evidence and testimony in support of their petition; (2) permit intervenors to present testimony and exhibits concerning each utility's petition; and (3) allow for such other purposes as the Commission may deem appropriate.

**Emergency Cancellation of Customer Meeting:** If a named storm or other disaster requires cancellation of the prehearing or hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at the prehearing or hearing because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 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 hearing in the following docket to which all persons are invited.

Docket No. 080134-TP – Petition by Intrado Communications, Inc. for arbitration to establish an interconnection agreement with Verizon Florida LLC, pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S.

#### PREHEARING CONFERENCE

DATE AND TIME: Thursday, August 20, 2009, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE PREHEARING: The purpose of the Prehearing Conference is to: consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

#### HEARING

DATE AND TIME: Wednesday, September 16, 2009, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE HEARING: The purpose of the Hearing is to permit parties to present testimony and exhibits relative to this proceeding.

EMERGENCY CANCELLATION OF HEARING: If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

### EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a public meeting to which all persons are invited.

DATE AND TIME: August 6, 2009, 9:30 a.m.

PLACE: 110 Senate Office Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida's title insurance laws and alternative delivery mechanisms.

A copy of the agenda may be obtained by contacting: <http://www.flgov.com/2008titleinsurancestudyadvisorycouncil>.

For more information, you may contact: Walter Liebrich at (850)922-4982.

### REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, August 17, 2009, 4:00 p.m.; Executive Committee meeting at 3:00 p.m.

PLACE: Niceville City Hall, 208 North Partin Drive, Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Council.

A copy of the agenda may be obtained by contacting: WFRPC at 1(800)266-8914, (850)332-7976 or [www.wfrpc.org](http://www.wfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. Terry Joseph, Executive Director, WFRPC, e-mail: [terry.joseph@wfrpc.org](mailto:terry.joseph@wfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Terry Joseph, Executive Director, WFRPC, e-mail: [terry.joseph@wfrpc.org](mailto:terry.joseph@wfrpc.org).

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

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

PLACE: Highlands County Health Department, Conference Room, 7205 South George Boulevard, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or it's Executive Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

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**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, August 11, 2009, 6:00 p.m. – 8:00 p.m. (EDT)

PLACE: Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL; 10 miles west of Tallahassee on Highway 90

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft update to the Surface Water Improvement and Management (SWIM) Plan for the St. Marks River watershed.

A copy of the agenda may be obtained by contacting: Paul Thorpe, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700, (850)539-5999 or Paul.Thorpe@nwfwm.state.fl.us. A copy of the agenda may also be obtained online at: www.nwfwm.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Maria Culbertson at (850)539-5999. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

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

PLACE: Columbia County School Board, Administrative Complex, 372 West Duval Street, Lake City, Florida 32055

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the board meeting.

A copy of the agenda may be obtained by contacting: Kristel Callahan or Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only), by email: kjc@srwmd.org, or on the District's website at: www.mysuwanneeriver.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: Kristel Callahan or Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 10, 2009, 6:00 p.m.

PLACE: District Headquarters, Conference Room #162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Acceptance of International Theiss Riverprize Award Sculpture and Transmittal of Painted Canvas for International Riverfoundation's River Tapestry Mural via Web-based Video Conference with the International Riverfoundation of Brisbane, Australia.

A copy of the agenda may be obtained by contacting: Missy McDermont at (386)329-4101.

Pursuant to the provisions of 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: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, August 11, 2009, 9:00 a.m., Projects and Land Committee; 10:00 a.m., Finance, Administration & Audit Committee (or upon conclusion of the Projects & Land Committee meeting, whichever occurs later); 11:00 a.m., Regulatory Committee; 1:00 p.m., Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177



**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

**NOTE:** One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, Florida 32177, (386)329-4214, or by visiting the District's website: [www.sjr.wmd.com](http://www.sjr.wmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, August 7, 2009, 9:30 a.m.

**PLACE:** SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL 33830

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Peace River Basin Board: Consider Basin business, including discussion of the fiscal year 2010 budget, followed by adoption of a final millage rate and budget. (Ad Order 29208)

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, ext. 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; (352)796-7211 or 1(800)423-1476 (FL Only) ext. 4702; TDD (FL Only) 1(800)231-6103; or email: [ADACoordinator@swfwmd.state.fl.us](mailto: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.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, August 12, 2009, 9:00 a.m.

**PLACE:** SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL 34240

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Manasota Basin Board Meeting: Consider Basin business, including discussion of the fiscal year 2010 budget, followed by adoption of a final millage rate and budget. (Ad Order 29208)

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, ext. 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 (352)796-7211 or 1(800)423-1476 (FL Only) ext. 4702; TDD (FL Only) 1(800)231-6103; or email: [ADACoordinator@swfwmd.state.fl.us](mailto: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.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Thursday, August 13, 2009, 9:00 a.m.; Thursday, August 13, 2009, 1:00 p.m.

**PLACE:** SWFWMD, Headquarters, 2379 Broad Street, Brooksville, FL 34604

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** 1. Withlacoochee River Basin Board Meeting; 2. Coastal Rivers Basin Board Meeting: Consider Basin business, including discussion of the fiscal year 2010 budget, followed by adoption of a final millage rate and budget for each Basin. (Ad Order 29208)

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, ext. 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; (352)796-7211 or 1(800)423-1476 (FL Only) ext. 4702; TDD (FL Only) 1(800)231-6103; or 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.

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The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Project & Lands Committee Meeting

DATE AND TIME: August 12, 2009, 9:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Audit & Finance Committee Meeting

DATE AND TIME: August 12, 2009, 10:30 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Human Resources & Outreach Committee Meeting

DATE AND TIME: August 12, 2009, 11:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Workshop Meeting

DATE AND TIME: August 12, 2009, 1:00 p.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Regular Business Meeting

DATE AND TIME: August 13, 2009, 9:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of

the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on August 12, 2009, the items may be discussed on August 13, 2009.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2009 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or at: [https://my.swfwmd.gov/portal/page?\\_pageid=2574,13014318&\\_dad=portal&\\_schema=PORTAL](https://my.swfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL).

Pursuant to the provisions of 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.

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: August 12, 2009, 9:00 a.m. – completed

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

DATE AND TIME: August 13, 2009, 9:00 a.m. – completed

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in *United States of America v. South Florida Water Management District, et al.*, United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).  
**ATTENDEES:** Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, J. Collins, G. Perez, K. Powers, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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.

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: August 12, 2009, 9:00 a.m. – completed

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

DATE AND TIME: August 13, 2009, 9:00 a.m. – completed

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXXMB. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, J. Collins, G. Perez, K. Powers, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

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For more information, you may contact: District Clerk's Office at (561)682-2087.

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The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: August 12, 2009, 9:00 a.m. – completed

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

DATE AND TIME: August 13, 2009, 9:00 a.m. – completed

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, J. Collins, G. Perez, K. Powers, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt, B. Lewis, S. Martin.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

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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.

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**The South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: August 12, 2009, 9:00 a.m. – completed

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

DATE AND TIME: August 13, 2009, 9:00 a.m. – completed

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

**ATTENDEES:** Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenez, J. Collins, G. Perez, K. Powers, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, C. Pettit.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or [www.sfwmd.gov](http://www.sfwmd.gov).

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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.

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**The South Florida Water Management District** announces a public meeting to which all persons are invited.

Water Resource Study to Address Surface Water in St. Lucie and Indian River Counties

DATE AND TIME: August 19, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: University of Florida, IFAS Center, 2199 South Rock Road, Room 100, Ft. Pierce, FL 34945

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Results of the alternatives evaluation and analysis will be presented.

A copy of the agenda may be obtained by contacting: Moysey Ostrovsky at (561)682-6525 or email: [mostrovs@sfwmd.gov](mailto:mostrovs@sfwmd.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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.

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**The South Florida Water Management District** announces a public meeting to which all persons are invited.

DATES AND TIME: Public review of the Draft 2010 South Florida Environmental Report (SFER) – The WebBoard will be available for public viewing from August 28, 2009, through October 23, 2009. The WebBoard also will be available for public comment on the Draft 2010 South Florida Environmental Report – Volume I from August 31, 2009, through September 23, 2009, Monday through Friday, 8:00 a.m. – 5:00 p.m.

PLACE: <http://www.sfwmd.gov/sfer/>. For persons without access to the Internet, access to the website is available at: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The website <http://www.sfwmd.gov/sfer/> will be used to allow public access to and participation in WebBoard communications among members of the independent peer review panel created to conduct a review of the 2010 South Florida Environmental Report – Volume I, pursuant to Section 373.4592(4)(d), Florida Statutes.

Beginning on August 28, 2009, through October 23, 2009, interested parties may access and view communications among the peer-review panelists, electronically stored communications and other public records associated with the Draft 2010 SFER – Volume I that are posted to the website. Peer-review panelists will post all information on the WebBoard, and the public can access this information at the District from Monday through Friday during normal working hours, Eastern Daylight Time. The public may comment directly on the WebBoard at any time between August 31, 2009, through September 23, 2009, on any aspect of the Draft 2010 SFER – Volume I, particularly on relevant scientific or technical data and findings. Communications and documents from all parties can be accessed at any time after they are posted during the review period.

For information regarding this review, please write: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or call: Dr. Garth Redfield at (561)682-6611. For assistance in obtaining WebBoard access for this review, please write: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, or call: Trudy Stein at (561)682-6569.

Pursuant to the provisions of 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: Dr. Garth Redfield at (561)682-6611.

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#### SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 11, 2009, 10:00 a.m. – 11:00 a.m. (Eastern Time)

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Audit Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at [dspicer@spaceflorida.gov](mailto:dspicer@spaceflorida.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at [dspicer@spaceflorida.gov](mailto:dspicer@spaceflorida.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Deb Spicer, Vice President of Communications, Government and External Affairs at [dspicer@spaceflorida.gov](mailto:dspicer@spaceflorida.gov).

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#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Statewide Public Guardianship Office announces a telephone conference call to which all persons are invited.

DATES AND TIME: August 4, 11, 18, 25, 2009, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959, When prompted, enter Conference Code: 9247380 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Lynn Visk at (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Visk at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2009, 10:00 a.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will meet to review the provisions of the American Recovery and Reinvestment Act related to health information technology and discuss strategies to promote health information exchange in Florida.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.net/FHIN/workgroups/HIECC.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Carolyn H. Turner at (850)922-5861. If you are 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: Dana Watson at (850)921-2032.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 20, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 2, Conference Room F, Tallahassee, Florida 32308 or Conference Call Number: 1(888)808-6959, Conference Code: 850-410-0191

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss programs, practices and information sharing for culture change in long term care.

A copy of the agenda may be obtained by contacting: Kimberly Smoak, Bureau of Field Operations, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #9-A, Tallahassee, Florida 32308, [smoakk@ahca.myflorida.com](mailto:smoakk@ahca.myflorida.com) or (850)410-0191.

For more information, you may contact: Kimberly Smoak, Bureau of Field Operations, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #9-A, Tallahassee, Florida 32308, [smoakk@ahca.myflorida.com](mailto:smoakk@ahca.myflorida.com) or (850)410-0191.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services** (DMS) announces a weekly public meeting to which all persons are invited.

DATE AND TIME: Thursdays, 3:30 p.m. – 5:00 p.m. Check for status of DMS Broadband-ARRA meetings at: [www.dms.myflorida.com/SUNCOM](http://www.dms.myflorida.com/SUNCOM)

PLACE: Building 4030, 4030 Esplanade Way, Room 225A, Capital Circle Office Center, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Weekly meeting to facilitate discussion on the deployment of Broadband to maximize the potential receipt of federal Stimulus funding for the State of Florida.

A copy of the agenda may be obtained by contacting: Bill Price at (850)410-0709, [bill.price@dms.myflorida.com](mailto:bill.price@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 2 days before the workshop/meeting by contacting: Linda Collins at (850)487-9971, [linda.collins@dms.myflorida.com](mailto:linda.collins@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).

For more information, you may contact: Bill Price at (850)410-0709, [bill.price@dms.myflorida.com](mailto:bill.price@dms.myflorida.com).

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 10, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, [rick.mitchell@ssrc.myflorida.com](mailto:rick.mitchell@ssrc.myflorida.com).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Regulatory Council of Community Association Managers** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 21, 2009, 10:30 a.m.

PLACE: This meeting will be held via Conference Call: 1(888)808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business.

A copy of the agenda may be obtained by contacting:  
Regulatory Council Staff at (850)922-5012 or via Fax:  
(850)617-4458.

Pursuant to the provisions of 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: Regulatory Council Staff at (850)922-5012 or via Fax: (850)617-4458. If you are 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: Regulatory Council Staff at (850)922-5012 or via Fax: (850)617-4458.

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The **Barbers' Board** announces a public meeting to which all persons are invited.

DATE AND TIME: August 3, 2009, 9:00 a.m.

PLACE: The Hilton Fort Lauderdale, 505 N. Ft. Lauderdale Beach Blvd., Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss the issues raised in the correspondence from the Joint Administrative Procedures Committee on June 29, 2009.

A copy of the agenda may be obtained by contacting: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 16, 2009, 10:00 a.m. or soon thereafter

PLACE: The Gaylord Palms Resort & Convention Center, 6000 W. Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting:  
Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)487-1395. If you are 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 Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 21, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting:  
Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

Pursuant to the provisions of 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: the board office at (850)487-1395. If you are 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 Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 18, 2009, 10:00 a.m. or soon thereafter

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)487-1395. If you are 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 Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 16, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)487-1395. If you are 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 Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Veterinary Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2009, 8:00 a.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

The **Departmental of Environmental Protection** announces a hearing to which all persons are invited.

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

PLACE: Florida State Capitol Building, 400 South Monroe Street, Lower Level, Cabinet Hearing Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Environmental Protection announces a public hearing of the Governor and Cabinet, sitting as the



Power Plant Siting Board, to consider the Administrative Law Judge's Recommended Order concerning the certification of the Progress Energy Florida, Levy Nuclear Plant Units 1 and 2, Power Plant Siting Application No. PA08-51, OGC Case No. 08-1621, DOAH Case No. 08-2727EPP pursuant to the Florida Power Plant Siting Act, Sections 403.501-403.518, Florida Statutes. The Cabinet Aides will meet and discuss the item on August 5, 2009, 9:00 a.m., in the same location to review and gather information regarding this item for consideration by the Siting Board.

A copy of the agenda may be obtained by contacting: Katie Flanagan, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 3000, (850)245-2024.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jill Stoyshich, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 3900 Commonwealth Blvd., MS #48, Tallahassee, Florida 32399-3000, (850)245-2002.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: August 11, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Pensacola Public Library, 200 West Gregory Street, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss technical issues related to the Bayou Chico Basin Management Action Plan (BMAP). The 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 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 to continue 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: bonita.gorham@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Bonita Gorham at (850)245-8513. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 21, 2009, 8:30 a.m.

PLACE: The Breakers, One South County Road, Palm Beach, Florida 33460, (561)659-6466, to be held by telephone conference call if necessary

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing: [www.doh.state.fl.us/mqa/chiro/index.html](http://www.doh.state.fl.us/mqa/chiro/index.html).

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Clinical Laboratory Personnel**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, August 25, 2009, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida. Meet Me Number: 1(888)808-6959, Conference Code: 9849329103

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously hear by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 11, 2009, 5:30 p.m. – 7:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Conference Code: 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of 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: the Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Nursing**, South Probable Cause announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 20, 2009, 10:00 a.m. – 12:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Conference Code: 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, August 14, 2009, 4:00 p.m. or shortly thereafter; Saturday, August 15, 2009, 9:00 a.m. or shortly thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 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: Christy Robinson 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.

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The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 28, 2009, 9:00 a.m.

PLACE: Hyatt Regency Orlando, International Airport, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234, and to be held by telephone conference call if necessary.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing: [www.doh.state.fl.us/mqa/podiatry/index.html](http://www.doh.state.fl.us/mqa/podiatry/index.html).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Athletic Training** hereby gives notice of a public hearing on Rule 64B33-4.001, F.A.C., to be held by telephone conference call.

DATE AND TIME: Monday, August 24, 2009, 5:00 p.m.

PLACE: The public number for joining the telephone Conference Call: 1(888)808-6959, Conference Code: 2453454

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 64B33-4.001, F.A.C. The rule was originally published in Vol. 35, No. 22, of the June 5, 2009, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Department of Health, Division of Health Access and Tobacco** announces a public meeting to which all persons are invited.

DATES AND TIME: August 31, 2009; September 1, 2009, 9:00 a.m. – 4:00 p.m. each day

PLACE: The Senate Office Building, 404 South Monroe, Room 110, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of an Advisory Council required by Section 381.84, F.S. The council meets four times per year to provide advice to the Department of Health relating to the Comprehensive Tobacco Education and Use Prevention Program. The two day meeting will provide evaluation information and reports about the Tobacco Education and Use Prevention Program and each of the program's major components including media, the cessation quitline, and community programs. There will be additional discussion in the Advisory Council Subcommittee breakout sessions during this meeting.

A copy of the agenda may be obtained by contacting: Michelle Beard at (850)245-4444, ext 2472 (michelle\_beard@doh.state.fl.us) or by going to the Department of Health Tobacco website at <http://www.doh.state.fl.us/tobacco/TAC.html> prior to the meeting.

Pursuant to the provisions of 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: Michelle Beard at (850)245-4444, ext 2472 (michelle\_beard@doh.state.fl.us) or by going to the Department of Health Tobacco website at <http://www.doh.state.fl.us/tobacco/TAC.html> prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Adult Protective Services Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 5, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Dial-In: 1(888)808-6959, Conference Code: 4882881

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting: Adult Protective Services Program Office at (850)488-2881.

Pursuant to the provisions of 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: Adult Protective Services Program Office at (850)488-2881. If you are 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: Robert Anderson, Director at (850)488-2881, Fax: (850)922-4193.

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The **Orange County Alliance for Children** announces a public meeting to which all persons are invited.

DATE AND TIME: August 12, 2009, 12:15 p.m.

PLACE: 2010 East Michigan Street, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: Children issues in Orange County.

A copy of the agenda may be obtained by contacting: Kristi Gray, Department of Children and Family Services at (407)245-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kristi Gray, Department of Children and Family Services at (407)245-0400. If you are 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: Kristi Gray, Department of Children and Family Services at (407)245-0400.

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The **Family Care Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 11, 2009, 12:00 Noon  
PLACE: Faith Lutheran Church, 211 Easton Drive, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Sara Howerton at (863)413-3364.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Sara Howerton at (863)413-3364.

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**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a workshop to which all persons are invited.

DATE AND TIME: August 14, 2009, 9:00 a.m.  
PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway, West, Destin, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is for the Public Housing Mitigation Initiative Request for Proposal (RFP). During the workshop, Florida Housing staff will accept comments and suggestions on the RFP process for Funds in Specific Appropriation 1573 to be used on a one to one match basis with the US Department of Housing and Urban Development (HUD) Stimulus Operating Funds

distributed to Public Housing Authorities as defined in Section 421.04, Florida Statutes, during Fiscal Year 2009-2010, in order to assist in the preservation and rehabilitation of dwellings which are 30 years or older under control by Public Housing Authorities.

The workshop is open to the public. No pre-registration is required and there is no attendance fee.

A copy of the agenda may be obtained by contacting: Blake Carson-Poston at (850)488-4197 or by viewing the FHFC website: [www.floridahousing.org](http://www.floridahousing.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Derek Helms at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 19, 2009, 3:00 p.m. (Eastern Time)

PLACE: Executive Conference Room, Suite 5000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, evaluate and score the proposals submitted in response to Florida Housing Finance Corporation's Request for Proposals #2009-04 for Tax Credit Exchange Program (Exchange) Funding Only or Exchange Funding With Tax Credit Assistance Program (TCAP) Funding and a Nominal Amount of Nine Percent Low-Income Housing Tax Credits For Applicants That, as of February 17, 2009, Had An Active Award of 9 Percent Housing Credits.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Florida Housing Finance Corporation** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, August 12, 2009, 9:30 a.m. – until finished (no later than 4:00 p.m.)

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL. The workshop will also be accessible via telephone at 1(888)808-6959, Conference Code: #1374197

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Housing encourages all potential applicants to attend the workshop – those planning to apply for the first time or who are unfamiliar with the Universal Application process, as well as persons who are familiar with the Universal Application process. Staff will present basic information about the Universal Application and will also discuss the changes between the 2008 and 2009 Universal Applications.

The workshop is open to the public. No pre-registration is required and there is no attendance fee.

The final Universal Application and Instructions, Qualified Allocation Plan (QAP) and Rule Chapters 67-21 and 67-48, F.A.C., which govern the Universal Application Programs, are available on Florida Housing's Website: <http://www.floridahousing.org/Home/Developers/Funding/2009UnivApp/InstructionsAndApplication.htm>.

These final documents will be used at the workshop and attendees should print and bring copies, as there will not be copies available for the public at the workshop.

IMPORTANT: Due to the complexity of the application process, attendees are encouraged to review the materials ahead of time and be prepared to ask questions at the workshop. If you wish to confirm the date and time for the workshop or if additional information is needed, please feel free to contact: Blake Carson-Poston at (850)488-4197 or by e-mail: [Blake.Carson-Poston@floridahousing.org](mailto:Blake.Carson-Poston@floridahousing.org).

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

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 19, 2009, 1:00 p.m. (Eastern Time)

PLACE: Executive Conference Room, Suite 5000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, evaluate and score the proposals submitted in response to Florida Housing Finance Corporation's Request for Proposals #2009-03 for Nine Percent Low-Income Housing Tax Credits With or Without Tax Credit Assistance Program (TCAP) Funding.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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### FINANCIAL SERVICES COMMISSION

NOTICE OF RESCHEDULING – The **Financial Services Commission, Office of Insurance Regulation** announces a workshop to which all persons are invited.

DATE AND TIME: August 6, 2009, 2:30 p.m.

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 690-236.001, F.A.C., Annual Report Card.

The workshop for this rule has been rescheduled from July 8, 2009 to August 6, 2009, 2:30 p.m.

A copy of the agenda may be obtained by contacting: Debra Seymour, Office of Insurance Regulation, E-mail: [debra.seymour@flor.com](mailto:debra.seymour@flor.com).

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

For more information, you may contact: Debra Seymour, Office of Insurance Regulation, E-mail: [debra.seymour@flor.com](mailto:debra.seymour@flor.com).

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The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

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

PLACE: Room LL-03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules 690-163.0075, 690-163.009 and 690-163.011, F.A.C., Credit Life and Credit Disability.

The Final Public Hearing on these rules was initially set for July 28, 2009. It is being continued to this new date. The date the rule was proposed was May 22, 2009, in F.A.W., Vol. 35, No. 20.

A copy of the agenda may be obtained by contacting: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail: gerry.smith@flor.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Division of Life and Health, 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).

For more information, you may contact: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail: gerry.smith@flor.com.

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The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

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

PLACE: Room LL-03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 690-164.040, F.A.C., Determining Reserve Liabilities for Preneed Life Insurance.

The Final Public Hearing on this rule was initially set for July 28, 2009. It is being continued to this new date. The date this rule was proposed was May 22, 2009, in the F.A.W., Vol. 35, No. 20.

A copy of the agenda may be obtained by contacting: Debra Seymour at debra.seymour@flor.com.

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

For more information, you may contact: Debra Seymour at debra.seymour@flor.com.

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The **Florida Health Insurance Advisory Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 19, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: (319)279-1000, Participant Code: 244269#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct the regular and general business of the organization.

A copy of the agenda may be obtained by contacting: Carol Ostapchuk at ostapchukc@aol.com or by calling (850)668-5052.

Pursuant to the provisions of 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: ostapchukc@aol.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: Carol Ostapchuk at ostapchukc@aol.com or by calling (850)668-5052.

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#### **AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY**

The **Agency for Enterprise Information Technology**, Chief Information Officers Council Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 4, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Bldg., 620 South Meridian Street, Room 272, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

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 2 days before the workshop/meeting by contacting: Lauren Pope at (850)414-2870. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Enterprise Information Technology**, Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 17, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

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 2 days before the workshop/meeting by contacting: Lauren Pope at (850)414-2870. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **FLORIDA TELECOMMUNICATIONS RELAY, INC.**

The **Florida Telecommunications Relay, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 10, 2009, 1:00 p.m.

PLACE: Florida Telecommunications Relay, Inc., 1820 East Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is an annual membership meeting to be followed by a regular meeting of the Board of Directors. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301.

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#### **FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION, INC.**

The Special Committee to Review Functional and Structural Issues of the **Florida Workers' Compensation Insurance Guaranty Association, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 13, 2009, 3:00 p.m. (EST)

PLACE: via Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding functional and structural issues of the Association.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200, ext. 1810.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Cathy Irvin at (850)386-9200, ext. 1810. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST**

The **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2009, 10:30 a.m.

PLACE: Office of the Honorable Martha Haynie, Orange County Comptroller, 201 S. Rosalind Avenue, 4th Floor, Conference Room, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Florida Trusts Administrator at (850)921-0808.

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#### **PASCO-PINELLAS AREA AGENCY ON AGING**

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: August 17, 2009, 9:30 a.m.

PLACE: 9887 4th St., N., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach at (727)570-9696.

Pursuant to the provisions of 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. If you are 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: Elizabeth Laubach at (727)570-9696.

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#### **FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION**

The Investment Committee of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 25, 2009, 12:20 p.m. (EST)

PLACE: Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding general business of the Committee. The Agenda will include but is not limited to: The Investment Report and Investment Consultant Proposals.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200, ext. 1810.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200, ext. 1810. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Audit Committee of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 25, 2009, 2:30 p.m. (EST)

PLACE: Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding general business of the Committee. The Agenda will include but is not limited to: AGFG Audit Report, DFS Operational Review, Conflict of Interest and Ethics Policy and Charter/Checklist Review.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200, ext. 1810.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200, ext. 1810. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Board of Directors of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 26, 2009, 8:30 a.m. (EST)

PLACE: Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet regarding general business of the Association. The Agenda will include but is not limited to: Board Member Elections, Assessment, Receiver's Report, Legal, Financial and Claims Reports and Committee Reports.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200, ext. 1810.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200, ext. 1810. If you are

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

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### FLORIDA ASSOCIATION OF COMMUNITY COLLEGES

The Florida **Community Colleges' Council of Presidents Dinner** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2009, 6:00 p.m.

PLACE: International Plaza, 10100 International Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's public community colleges.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

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### FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, Mirable Meeting Room, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss the promotion and development of Sports within the State of Florida.

A copy of the agenda may be obtained by contacting: info@flsports.com.

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### VISIT FLORIDA

The **VISIT FLORIDA**, Board of Directors, Florida Commission on Tourism announces a public meeting to which all persons are invited.

DATES AND TIME: September 23-24, 2009, 8:00 a.m. – 5:00 p.m.

PLACE: The Shores Resort & Spa, 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118, 1(866)934-7467

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss VISIT FLORIDA marketing, financial, Welcome Center and Industry Relations matters.

A copy of the agenda may be obtained by contacting: sgale@visitflorida.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are



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: Sgale@visitflorida.org, (850)205-3857.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by James R. Shock, Manager of the Building Inspection Division of the Department of Planning and Development with the City of Jacksonville (DCA09-DEC-053) on February 18, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 105.15, Florida Building Code, Building Volume (2007, as amended 3/1/09) is intended to apply only to site-built, single family, residential structures, and does not apply to structures that were built since the implementation of the Florida Building Code on March 1, 2002, and were designed and constructed to withstand internal pressure in accordance with the code in effect at the time of their construction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Dan Arlington, Plans Examiner with the St. Johns County Building Department (DCA09-DEC-062), on July 20, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 105.15, Florida Building Code, Building Volume (2007, as amended 3/1/09) is intended to apply only to site-built, single family, residential structures, and does not apply to structures that were built since the implementation of the Florida Building Code on March 1, 2002, and were designed and constructed to withstand internal pressure in accordance with the code in effect at the time of their construction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Anthony C. Apfelbeck, a Building Official, on behalf of the City of Altamonte Springs, DCA08-DEC-207, on July 18, 2008. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 553.885, Florida Statutes, and Rule 9B-3.0472, Florida Administrative Code, require hard-wired carbon monoxide detectors in new construction, which includes Level 3 alterations where the work encompasses 50 percent or more of the aggregate area of the building within a 12 month period; to additions; and to changes in occupancy; but that battery powered detectors may be used to retrofit existing elements of a building.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Thomas H. Ford on behalf of Bhamani, Ford & Associates, Inc., DCA09-DEC-009, on January 16, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that the ventilation requirements of Sections 401, 402, and 403 of the Florida Building Code, Mechanical Volume (2007) for the 1250 square foot warehouse area of the Petitioner's retail store may be met by using either a 160 square foot overhead door, or by mechanical ventilation with a minimum capacity of 62.5 cubic feet per minute.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Brad Weatherholz on behalf of the Florida Roofing Sheet Metal and Air Conditioning Contractors Association, DCA09-DEC-025, on January 23, 2009. The following is a summary of the agency's disposition of the petition:

The Commission determined that Section 611.7.1, Florida Building Code, Existing Building Volume (2007 as amended 3/1/09) contains a typographical error as to the diameter of roofing nails, and that 8d nails with a diameter of 0.131 inches that otherwise meet the expressed requirements of Section 611 are sufficient fastening for existing roof decks.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Brad Weatherholtz on behalf of Roofing Sheet Metal and Air Conditioning Contractors Association (DCA Case No.: DCA09-DEC-045) on February 11, 2009. The following is a summary of the agency's disposition of the petition:

The Commission clarified the requirements of Section 611.8, Florida Building Code, Existing Building Volume (2007 as amended 3/1/09) for retrofitting roof-to-wall connections on houses having both gable and hip roof corners, within the windborne debris regions of the state.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Steven P. Clisset, President, Windstrips, LLC on July 14, 2009. It has been assigned the number DCA09-DEC-263. The petition seeks the agency's opinion as to the applicability of Chapter 9B-72, Florida Administrative Code, as it applies to the petitioner.

The Petitioner asks whether its products, reinforcement strips for use in fastening roofing underlayment with staples, are within the scope of Chapter 9B-72, F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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#### **DEPARTMENT OF ELDER AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Department of Elder Affairs has received the petition for declaratory statement from Independent Living Systems, LLC, hereafter referred to as Independent Living Systems. The petition seeks the agency's opinion as to the applicability of Section 430.707, Florida Statutes, as it applies to the petitioner.

The petition, DOEA Case Number 2009-0001EA, seeks a determination regarding Independent Living Systems' status as a provider within the Long-Term Care Community Diversion Pilot Project under Section 430.707, Florida Statutes, by virtue of its registration with the Agency for Health Care Administration as a homemaker and companion services organization under Section 400.509, Florida Statutes. Independent Living Systems believes that its registration as a homemaker and companion services organization qualifies the entity as a provider for the Long-Term Care Community Diversion Pilot Project.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Tony DePalma, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Email: [depalmaa@elderaffairs.org](mailto:depalmaa@elderaffairs.org).

Please refer all comments to: Tony DePalma, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000; Email: [depalmaa@elderaffairs.org](mailto:depalmaa@elderaffairs.org).

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Fred Kauz, Petitioner/Unit Owner, In Re: Seapointe Terrace Condominium Association, Inc., Docket No. 2009035941 on June 24, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d)1., Florida Statutes, as it applies to the petitioner.

Whether a director recalled in 2001 is eligible to be a candidate for election in 2009 under Section 718.112(2)(d)1., Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Tammy Lien, Petitioner/Unit Owner, In Re: River Way Management

Inc., Docket No. 2009036553 on July 7, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.113, Florida Statutes, as it applies to the petitioner.

Whether River Way Management, Inc. is responsible for the cost of repairing the garage roofs under Section 718.113, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from The Village at Holmes Beach Association, Inc., Petitioner, Docket No. 2009036451 on July 2, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(a)2., Florida Statutes, as a use fee under Section 718.111(4), Florida Statutes, as it applies to the petitioner.

Whether the Village at Holmes Beach Association, Inc. may impose a special charge against a unit owner for attorney's services in responding to a unit owner inquiry, Section 718.112(2)(a)2., Florida Statutes, as a use fee under Section 718.111(4), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

## Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

The Florida Association of the American Institute of Architects vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 09-3034RP; Rule No.: 9B-3.047

Florida Chamber of Commerce, Inc., Florida Land Council, Inc., and Florida Farm Bureau Federation, Florida Not-For-Profit Corporations vs. Department of Community Affairs; Case No.: 09-3488RP; Rule Nos.: 9J-5.003(80), 9J-5, 9J-11

All in One Consultants, LLC. vs. Department of Revenue; Case No.: 09-3012RX; Rule No.: 12A-1.060(6)

Fuel Miami, LLC vs. Department of Transportation; Case No.: 09-3648RX; Rule No.: 14-10.025

Van Wagner Communications, LLC, A New York Limited Liability Company vs. Department of Transportation; Case No.: 09-3778RX; Rule No.: 14-10.025

Walter G. Kozak, d/b/a Gunny's Intrastate Travel and Tours vs. Hillsborough County Public Transportation Commission; Case No.: 09-3152RX

Robert Fast vs. South Florida Regional Transit Authority; Case No. 09-3026RX; Rule No.: 30C

Collier County, Florida vs. South Florida Water Management District; Case No.: 09-1002RP; Rule Nos.: 40E-2, 40E-10, 40E-20

First Quality Home Care, Inc. vs. Department of Elder Affairs; Case No.: 09-3802RP; Rule No.: 58C-1.0031

Beverly Hutton vs. Department of Management Services, Division of Retirement; Case No.: 09-3027RX; Rule No.: 60S-1.004(5)(d)

Deborah Bohler vs. Department of Management Services, Division of Retirement; Case No.: 09-3350RX; Rule No.: 60S-9.001

Friends of Perdido Bay, Inc. and James Lane vs. Department of Environmental Protection; Case No.: 09-3803RX; Rule No.: 62-302.800(2)

Sacred Heart Health System, Inc., d/b/a Sacred Heart Hospital vs. Department of Health; Case No.: 09-3398RP; Rule No.: 64J-2.010(3)

Service Insurance Company vs. Office of Insurance Regulation; Case No.: 09-3042RX; Rule No.: 69O-170.105(1)(d)

Emmett and Linda Hildreth vs. Florida Fish and Wildlife Conservation Commission and Department of Environmental Protection; Case No. 09-3739RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

The Florida Association of the American Institute of Architects vs. Department of Community Affairs, Division of Housing and Community Development, Florida Building Commission; Case No.: 09-3034RP; Rule No.: 9B-3.047; Dismissed

Daniel Metsch vs. Department of Transportation; Case No.: 08-6353RX; Rule No.: 14-100.004; Dismissed

Moshe Leib, d/b/a Tblimo, Walter G. Kozak, d/b/a Gunny's Intrastate Travel and Tours, and Kenneth Jeffre's, d/b/a Jeffre's Transportation vs. Hillsborough County Public Transportation Commission; Case No.: 08-5857RX; Dismissed

Robert Fast vs. South Florida Regional Transit Authority; Case No. 09-3026RX; Rule No.: 30C; Dismissed

Collier County, Florida vs. South Florida Water Management District; Case No.: 09-1002RP; Rule Nos.: 40E-2, 40E-10, 40E-20; Voluntarily Dismissed

Beverly Hutton vs. Department of Management Services, Division of Retirement; Case No.: 09-3027RX; Rule No.: 60S-1.004(5)(d); Withdrawal

Atlantic Housing Partners, LLLP vs. Florida Housing Finance Corporation and Eastwind Development, LLC; Housing Trust Group, LLC; The Gatehouse Group, LLC; American Realty

Development Corp.; and Landmark Development Corp. (Intervenor); Case No.: 09-2267RP; Rule Nos.: 67-21.003(1)(a), 67-48.004(1)(a); Valid

United Healthcare of Florida, Inc.; United Healthcare Insurance Company; and Florida Association of Health Plans vs. Financial Services Commission and Office of Insurance Regulation; Case No.: 08-5612RP; Rule No.: 69O-149.041; Dismissed

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

Notice of Bid

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB10SVF-104YC, Quick Response Electrical Contractor Annual Contract, estimated budget: TBD, to be opened September 16, 2009, 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: To simplify and expedite the execution of small electrical construction projects at the University of Florida. Projects could be located on the University of Florida main campus or at UF and IFAS facilities throughout the State of Florida. The maximum per-project construction cost shall be less than \$100,000. Mandatory pre-bid meeting will be held September 1, 2009, 2:00 p.m., in the PPD A/E Main Street Trailer, Bldg. 270, Radio Road, Gainesville, FL. Questions should be directed to: Lisa Pennington at lpenn@ufl.edu or (352)392-1331. For more information visit [www.purchasing.ufl.edu](http://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 ARCHITECTS  
AND CONSTRUCTION MANAGERS**

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services in the disciplines of architecture and construction management will be required for the project listed below:

Project No. UCF-547 Energy Materials Building

Project and Location: Energy Materials Building, University of Central Florida, Main Campus, Orlando, Florida.

The projects consist of the design and construction of a new facility. The project will be in two phases. The space categories and square footage for each phase will be determined during program verification.

The project cost will be determined during program verification and will depend on the award of a National Institute of Standard and Technology grant for Phase I funding, including planning, construction and furnishings/equipment. There will be two separate contracts for this project, one for the Architect (A/E) and one for the Construction Manager (CM).

**FORM OF PROPOSALS**

It is the University's intention to have professionals in the disciplines of architecture and construction management to submit proposals separately one for architect and one for construction manager. Proposal reviews, selection and interviews will be conducted separately.

This facility will be the in the early planning phase in the fiscal year 2010-11. The selected architect and construction manager will provide program verification, design, construction documents, and administration for the referenced project. Blanket professional liability insurance for the Architect/Engineer will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), September 14, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

The selection committee members have elected not to meet with proposed firms. Please do not contact the selection committee,

**INSTRUCTIONS FOR ARCHITECT AND  
CONSTRUCTION MANAGEMENT**

Architects (PQS Form only) and Construction Management firms (CMQS Form only) desiring to apply for consideration must include a letter of application and should have attached:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 7/03, completed by the applicant. Do not alter the PQS form.
2. A copy of the firms current Professional Registration Certificates from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. The most recent version of the Florida Board of Education "Revised Construction Manager Qualifications Supplement" (CMQS) dated 02/02. Do not alter the CMQS form.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist for interviews will be made on the basis of architect/engineer and construction manager qualifications separately, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants; and ability to include minority business enterprise participation. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The plans and specifications for Florida Board of Education projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Carefully review the Architect/Engineer, Construction Management Contract and General Condition's documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at [www.fp.ucf.edu](http://www.fp.ucf.edu) with the advertisement.

**INSTRUCTIONS FOR CONSTRUCTION MANAGERS**

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.

**CONSTRUCTION MANAGEMENT CONTRACT**

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be compensated. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Project Fact Sheet contains the selection criteria which is the primary basis for determining the shortlist. The Project Fact Sheet, Professional Qualifications Supplement forms, Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida at (407)823-2166, Fax: (407)823-5141, Email: gseabroo@mail.ucf.edu, or the Facilities Planning Web site: www.fp.ucf.edu under the heading advertisements.

**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."

**FLORIDA HOUSING FINANCE CORPORATION**

**TAX CREDIT EXCHANGE PROGRAM (EXCHANGE) FUNDING ONLY OR EXCHANGE FUNDING WITH TAX CREDIT ASSISTANCE PROGRAM (TCAP) FUNDING AND A NOMINAL AMOUNT OF NINE PERCENT LOW-INCOME HOUSING TAX CREDITS FOR APPLICANTS THAT, AS OF FEBRUARY 17, 2009, HAD AN ACTIVE AWARD OF 9 PERCENT HOUSING CREDITS**

The Florida Housing Finance Corporation invites all Applicants that, as of February 17, 2009, had an active award of 9 percent housing credits, to submit proposals in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2009-04. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, August 14, 2009, to: Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org). The RFP will be posted to the Florida Housing website on July 31, 2009. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**RFP 2009-03 NINE PERCENT LOW-INCOME HOUSING TAX CREDITS WITH OR WITHOUT TAX CREDIT ASSISTANCE PROGRAM (TCAP) FUNDING**

The Florida Housing Finance Corporation invites all Applicants that (i) had its State Apartment Incentive Loan (SAIL) or Rental Recovery Loan (RRLP) de-obligated under the provisions of Rule 67ER09-3, (ii) obtained a final order from April 24, 2009 through July 24, 2009, awarding an allocation of Housing Credits based on an administrative appeal under subsection 67-48.005(5), F.A.C., or (iii) included rental units in its CWHIP Application and the funding was de-obligated on April 24, 2009, to submit proposals in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2009-03. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, August 14,

2009, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org). The RFP will be posted to the Florida Housing website on July 31, 2009. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site: [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/AppPage\\_LegalRFPs.aspx](http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFPs.aspx).

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

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## DEPARTMENT OF MILITARY AFFAIRS

### Invitation to Bid

The State of Florida, Department of Military Affairs (DMA), Construction and Facility Management Office (CFMO) requests qualifications from State of Florida registered, qualified and licensed Contractors for the following projects: FOR COMPLETE INFORMATION, SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM AT: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A Mandatory Pre-Bid Meeting will be held and a Bid Opening will be conducted for the following project.

**PROJECT NUMBER: 209007**

Unites States Purchasing and Fiscal Office (USPFO) Central Issuing Facility CIF Warehouse Addition

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 at (904)823-0255 or 0252, e-mail: [cfmocontracting@fl.ngb.army.mil](mailto:cfmocontracting@fl.ngb.army.mil).

Bid due dates and Mandatory site visit dates are as published in the advertisement on the MyFlorida.com, Vendor Bid System.

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The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General Building Contractors (GC) for the following project 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](http://vbs.dms.state.fl.us/vbs/main_menu).

**PROJECT NUMBER: 208032**

### TROOP MEDICAL CLINIC RENOVATIONS

**STATEMENT OF WORK:** Interior demolition of existing one story approx 70'x60' CMU structure with wood truss framed roof. The remodeled interior and exterior will include new standing seam metal roof with ambulance canopy and compatible with adjacent buildings; new voice; data; security; communication; HVAC; electrical systems to support the remodeled interior spaces. The new interior spaces shall accommodate examination rooms; emergency room; latrines with showers; a five bed ward, an office; a pharmacy; store room and military operations center. New flooring will be provided throughout.

**FUNDING:** AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009

**BID OPENING DATE:** As stated on the Vendor Bid System (late bids will not be accepted)

**MANDATORY PRE-BID/SITE VISIT DATE:** As stated on the Vendor Bid System

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 & Facility Management Office, Contracting Branch (904)823-0255 or 0252 or e-mail [cfmocontracting@fl.ngb.army.mil](mailto:cfmocontracting@fl.ngb.army.mil).

Faxed or e-mailed bids 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.

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## AREA AGENCY ON AGING OF PALM BEACH/TREASURE COAST, INC.

### 2010 OLDER AMERICANS ACT REQUEST FOR PROPOSAL (RFP)

The Area Agency on Aging of Palm Beach/Treasure Coast, Inc. is requesting proposals for the provision of services authorized under the Older Americans Act, as amended in

2006, for Indian River, Martin, Okeechobee, St. Lucie and Palm Beach counties for the three year funding period beginning January 1, 2010.

Proposal format and instructions will be available on August 24, 2009 via the Area Agency on Aging website at: [www.myanswersonaging.org](http://www.myanswersonaging.org).

General training regarding the RFP process will be held on August 14, 2009, Area Agency on Aging, 4400 North Congress Avenue, West Palm Beach, FL 33407. Training will cover programs and services as well as outcome measures from 10:00 a.m. – 12:00 Noon (DST). Training will cover technology requirements, budget methodology, and financial reporting from 1:00 p.m. – 3:00 p.m.

A Bidder’s Conference to review the RFP instructions and contract award process will be held on September 14, 2009, 1:00 p.m. – 4:00 p.m. (DST), Area Agency on Aging, 4400 North Congress Avenue, West Palm Beach, FL 33407. Certified Minority Business Enterprises are encouraged to participate in the Bidder’s Conference.

Notice of Intent to Submit a Proposal as well as all written inquiries must be received by 4:00 p.m. (DST), September 25, 2009. The Notice of Intent to Submit a Proposal and the written inquiries may be mailed to: Nancy Yarnall, Planner, Area Agency on Aging, 4400 North Congress Avenue, West Palm Beach, FL 33407 or submitted via e-mail: [yarnalln@elderaffairs.org](mailto:yarnalln@elderaffairs.org). It is the bidder’s responsibility to confirm receipt of an electronically submitted document.

All proposals are due by 12:00 Noon (DST), October 19, 2009, Area Agency on Aging, 4400 North Congress Avenue, West Palm Beach, FL 33407.

All bids will be opened at 12:01 p.m. (DST), October 19, 2009, Area Agency on Aging 4400 North Congress Avenue, West Palm Beach, FL 33407.

The Area Agency on Aging reserves the right to reject any or all proposals or accept minor irregularities in the best interest of the Area Agency on Aging and the senior population.

## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

#### ANNUAL PERFORMANCE REPORT FOR HUD FUNDED PROGRAMS

In July 2009, the Department of Community Affairs (DCA), in cooperation with other agencies, began preparation of an Annual Performance Report (or Performance and Evaluation Report) for Federal Fiscal Year 2008 as required by the U.S. Department of Housing and Urban Development (HUD). Performance reports must be prepared in accordance with the instructions found in 24 CFR 91.520.

All programs funded by HUD and administered by state agencies will be included in this Performance Report. The programs include the Florida Small Cities Community Development Block Grant Program administered by the Department of Community Affairs, the Emergency Shelter Grant Program administered by the Department of Children and Families, the Housing Opportunities for Persons With AIDS Program administered by the Department of Health, and the Home Investment Partnership Program administered by the Florida Housing Finance Corporation. This annual report, prepared according to HUD guidelines, consists of detailed information on grants made to eligible local governments or other awards to eligible entities.

A public hearing will be held on the proposed performance report before it is submitted to HUD. The hearing will take place at 3:00 p.m., Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL on August 21, 2009. A 30-day public comment period will begin on August 21, 2009 and end on September 22, 2009. A draft will be posted to the Department’s website at: <http://www.floridacommunitydevelopment.org/cdbg/ConsolidatedPlan.cfm> on or about August 21, 2009. A copy of the draft may also be obtained by emailing [judy.peacock@dca.state.fl.us](mailto:judy.peacock@dca.state.fl.us). Comments on the report may be submitted in writing to:

Florida Small Cities CDBG Program  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

To be included in the report submitted to HUD, written comments must be received by the Department no later than 5:00 p.m., September 22, 2009.

The final report will be submitted to HUD by September 30, 2009. For additional information, please call Judy Peacock at (850)922-1887 or (850)487-3644 (email [judy.peacock@dca.state.fl.us](mailto:judy.peacock@dca.state.fl.us)).

Any person wishing to attend the meeting who requires a special accommodation because of a disability or physical impairment should contact: Department of Community Affairs, (850)487-3644 at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be accessed by calling 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

### 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 Power Group International, LLC, intends to allow the establishment of A Plus Carts and Parts, as a dealership for



the sale of Tomberlin golfcars (TOMB) at 16100 San Carlos Boulevard, Fort Myers Beach (Lee County), Florida 33908, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of A Plus Carts and Parts are dealer operator(s): Jay Stewart, 17221 San Carlos Boulevard, Myers Beach, Florida 33931; principal investor(s): Jay Stewart, 17221 San Carlos Boulevard, Myers Beach, Florida 33931.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Group International, LLC, intends to allow the establishment of A Plus Carts and Parts, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 16100 San Carlos Boulevard, Fort Myers Beach (Lee County), Florida 33908, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of A Plus Carts and Parts are dealer operator(s): Jay Stewart, 17221 San Carlos Boulevard, Myers Beach, Florida 33931; principal investor(s): Jay Stewart, 17221 San Carlos Boulevard, Myers Beach, Florida 33931.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hanma Enterprises, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 11485 Cleveland Avenue, Units 1 & 2, Fort Myers (Lee County), Florida 33907, on or after July 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 Cleveland Avenue, Units 1 & 2, Fort Myers, Florida 33907; principal investor(s): James Lynch, 11485 Cleveland Avenue, Units 1 & 2, Fort Myers, Florida 33907.

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: Hui Shan, Hanma Enterprises, Inc., 10540 Bissonnet, #100, Houston, Texas 77099.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that E-Z-GO Division of Textron, Inc., intends to allow the establishment of Advantage Golf Cars, Inc., as a dealership for the sale of low speed vehicles manufactured by E-Z-GO Division of Textron, Inc. (POLS) at 15797 US Highway 441 South, Summerfield (Marion County), Florida 34491, on or after August 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Advantage Golf Cars, Inc. are dealer operator(s): Rod Thomason, 2101 North Pine, Ocala, Florida 34475; principal investor(s): Rod Thomason, 2101 North Pine, Ocala, Florida 34475.

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: Rusty McGahee, E-Z-GO Division of Textron, Inc., 1451 Marvin Griffin Road, Augusta, Georgia 30906.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Fuso Truck of America, Inc., intends to allow the establishment of Four Star Freightliner, Inc., as a

dealership for the sale of Mitsubishi Fuso trucks (MIFU) at 4765 Capital Circle Northwest, Tallahassee (Leon County), Florida 32303, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Four Star Freightliner, Inc. are dealer operator(s): Jerome A. Kocan, 7820 Lakeridge Drive, Montgomery, Alabama 36117; principal investor(s): Jerome A. Kocan, 7820 Lakeridge Drive, Montgomery, Alabama 36117.

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: Debbie D. Franco, Mitsubishi Fuso Truck of America, Inc., 2015 Center Square Road, Logan Township, New Jersey 08085.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for the Establishment of a  
Franchised Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Notice is hereby given, pursuant to Section 320.642, Florida Statutes, that Chrysler Group Carco LLC d/b/a Chrysler Group LLC ("Chrysler Group") intends to establish a Jeep motor vehicle dealership for the sale of new Jeep motor vehicles, known as Gainesville Motors, Inc. d/b/a Gainesville Chrysler Dodge Jeep ("Gainesville"), at 3000 N. Main Street, Gainesville (Alachua County), Florida 32609 (the "Proposed Location"). The name and address of the dealer-operator of Gainesville is Arthur Sullivan, 3000 N. Main Street, Gainesville, Florida 32609. The names and addresses of the principal investors in Gainesville are: Arthur Sullivan, 3000 N. Main Street, Gainesville, Florida 32609, Chris Smith, 3000 N. Main Street, Gainesville, Florida 32609, Terry Garbig, 4000 S. W. College Road, Ocala, Florida 34474, Wanda Bostic, 4000 S. W. College Road, Ocala, Florida 34474, Kevin Eller, 4000 S. W. College Road, Ocala, Florida 34474, Mike Noble, 4000 S. W. College Road, Ocala, Florida 34474, Sean Sullivan, 4000 S.

W. College Road, Ocala, Florida 34474, Charlie Smith, 4000 S. W. College Road, Ocala, Florida 34474, Charlie Smith, 4000 S. W. College Road, Ocala, Florida 34474, Francios Duong, 4000 S. W. College Road, Ocala, Florida 34474, Rich Gruber, 4000 S. W. College Road, Ocala, Florida 34474, Jim Roberts, 4000 S. W. College Road, Ocala, Florida 34474, Tim Johns, 4000 S. W. College Road, Ocala, Florida 34474, Andy Johnson, 4000 S. W. College Road, Ocala, Florida 34474, Marc Lopez, 4000 S. W. College Road, Ocala, Florida 34474, Ray Hagstrom, 4000 S. W. College Road, Ocala, Florida 34474.

Gainesville will be located in Alachua County, which has a population of less than 300,000 according to the most recent data of the United States Census Bureau or the data of the Bureau of Economic and Business Research of the University of Florida.

Certain presently existing Jeep franchised motor vehicle dealers may have standing to protest the proposed establishment of Gainesville at the Proposed Location, as described in subsection (3) of Section 320.642, Florida Statutes. Please be advised that a petition or complaint by any existing Jeep franchised motor vehicle dealer with standing to protest pursuant to subsection (3) must be filed within 30 days following the date of publication of this notice in the Florida Administrative Weekly. Such written petitions or complaints must be submitted to: Nalini Vinayak, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635, and received by the Department of Highway Safety and Motor Vehicles within said 30 day period. A copy of such petition or complaint also must be mailed to: Phil Langley, Chrysler Group, 10300 Boggy Creek Road, Orlando, FL 32824.

If no petitions or complaints are received by the Department of Highway Safety and Motor Vehicles (the "Department") within 30 days of the date of publication of this notice, the Department will issue a final order approving the proposed establishment of Gainesville at the Proposed Location, subject to Gainesville compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Valley Scooters, LLC, intends to allow the establishment of Gas Sippers, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 6480 20th Street, #106, Vero Beach (Indian River County), Florida 32966, on or after August 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Gas Sippers, LLC are dealer operator(s): Keith Estep, 6480 20th Street, #106, Vero Beach, Florida 32966 and Valerie Estep, 6480 20th Street, #106, Vero

Beach, Florida 32966; principal investor(s): Keith Estep, 6480 20th Street, #106, Vero Beach, Florida 32966 and Valerie Estep, 6480 20th Street, #106, Vero Beach, Florida 32966.

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: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Valley Scooters, LLC, intends to allow the establishment of Gas Sippers, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 6480 20th Street, #106, Vero Beach (Indian River County), Florida 32966, on or after August 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Gas Sippers, LLC are dealer operator(s): Keith Estep, 6480 20th Street, #106, Vero Beach, Florida 32966 and Valerie Estep, 6480 20th Street, #106, Vero Beach, Florida 32966; principal investor(s): Keith Estep, 6480 20th Street, #106, Vero Beach, Florida 32966 and Valerie Estep, 6480 20th Street, #106, Vero Beach, Florida 32966.

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: John Dikov, Valley Scooters, LLC, 1687 Blythe Island Drive, Brunswick, Georgia 31523.

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 Power Group International, LLC, intends to allow the establishment of Golf Depot, Inc., as a dealership for the sale of Tomberlin golfcars (TOMB) at 19201 Panama City Beach Parkway, Panama City Beach (Bay County), Florida 32413, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Golf Depot, Inc. are dealer operator(s): Helen McAuliff, 19201 Panama City Beach Parkway, Panama City Beach, Florida 32413; principal investor(s): Helen McAuliff, 19201 Panama City Beach Parkway, Panama City Beach, Florida 32413.

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: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Uruhardware, Inc. d/b/a Hanissi Motors, intends to allow the establishment of Uruhardware, Inc. d/b/a Hanissi Motors, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 2540 West 84th Street, #1, Hialeah (Dade County), Florida 33016, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Uruhardware, Inc. d/b/a Hanissi Motors are dealer operator(s): Gustavo Perona, 6825 Northwest 169 Street, Apt. F, Miami, Florida 33015; principal investor(s): Gustavo Perona, 6825 Northwest 169 Street, Apt. F, Miami, Florida 33015.

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: Gustavo Perona, Uruhardware, Inc. d/b/a Hanissi Motors, 2540 West 84th Street, #1, Miami, Florida 33016.

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 Hanma Enterprises, Inc., intends to allow the establishment of Motorsports Depot, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke

Motorcycle Co. Ltd. (SHEN) at 17630 US Highway 41 North, Lutz (Hillsborough County), Florida 33549, on or after July 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Depot, LLC are dealer operator(s): Robert Sardegna, Jr., 17630 US Highway 41 North, Lutz, Florida 33549; principal investor(s): Robert Sardegna, Jr., 17630 US Highway 41 North, Lutz, Florida 33549.

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: Hui Shan, Hanma Enterprises, Inc., 10540 Bissonnet, #100, Houston, Texas 77099.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that QLink, L.P., intends to allow the establishment of Beach Street Bikes, Inc. d/b/a Pompano Pats Daytona, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Co. Ltd. (CFHG) at 910 West International Speedway Boulevard, Daytona Beach (Volusia County), Florida 32114, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Beach Street Bikes, Inc. d/b/a Pompano Pats Daytona are dealer operator(s): Patrick Johnson, 910 West International Speedway Boulevard, Daytona Beach, Florida 32114 and Ronald Hurtibise, 910 West International Speedway Boulevard, Daytona Beach, Florida 32114; principal investor(s): Patrick Johnson, 910 West International Speedway

Boulevard, Daytona Beach, Florida 32114 and Ronald Hurtibise, 910 West International Speedway Boulevard, Daytona Beach, Florida 32114.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that The Auto MOto.com Corp., intends to allow the establishment of Punta Gorda Motorsports, LLC, as a dealership for the sale of Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1838 Tamiami Trail, Punta Gorda (Charlotte County), Florida 33980, on or after August 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Punta Gorda Motorsports, LLC are dealer operator(s): William E. Aye, 1838 Tamiami Trail, Punta Gorda, Florida 33980; principal investor(s): William E. Aye, 1838 Tamiami Trail, Punta Gorda, Florida 33980.

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: Guy Cohen, The Auto MOto.com Corp., 15125 Raymer Street, Van Nuys, California 91405.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Scooters, LLC, intends to allow the establishment of Ride Green Florida, LLC d/b/a Ride Green Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 671 West Fairbanks Avenue, Winter Park (Orange County), Florida 32789, on or after July 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green Florida, LLC d/b/a Ride Green Scooters are dealer operator(s): Brian Schwartz, 671 West Fairbanks Avenue, Winter Park, Florida 32789; principal investor(s): Brian Schwartz, 671 West Fairbanks Avenue, Winter Park, Florida 32789.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Scooters, LLC, intends to allow the establishment of Ride Green Florida, LLC d/b/a Ride Green Scooters, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 671 West Fairbanks Avenue, Winter Park (Orange County), Florida 32789, on or after July 21, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green Florida, LLC d/b/a Ride Green Scooters are dealer operator(s): Brian Schwartz, 671 West Fairbanks Avenue, Winter Park, Florida 32789; principal investor(s): Brian Schwartz, 671 West Fairbanks Avenue, Winter Park, Florida 32789.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of motorcycles manufactured by LML

Limited. (LMLL) at 1459 North US Highway 1, Units 5A & 6A, Ormond Beach (Volusia County), Florida 32174, on or after July 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317; principal investor(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 1459 North US Highway 1, Units 5A & 6A, Ormond Beach (Volusia County), Florida 32174, on or after July 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317; principal investor(s): Peter Warrick, 4360 Peters Road, Fort Lauderdale, Florida 33317.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for the Establishment of a  
Franchised Motor Vehicle Dealer in a County of More  
than 300,000 Population

Notice is hereby given, pursuant to Section 320.642, Florida Statutes, that Chrysler Group Carco LLC d/b/a Chrysler Group LLC ("Chrysler Group") intends to establish a Dodge motor vehicle dealership for the sale of new Dodge motor vehicles, known as Suncoast Chrysler Jeep, Inc. d/b/a Suncoast Chrysler Jeep Dodge ("Suncoast"), at 8755 Park Boulevard, Seminole (Pinellas County), Florida 33777 (the "Proposed Location"). The name and address of the dealer-operator of Suncoast is Wayne F. Schmidt, Sr., 8755 Park Boulevard, Seminole, Florida 33377. The names and addresses of the principal investors in Suncoast are: Wayne F. Schmidt, Sr., 8755 Park Boulevard, Seminole, Florida 33377; Wayne F. Schmidt, Jr., 8755 Park Boulevard, Seminole, Florida 33377; and, Philip A. Schmidt, 8755 Park Boulevard, Seminole, Florida 33377.

Suncoast will be located in Pinellas County, which has a population of more than 300,000 according to the most recent data of the United States Census Bureau or the data of the Bureau of Economic and Business Research of the University of Florida.

Certain presently existing Dodge franchised motor vehicle dealers may have standing to protest the proposed establishment of Suncoast at the Proposed Location, as described in subsection (3) of Section 320.642, Florida Statutes. Please be advised that a petition or complaint by any existing Dodge franchised motor vehicle dealer with standing to protest pursuant to subsection (3) must be filed within 30 days following the date of publication of this notice in the Florida Administrative Weekly. Such written petitions or complaints must be submitted to: Nalini Vinayak, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635, and received by the Department of Highway Safety and Motor Vehicles within said 30 day period. A copy of such petition or complaint also must be mailed to: Phil Langley, Chrysler Group, 10300 Boggy Creek Road, Orlando, FL 32824.

If no petitions or complaints are received by the Department of Highway Safety and Motor Vehicles (the "Department") within 30 days of the date of publication of this notice, the Department will issue a final order approving the proposed establishment of Suncoast at the Proposed Location, subject to Suncoast's compliance with the provisions of Chapter 320, Florida Statutes.

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#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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#### **WATER MANAGEMENT DISTRICTS**

##### **NOTICE OF INTENDED AGENCY ACTION**

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit No. 43-00102-W (Application No. 060613-29) Martin County Utilities and Solid Waste (North Jensen Water Treatment Facility) P. O. Box 9000, Stuart, FL 34995-9000, for modification and renewal of an existing public water supply permit. Staff recommends an annual withdrawal of 3218 MG and a maximum monthly withdrawal of 321 MG to partially meet the water demands of the applicant's consolidated water supply system. Withdrawals are from the Surficial Aquifer system and the Floridan Aquifer system. The project is located in Martin County, Section 20, Township 37 South, Range 41 East.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department at (561)682-6911, by e-mail: [permits@sfwmd.gov](mailto:permits@sfwmd.gov) or by accessing the Staff Report directly from the District's website: [www.sfwmd.gov](http://www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1), and 120.60(3), Florida Statutes, following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

**Right to Request Administrative Hearing** – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

**Filing Instructions** – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings



by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8) and (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
  2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
  3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
  4. A statement of when and how the petitioner received notice of the SFWMD's decision.
  5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
  7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
  8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
  9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

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## **AGENCY FOR HEALTH CARE ADMINISTRATION**

### **DECISION ON BATCHED APPLICATION**

The Agency for Health Care Administration made the following decision on Certificate of Need application for Other Beds and Programs batching cycle with an application due date of May 20, 2009:

County: Broward Service District: 10  
CON # 10056 Decision Date: 7/20/2009 Decision: A  
Facility/Project: Wilton Manors Health & Rehabilitation  
Center  
Applicant: Palm Court NH, LLC  
Project Description: Addition of 29 community nursing home  
beds through the delicensure of 29 beds at Mercy Manor North  
Approved Cost: \$1,917,885.00

A request for administrative hearing, if any, must be made  
in writing and must be actually received by this department  
within 21 days of the first day of publication of this notice in  
the Florida Administrative Weekly pursuant to Chapter 120,  
Florida Statutes, and Chapter 59C-1, Florida Administrative  
Code.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**NOTICE OF INTENT TO ISSUE PROPOSED  
MODIFICATION OF TRANSMISSION LINE  
CERTIFICATION**

The Florida Department of Environmental Protection  
(Department) hereby provides notice of an intent to modify the  
Transmission Line Conditions of Certification issued pursuant  
to the Florida Transmission Line Siting Act, Chapter 403.52, et  
seq., Florida Statutes, concerning: Tampa Electric Company  
Willow Oak Wheeler Davis Transmission Line Siting  
Application No. 07-15A, OGC Case No. 09-3043. On May 26,  
2009, the Department received an application to modify the  
Conditions of Certification for the Willow Oak Wheeler Davis  
230 kV Transmission line from Tampa Electric Company  
pursuant to Section 403.5315(2)(c), Florida Statutes, to include  
an additional area that is proposed to be rectangular in shape  
that will be located in the northeastern quadrant of the  
intersection of the certified corridor and County Road 579,  
approximately 2400 feet south of Skewlee Road in  
unincorporated Hillsborough County. The area of this  
additional portion would begin immediately north of the  
certified corridor and extend northward approximately 1320  
feet paralleling County Road 579, and approximately 660 feet  
to the east, forming the rectangle and encompassing  
approximately 20 acres.

A copy of the proposed modification may be obtained by  
contacting: Michael P. Halpin, P.E., Administrator, Siting  
Coordination Office, Department of Environmental Protection,

3900 Commonwealth Blvd., MS #48, Tallahassee, Florida  
32399-3000, (850)245-2002. Pursuant to Section  
403.5315(2)(b), Florida Statutes, parties to the certification  
proceeding have 45 days from issuance of notice to such  
party's last address of record in which to object to the  
requested modification. Failure of any of the parties to file a  
response will constitute a waiver of objection to the requested  
modification. Any person who is not already a party to the  
certification proceeding and whose substantial interest is  
affected by the requested modification has 30 days from the  
date of publication of this public notice to object in writing.  
The written objection must be filed (received) in the: Office of  
General Counsel of the Department, 3900 Commonwealth  
Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no  
objections are received, then a Final Order approving the  
modification shall be issued by the Department.

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**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and  
federally funded projects as required by Section 403.061(40),  
F.S. A list of projects, comments deadlines and the address for  
providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/). For information, call  
(850)245-2161. This public notice fulfills the requirements of  
15 CFR 930.

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**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted the draft  
of a new policy for a second review and comment on  
MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html).

Contract & Grant Monitoring Policy – (FDJJ 2000) establishes  
contract and grant monitoring for all contracted programs and  
services within the Department of Juvenile Justice. This policy  
was previously posted for review and comment from May 1  
through June 12. It is being reposted as two additional  
attachments, not previously available have been completed.

The policy and attachments are posted for a single 20 working  
day review and comment period, with the closure date for  
submission of comments on the policy of August 27, 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 July 16, 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 Isabella K. Sharpe, M.D. License #ME 33042. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On July 16, 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 Veronica Jane Coutts, L.P.N. License #LPN 676221. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On July 15, 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 Casey Jade Floyd, R.N. License #RN 9217055. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On July 16, 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 Chris A. Lindgren, C.N.A. License #CNA 124168. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On July 21, 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 Kimberly Kristie Rustin, L.P.N. License #PN 5148426. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On July 16, 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 Martin A. Taylor, C.N.A. License #CNA 129206. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to: Cheryl Miller, Department of Health, WIC and Nutrition Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726; or by Fax: (850)922-3936. Your feedback is essential and is appreciated before August 22, 2009.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S. W., Washington, D.C. 20250-9410 or call (800)795-3272 (Voice) or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer.

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On July 21, 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 Jean Melanie Seth, R.N. License #RN 9252852. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Mail request to, or pick up in person at: Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, and Bin #C-18 Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2009, and midnight, October 1, 2009.

CONTACTS: Bernadette Behmke at (850)245-4444, ext. 2756, or Susan McDevitt at (850)245-4444, ext. 2760 or Suncom 205-4440.

P.O. #AOC 111

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### FINANCIAL SERVICES COMMISSION

#### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

#### APPLICATION WITHDRAWN

Application for a New Financial Institution

Applicant and Proposed Location: Performance First Business Bank, 186 North Palafox Street, Pensacola, Escambia County, Florida 32501

Correspondent: John P. Greeley, Esquire, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Date of Application: March 26, 2008

Withdrawn: July 10, 2009

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#### NOTICE OF THE AVAILABILITY OF THE 2009

#### TRAUMA CENTER LETTER OF INTENT PACKAGE

NAME OF AGENCY: Department of Health (DH)

PACKAGE TITLE: Florida Trauma Center Letter of Intent Package

PURPOSE AND EFFECT: The Department of Health is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.

AUTHORITY: Section 395.4025(2)(a), Florida Statutes.

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, or mail, or in person.

Telephone: (850)245-4444, ext. 2756 or Suncom 205-4440.

Fax: (850)488-2512.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN July 13, 2009 and July 17, 2009									
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.					
<b>DEPARTMENT OF LEGAL AFFAIRS</b>									
<b>Division of Victim Services and Criminal Justice Program</b>									
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2A-5.011	7/15/09	8/4/09	35/21		67-21.008	7/17/09	8/6/09	35/12	
					67-21.009	7/17/09	8/6/09	35/12	
					67-21.010	7/17/09	8/6/09	35/12	
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					67-21.014	7/17/09	8/6/09	35/12	
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					67-21.018	7/17/09	8/6/09	35/12	
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					67-48.005	7/17/09	8/6/09	35/12	
					67-48.007	7/17/09	8/6/09	35/12	
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<b>Medicaid Program Office</b>									
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					67-48.0075	7/17/09	8/6/09	35/12	
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					67-48.0095	7/17/09	8/6/09	35/12	
<b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</b>									
<b>Board of Architecture and Interior Design</b>									
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					67-48.013	7/17/09	8/6/09	35/12	
					67-48.014	7/17/09	8/6/09	35/12	
					67-48.015	7/17/09	8/6/09	35/12	
					67-48.017	7/17/09	8/6/09	35/12	
<b>DEPARTMENT OF JUVENILE JUSTICE</b>									
<b>Staff Training</b>									
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63H-2.005	7/15/09	8/4/09	35/22		67-48.019	7/17/09	8/6/09	35/12	
63H-2.006	7/15/09	8/4/09	35/22		67-48.020	7/17/09	8/6/09	35/12	
63H-2.007	7/15/09	8/4/09	35/22		67-48.0205	7/17/09	8/6/09	35/12	
					67-48.022	7/17/09	8/6/09	35/12	
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67-21.006	7/17/09	8/6/09	35/12						