

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.0391	Grading System for State-Approved Supplemental Educational Services Providers

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to implement a process for assigning service designations for state-approved supplemental educational services providers as required by Section 1008.331, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Supplemental Educational Services for eligible students in Title I schools that have not made adequate yearly progress for two or more years.

**RULEMAKING AUTHORITY:** 1008.331 FS.

**LAW IMPLEMENTED:** 1008.331 FS.

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

**DATES AND TIMES:** November 9, 2009, 9:00 a.m. – 12:00 Noon; November 12, 2009, 12:00 Noon – 3:00 p.m.; November 13, 2009, 9:00 a.m. – 12:00 Noon

**PLACES:** November 9, 2009 – Florida Department of Education, 325 West Gaines Street, Suite 1721, Tallahassee, FL 32399; November 12, 2009 – Hillsborough Community College, 4001 Tampa Bay Blvd., Tampa, FL 33614; November 13, 2009 – School Board Auditorium, Miami-Dade County Public Schools, 1450 N.E. 2 Avenue, Miami, Florida 33132

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lisa Bacen, Chief, Bureau of Student Assistance, 325 West Gaines Street, Suite 348, Tallahassee, FL 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-4.02451	Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages

**PURPOSE AND EFFECT:** The purpose of this rule development is to update the Performance Standards, Skills and Competencies for the Endorsement in English for Speakers of Other Languages. The competencies and indicators required for approval of educator preparation programs pursuant to Rule 6A-5.066, F.A.C., and for district in-service add-on programs pursuant to Section 1012.575, F.S., for the Endorsement in English for Speakers of Other Languages (ESOL), are contained in the publication, “English for Speakers of Other Languages (ESOL) Endorsement (Florida’s English for Speakers of Other Languages (ESOL) Performance Standards, Skills, and Competencies).”

**SUBJECT AREA TO BE ADDRESSED:** Revised and researched-based Performance Standards, for the purpose of endorsement for English for Speakers of Other Languages (ESOL).

**RULEMAKING AUTHORITY:** 1012.55, 1012.56, 1012.575 FS.

**LAW IMPLEMENTED:** 1012.55, 1012.56, 1012.575 FS.

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

**DATES AND TIMES:** October 30, 2009, 10:00 a.m. – 12:00 Noon; November 9, 2009, 10:00 a.m. – 12:00 Noon; November 10, 2009, 10:00 a.m. – 12:00 Noon

**PLACES:** October 30, 2009, Florida Department of Education, 325 West Gaines Street, Room 1721/25, Tallahassee, FL 32399; November 9, 2009, Hillsborough Community College – Dale Mabry Campus, Student Services Building #113, Room 108, 4001 Tampa Bay Blvd., Tampa, FL 33614; and November 10, 2009, University of Miami, University Center, Room Flamingo A, 1306 Stanford Drive, Coral Gables, FL 33146

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lori Rodriguez, Bureau of Academic Achievement through Language Acquisition, Florida Department of Education, 325 West Gaines Street, Suite 501, Tallahassee, FL 32399; (850)245-0417. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <http://www.fldoe.org/aala/>.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:	RULE TITLE:
12A-1.060	Registration

PURPOSE AND EFFECT: Section 212.12(2)(d), F.S., as amended by section 25, Chapter 2007-106, L.O.F., provides that any person who, after written notice issued by the Department, intentionally fails to register the business with the Department, is liable for a specific penalty of 100 percent of any unreported or any uncollected tax or fee. The person who has received such written notice may file a written challenge to the notice in accordance with the procedures established by the Department. The purpose of this rulemaking is to provide for issuance of a notice alerting a person of the requirement to register his or her business and the procedures by which that person may timely file a written challenge to such notice. The effect of this rulemaking is to inform taxpayers of the Department's procedures for imposing the penalties for failure to register after written notice has been issued by the Department and the procedures for timely filing a written challenge to such written notice.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the imposition of the specific penalty imposed under Section 212.12(2)(d), F.S., for failure to register a business after the Department has issued written notice alerting a person of the requirement to register that business.

RULEMAKING AUTHORITY: 212.12(2)(d), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.12(2), (5), (6), 212.18(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-107.0011  
 RULE TITLE: Public-Private Transportation Facilities

PURPOSE AND EFFECT: Rule 14-107.0011, F.A.C., is being amended to establish a fee for unsolicited proposals, as directed by Section 334.30(1), F.S.

SUBJECT AREA TO BE ADDRESSED: A fee for unsolicited public-private transportation facility proposals is established.

RULEMAKING AUTHORITY: 334.044(2), 334.30(1) FS.

LAW IMPLEMENTED: 334.30(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-107.0011 Public-Private Transportation Facilities.

(1) An initial fee of \$50,000 payable to the Florida Department of Transportation shall ~~must~~ accompany any unsolicited a public-private transportation facility proposal. Unsolicited pProposals received without the initial fee shall not be accepted.

(2) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted.

(3) If the initial fee is not sufficient to pay the Department's costs of evaluating the unsolicited proposal proposals, the Department shall request in writing additional amounts required. The public-private partnership or private entity submitting the unsolicited proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the unsolicited proposal being rejected.

~~(4) The Department shall refund any fees in excess of the costs of evaluating the proposal after the evaluation is complete.~~

Rulemaking Specific Authority 334.044(2), 334.30 FS. Law Implemented 334.30(1) FS. History--New 3-13-97, Amended 12-14-04,\_\_\_\_\_.

**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.: 33-503.001  
 RULE TITLE: Chaplaincy Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of religious items that may be transported from an inmate's individual housing area for the purpose of group worship.

SUBJECT AREA TO BE ADDRESSED: Chaplaincy Services.

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 90.505, 944.09, 944.11, 944.803 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-503.001 Chaplaincy Services.

(1) through (2) No change.

(3) Religious Services and Rituals.

(a) through (f) No change.

(g) Inmates in the general population may transport the following items for individual worship, as defined in Rule 33-602.201, F.A.C., from their assigned cells or individual sleeping areas to the institutional chapel or other designated program area for the purpose of participating in a scheduled religious program, service, or activity for which the item is necessary or appropriate, as determined by the Chaplain:

1. Jewish – prayer shawl;

2. Muslim – prayer rug;

3. Asatru or Odinism – runes and accompanying cloth bag;

4. Greek Orthodox – prayer rope;

5. Buddhist – black or brown Rakusu.

(4) through (13) No change.

Rulemaking Specific Authority 944.09, 944.11 FS. Law Implemented 90.505, 944.09, 944.11, 944.803 FS. History—New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08, 9-22-08, \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify distinctions in permissible use and storage of religious items; amend the list of religious items permitted for individual worship or for wearing or carrying all times; create a limitation on the amount of time inmates may possess food and drink items purchased from the canteen; clarify the number and type of envelopes inmates are permitted

to possess; and specify that inmates who are transferred to a Department facility from jail have 30 days to dispose of unauthorized property.

SUBJECT AREA TO BE ADDRESSED: Inmate Property.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) The reception center Chief of Security shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property shall be placed in this file in chronological order. The Chief of Security or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to the Form DC6-224, Inmate Personal Property List, any time the status of inmate personal property changes. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item. Form DC6-224 is incorporated by reference in subsection (17) of this rule.

(2)(a) No change.

(b) After final disposition is completed, the officer shall give one copy of the receipt to the inmate along with that property the inmate is authorized by the Department to keep. Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of the receipt shall be placed with any property ~~that which~~ is not authorized within the Department and ~~that which~~ is to be stored. One copy of the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of the receipt shall be given to the inmate. One copy of the receipt shall be placed in the inmate property file. The unauthorized property will be held at the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend, or to mail money or valuables to their families or other persons of their choice at no expense to the Department of Corrections. The 30 day ~~time~~ period will not

include any time during which an appeal or grievance is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. through 5:00 p.m.).

(3) No change.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the Department ~~department~~ once an inmate is permanently assigned, provided the inmate has sufficient storage space. An inmate may not use other inmates' storage space, or other non-authorized storage containers, or store property in locations other than his ~~their~~ assigned housing unit.

(b) through (d) No change.

(e) Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to the Form DC6-224, Inmate Personal Property List, by the property officer, the inmate will not be required to maintain the original canteen receipt. Food and beverage items purchased from the canteen are intended for consumption, and inmates may not retain such items longer than 30 days, as evidenced by the canteen receipt. A food or beverage item shall be considered contraband if found in the possession of an inmate more than 30 days after its purchase.

(f) An inmate transferred from a jail or private prison to a Department of Corrections facility shall be permitted to retain only that property that is authorized by the Department department in Appendix One ~~1~~. Any unauthorized item will be confiscated and held by the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative or friend, or to mail the items to persons of their choice at no expense to the Department of Corrections. The 30 day time period will not include any time during which a grievance or appeal is pending.

(5) Unauthorized Property: (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property that ~~which~~ is ~~considered~~ contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided ~~for~~ in Rule 33-602.203, F.A.C.

1. If an inmate receives postage stamps in the mail that ~~which~~, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra stamps as soon as they are received. The stamps must be sent out; the institution will not store excess stamps for inmates. Excess stamps found in an inmate's property will be considered contraband.

2. If an inmate receives photographs in the mail that ~~which~~, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess photographs out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra photographs as soon as they are received. Excess photographs found in an inmate's property will be considered contraband.

3. through (b) No change.

(6) Storage of Excess Legal Materials.

(a) No change.

(b) Storage of Legal Material. Each inmate is authorized to possess in his ~~or her~~ assigned housing area his own active or inactive legal material not exceeding the capacity of storage available in the inmate's assigned locker.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or Chief of Security ~~chief of security~~ that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate shall be given a written order from an employee of the Department ~~department~~ providing:

a. The inmate shall have one week (seven calendar days), to organize and inventory his ~~or her~~ legal material and separate excess inactive legal material from excess active legal material; and

b. If, after organizing and inventorying his ~~or her~~ legal material the inmate will not be able to fit his active legal material in his assigned inmate locker, the inmate shall complete Form DC6-2006, Request for Storage of Excess Active Legal Material, and Form DC6-2008, Excess Active Legal Material Inventory List, to be submitted to the warden for review. Forms DC6-2006 and DC6-2008 are incorporated by reference in subsection (17) of this rule.

3. If time is needed in excess of seven calendar days for the inmate to organize and inventory his ~~or her~~ legal material, the inmate shall, prior to the expiration of the seven calendar day period, submit an inmate request to the warden to ask for additional time to complete his review. The inmate shall specify the basis for the request for additional time and how much additional time will be required to complete ~~the inmate's~~ organizing and inventorying ~~of his or her~~ legal material. The total period of time for the inmate to complete this review shall not exceed 30 calendar days.

4. In the event the inmate refuses to organize and inventory his ~~or her~~ legal material as ordered, the inmate shall receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, the inmate shall receive a disciplinary report and the Department ~~department~~ shall organize and inventory the material. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by ~~Department~~ ~~department~~ staff to ensure compliance with ~~Department~~ ~~department~~ rules regarding utilization of excess storage, approved property, and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any), and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material, shall be collected by two designated employees and placed in ~~storage~~ box(es) with interlocking flaps for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor or sent to a relative or friend at the inmate's expense, as provided in subparagraph (6)(c)6., or the institution will destroy it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (6)(c)7. Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

6. No change.

7. If the inmate intends to appeal the determination and wishes to have the order to dispose of ~~the~~ excess inactive legal material within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he ~~or she~~ intends to appeal the determination to the Office of the Secretary ~~office of the secretary~~. The written notice must be filed within 15 calendar days of the determination. ~~It and~~ shall include a statement by the inmate that the inmate intends to appeal the determination and must specifically identify the documents or papers on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

8. If the inmate fails to file written notice with the warden within 15 calendar days of the determination, fails to provide Form DC6-2007, Excess Inactive Legal Material Disposition Determination, as an attachment to the ~~his or her~~ appeal, addresses more than one issue, or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., the ~~his or her~~ appeal shall be returned without response to the issue raised.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts and wishes to have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is

proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he ~~or she~~ intends to appeal the determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

10. If the inmate's appeal is denied, the inmate ~~he or she~~ shall have 30 days to make arrangements to have the materials picked up by an approved visitor, relative, or friend, or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution shall destroy it.

11. Prior to being stored in excess storage, excess active legal material shall be placed in ~~storage~~ box(es) with interlocking flaps, shall be numbered in sequential order, and shall have the inmate's name and ~~Department~~ ~~department of corrections~~ number clearly written on the top and side of each box. Prior to being sealed, the box(es) shall be inspected by staff, in the presence of the inmate, for contraband. Each box shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, Excess Active Legal Material Inventory List, shall be completed or updated by the inmate before the box(es) are sent or returned to excess storage.

12. through (d) No change.

(e) Inmate Access to Excess Active Legal Material.

1. When an inmate wants access to a box of active ~~his or her~~ legal material stored in excess storage, the inmate shall:

a. Notify the property room officer by submitting ~~Inmate Request~~, Form DC6-236, Inmate Request; and

b. through 2. No change.

3. After receipt of a box of ~~his or her~~ legal materials from excess storage, the inmate shall then be permitted to exchange those active legal materials in the requested box with other active legal materials in the inmate's assigned locker.

4. through 5. No change.

(f) Transfer. An inmate being transferred to another institution shall be permitted to take along ~~with his or her other personal property~~ all of the inmate's ~~his~~ legal material. The transferred inmate's legal material must be maintained and possessed in accordance with the receiving institution's available locker storage space.

(7) Impounded Property.

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property shall be taken, handled, processed, and secured in a manner that which will safeguard it from loss, damage, destruction, or theft while it is under the control of the Department. If the property impounded does not belong to the

inmate in possession of the property, an investigation shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken, the impounded property shall be returned to the rightful owner. Inmates must report stolen items immediately to the housing officer. The officer shall complete an incident report and an attempt will be made to locate the missing property.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the Department ~~department~~ at one of the reception centers will have their property recorded on Form DC6-220, with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the Department ~~department~~ each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the Department ~~department~~ to dispose of the property should the inmate abandon it. Form DC6-226 is incorporated by reference in subsection (17) of this rule.

1. through 2. No change.

3. If an inmate refuses to sign the inventory list, or is not present, that fact will be noted on the inventory and signed by the employee making the inventory and also by a second employee present.

4. through (c) No change.

(d) Authorized property impounded during a period of close management, administrative confinement, or disciplinary confinement shall be held at the institution and returned to the inmate at the end of such period.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. No change.

2. The remaining unauthorized impounded property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor, relative, or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day time period shall not include any time during which an appeal or grievance proceeding relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph (7)(d) after release from close management, administrative confinement, or disciplinary confinement.

3. through (g) No change.

(h) Except in emergency situations such as transfers immediately following a disturbance or institutional evacuation, whenever an inmate is transferred from one institution to another, the inmate's personal property and personal property file shall be transferred with him. The sending institution shall have the responsibility of ensuring that the inmate being transferred has only that property ~~that~~ which belongs to him and that such property is authorized. The inmate and the officer inspecting the property shall sign and date Form DC6-227, Receipt for Personal Property, at the time of transfer. Any property that is left behind or missing shall be noted on the form.

(i) If an inmate is transferred without his personal property, the property shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from the emergency preclude forwarding within five days. The property, along with an itemized list, shall be placed in a sealed container for transporting. A staff member at the receiving institution shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate shall sign Form DC6-227, Receipt for Personal Property, when the property is given to the inmate. Any discrepancies shall be noted on the form. If the inmate refuses to sign Form DC6-227, ~~Receipt for Personal Property~~, a notation to that effect shall be placed on the form and a second employee shall witness and sign the form.

(8) through (9) No change.

(10) When, with the prior knowledge of the Department, an inmate is not under the immediate control of the Department for more than 24 hours ~~with the prior knowledge of the Department~~ and his ~~or her~~ personal property does not accompany him ~~or her~~, it will be inventoried and held until the inmate's his or her return.

(11) When an inmate dies, escapes, or otherwise voluntarily abandons his ~~or her~~ property, the procedures listed below will be followed:

(a) through (b) No change.

(c) If this effort is successful, a signed receipt for the property will be obtained from the person taking possession of the property, and the receipt will be placed in the inmate's personal property file.

(d) through (e) No change.

(12) The warden or ~~his~~ designee, shall determine how an inmate's personal property shall be managed when ~~the~~ that inmate has to appear at a disciplinary hearing by evaluating the following factors:

(a) through (c) No change.

(13) The warden or his designee is authorized to require an inmate to bring all of his personal property to the disciplinary hearing if the warden or designee he determines that this is necessary after evaluating the factors set out in subsection (12) above.

(14) Missing Inmate Property.

(a) When an inmate's property is ~~being~~ returned after being stored for any reason and items documented on ~~the~~ Form DC6-224, Inmate Property List, cannot be located, this fact shall be documented on the form. Any request for compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.

(b) If the grievance is approved, the assistant warden or other designee of the warden, shall conduct an investigation of the loss. The investigation shall be completed and forwarded within 30 ~~thirty~~ (30) days.

(c) through (15) No change.

(16) Religious Property.

(a) Definitions.

1. Religious property – property adhering to the tenets of a particular religion, including items for wearing or carrying at all times, items for individual worship in the inmate's cell or individual sleeping area in open dormitory style housing, and items for storage and supervised use at the institutional chapel.

2. Koofi – short, brimless cap worn by male followers of Islam.

3. Prayer rope – short, knotted rope used for individual worship by followers of the Greek Orthodox faith.

4. Prayer rug – small rug on which followers of Islam conduct individual worship.

5. Prayer shawl – shawl with tassels or twisted threads on each corner worn by followers of Judaism for Morning Prayer and on holy days.

6. Rakusu – small, bib-like garment worn about the neck by followers of Buddhism.

7. Runes – small tiles, each inscribed with a runic letter, used for individual worship by followers of Odinism or Asatruism.

8. Scapular – two small squares, sometimes bearing religious images or texts, connected by string and worn about the shoulders of followers of Catholicism.

9. Tarot cards – deck of 78 cards depicting spiritual entities used for individual worship.

10. Tefillin – two small leather boxes, each containing a black leather strap inscribed with religious text. The tefillin are wrapped around the body by followers of Judaism as a form of individual worship.

11. Tzitzit – four-cornered garment with tassels or twisted threads on each corner worn by followers of Judaism. When the tzitzit is worn underneath the clothing, the tassels are to hang below the outer garment.

12. Yarmulke (or Kippah) – small, round cap worn by male followers of Judaism and the Assembly of Yashua.

13. Zafu – a meditation cushion used by followers of Buddhism.

(b) Unless otherwise prohibited by Department rule, inmates ~~Inmates~~ shall be permitted to possess, for personal use, the following religious items or material:

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

(c) Unless otherwise prohibited by Department rule or by paragraph (e) of this subsection, inmates shall be permitted to possess the following items adhering to the tenets of a particular religion for wearing or carrying at all times or for use during individual worship in their assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, Inmate Personal Property List. When an inmate makes a change in religious preference, the inmate must dispose of all of the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal may be by mailing at the inmate's expense or by waste disposal and must be done before the inmate shall be permitted to possess items adhering to the new religious preference. An inmate shall be allowed to maintain the following religious items in his individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate shall not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his housing area; however, if an inmate does not possess a necessary item for individual worship in his housing area and the item is available at the institutional chapel, the inmate shall not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1.2. Religious items ~~Items~~ adhering to the tenets of a particular religion for wearing or carrying at all times ~~or use during individual worship.~~ Items may include:

a. Jewish – black yarmulke, white tzitzit worn underneath the clothing with the fringes permitted to hang below the bottom of the shirt;

b. Catholic – devotional scapular worn underneath the clothing ~~rosary beads;~~

c. Muslim – white ~~prayer rug;~~ koofi for men, white or blue headscarves for women with a possession limit of four scarves;

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

e. Assembly of Yashua – black yarmulke; ~~Asatru or Odinism – runes and accompanying cloth bag.~~

f. Rastafarian – white or blue headscarves for women with a possession limit of four scarves;

g. One set of prayer beads, such as Rosary, Dhikr, Orisha, Mala, or Japa-Mala beads;

~~h.3.~~ One religious symbol or medallion. Religious symbols such as a cross, Star of David, or talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter, and Religious symbols and items worn about the neck shall be worn under the shirt on a jewelry-type chain. Religious symbols that are designed to be affixed to clothing with a pin are not permitted.

2. Religious items for individual worship in an inmate's assigned cell or individual sleeping area:

a. Jewish – Prayer shawl (white or white with colored trim) no larger than 72" x 72", one set of tefillin;

b. Muslim – prayer rug no larger than 30" x 42";

c. Asatru or Odinism – runes and accompanying cloth bag;

d. Greek Orthodox – prayer rope;

e. Buddhist – Black or brown Rakusu;

f. No more than two pictures or images depicting gods, saints, or other religious or spiritual entities. Such pictures or images may be no larger than 8.5 x 11 inches.

~~(d)(b)~~ Religious items to be stored and used in the chapel. The inmates shall not be permitted to possess the following religious items or materials which adhere to the tenets of a particular religion for individual worship or group worship which pose a general security risk when allowed in an inmate's cell or sleeping area if assigned to an open dormitory housing unit dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain or an approved volunteer, and these items shall be stored in the chapel:-

1. Tarot cards Jewish – prayer shawl, tefillin;

2. Wiccan – stones or crystals tarot cards; and

3. Buddhist – meditation cushion or Zafu.

(e) Limitations on Use of Religious Property.

1. Inmates in a transitional care unit, an isolation cell, observation cell, isolation management room, crisis stabilization unit, on self-harm observation status, or housed at Corrections Mental Health Institution (CMHI) are not permitted to store or use religious property, other than religious publications as provided in paragraph (a) of this subsection, without review and approval by the inmate's Multidisciplinary Services Team.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement shall be permitted to possess items for wearing or carrying at all times and items for individual worship unless the warden or designee finds that the inmate's possession of the item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following shall be considered:

a. The physical characteristics of the item and the particular dangers to security, inmate and staff safety, and institutional order that the item presents;

b. Limitations on possession or access, if any, that may be dictated by the characteristics of the inmate's custody classification or management status.

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

1. Alcoholic beverages or wine;

2. Wiccan – stones or crystals.

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

~~(g)(e)~~ The chaplain at the institution shall serve as advisor to staff and inmates in the area of religious property listed in paragraphs (c) and (d) of this subsection at the institution. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with security staff to determine whether the item is permissible. The agency Chaplaincy Services Administrator chaplaincy services administrator shall provide advice and guidance to the Department department regarding approved religious items, religions and religious items not listed in this rule, religions and other Department department religious issues.

~~(h)(f)~~ Inmate requests for religious property not listed in this rule shall be reviewed by the agency Chaplaincy Services Administrator chaplain to determine whether the item is required by the inmate's particular religion. If the Chaplaincy Services Administrator determines that the item is required by the inmate's religion, the agency security bureau chief shall conduct a review and security personnel to determine whether the item presents a specific and definable threat to security and order. In determining whether an item presents a threat to security and order the following shall be considered:

1. The physical characteristics of the item requested and the particular dangers to security, inmate and staff safety, and institutional order that the item presents;

2. Limitations on possession or access, if any, that may be dictated by the characteristics of a particular inmate's custody classification or management status.

(17) No change.

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

APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST			
CLOTHING		Value	Articles
Quantity	Unit		
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
3	each		Dresses (state issue – female only)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or canteen)
			Light blue or white – female only
			Light blue – male
7	each		Panties (state issue or canteen – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or canteen)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic (canteen)
1	pair		Shoes, Work (state issue)
2	each		Shorts, athletic (navy blue) (canteen)
1	each		Shower cap, clear only (female only) (canteen)
1	pair		Shower slides (canteen)
3	each		Slips (state issue – female only)
6	pair		Socks (state issue or canteen)
1	each		Supporter, athletic (male only) (canteen)
2	each		Sweatshirts (gray only) (canteen order)
4	each		Undershorts (male only) (state issue or canteen)
2	each		Underwear, thermal (state issue or canteen)
PERSONAL ARTICLES			
Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – *
			Quantity as specified by Rule 33-501.401, F.A.C.
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;

	1	set	Checkers (light wood or plastic, standard checkers only) (canteen order)
	1	set	Chess (light wood or plastic, 2 inches max. height) (canteen order)
	1	each	Coffee mug – plastic (canteen)
	1	each	Comb-pocket type, no handles (non-metal) (state issue or canteen)
	*		Correspondence – * limited by storage space limitations
	1	pack	Cotton swabs (plastic or paper stems only) (canteen)
	2	each	Crème rinse and conditioner (canteen)
	1	each	Cup, drinking – plastic (canteen)
	1	package	Dental floss, (floss loops only), unwaxed (canteen)
	1	each	Denture adhesive (state issue or canteen)
	1	each	Denture cup (canteen order)
	2	each	Deodorant and antiperspirant (no aerosols) (canteen)
	1	set	Domino (light wood or plastic, standard size) (canteen order)
	1	pair	Earphone pads (replacement) (canteen order)
	1	pair	Ear rings, post type (female only) (canteen order)
	*		Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
	1	pack	Emery board – cardboard (canteen)
	15 + 5	pack each each	Envelopes – legal (#10 size) and oversized (canteen) Envelopes – oversized (10" x 13") (canteen)
	*		Envelopes, self-addressed stamped – * the total in the inmate's possession shall not exceed the limit of 1 pack.
	2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; "personal" means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
	1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
	1	box	Feminine hygiene products (internal and external) (female only) (state issue or canteen)

	*			File folders (*limited by storage space)
	1	each		Hairbrush – nonmetal, handles for females only (canteen)
	2	each		Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
	1	each		Hair net (female only) (canteen)
	25	each		Hair rollers (female only) (canteen)
	2	each		Handballs or racketballs (canteen)
	1	each		Headphones for use with radio (canteen)
	1	each		Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
	2	each		Hearing aid (state issue or personal)
	*			Hobby craft – at locations where program exists and subject to storage space limitations
	1	each		Insect repellent (canteen)
	1	each		Jigsaw puzzle (canteen order)
	1	each		Laundry bag (state issue or canteen)
	1	each		Lighter, disposable (approved type) (canteen)
	1	each		Lip balm (canteen)
	1	each		Locks, combination (V68 series) (canteen)
	1	each		Make-up bag, clear only (female only) (canteen)
	1	each		Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
	1	each		Moisturizer – no mineral oils, no vaseline (canteen)
	1	each		Mouthwash (canteen)
	1	each		Nail clippers, not to exceed 2 1/2" (canteen)
	2	pack		Notebook paper (canteen)
	4	each		Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)
	*			Periodicals – *as specified by Rule 33-501.401, F.A.C., and storage space limitations
	1	each		Photo album, non-metal (canteen)
	50	each		Photographs (personal)
	2	decks		Playing cards (standard) (canteen)
	5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
	1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
	*			Prosthesis – * as approved by health services
	1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (canteen)
	1	each		Razor, disposable (state issue)
	1	each	50.00	Razor, battery operated, non-rechargeable (canteen)

	*			order) Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
	1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
	1	each	100.00	Ring, engagement (personal, female only)
	1	each	100.00	Ring, wedding (personal)
	1	each		Roller cap, clear only (female only) (canteen)
	1	set		Scrabble (canteen order)
	2	each		Shampoo (canteen)
	1	each		Shaving cream (canteen)
	1	each		Shaving powder (canteen)
	1	pair		Shoe laces (canteen)
	1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
	2	each		Soap, bath (state issue or canteen)
	1	each		Soap dish (canteen)
	1	each		Soap, laundry (female only) (canteen)
	*			Special needs – *special devices as approved for compliance with medical needs
	1	each		Spoon, plastic (canteen)
	40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
	1	each		Sunglasses, no mirror type (canteen)
	1	each		Sunscreen lotion (canteen)
	1	each		Talcum powder (canteen)
	1	each		Toothbrush (state issue or canteen)
	1	each		Toothbrush holder (canteen)
	2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
	2	each		Towels (state issue)
	1	each		Wallet (canteen)
	1	each	50.00	Watch (personal or canteen)
	1	each		Watch band (nylon and Velcro only) (canteen)
	2	each		Washcloths (state issue or canteen)

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:                    RULE TITLES:  
 33-602.220                    Administrative Confinement  
 33-602.221                    Protective Management  
 33-602.222                    Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to specify that an inmate in administrative confinement may possess religious items pursuant to Rule 33-602.201, F.A.C., to clarify visiting procedures for inmates in Administrative Confinement, to clarify the visiting procedure for inmates in Protective Management, and to specify that an inmate in Disciplinary Confinement may possess religious items pursuant to Rule 33-602.201, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Security Operations.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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:

33-602.220 Administrative Confinement.

(1) through (4) No change.

(5) Conditions and Privileges.

(a) through (b) No change.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The original will be placed in the inmate’s property file and a copy of the form will be given to the inmate. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates shall be allowed to possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. All property retained by the inmate must fit into the storage area provided.

(d) through (h) No change.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the ~~ICT or~~ warden or designee. The warden or designee shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all of the criteria set forth in subsection (2) of Rule 33-601.735, F.A.C. ~~The warden or his or her designee must approve all visits in advance.~~

(j) through (q) No change.

(6) through (11) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History–New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09,\_\_\_\_\_.

33-602.221 Protective Management.

- (1) through (3) No change.
- (4) Conditions and Privileges.
- (a) through (h) No change.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. Visiting shall take place in a separate facility from the general population if a separate facility is available. If a separate facility is not available, the warden or duty warden A ~~visiting time for protective management inmates shall schedule visiting be set aside in the visiting park~~ either before or after visiting hours for general population inmates, ~~during visiting hours if separate facilities for visitation are available,~~ or on different days from the general population. Visiting shall be limited by the warden or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or ~~his or her~~ designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C.

- (j) through (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09,\_\_\_\_\_.

33-602.222 Disciplinary Confinement.

- (1) through (3) No change.
- (4) Conditions and Privileges.
- (a) through (b) No change.

(c) Personal Property. Inmates in confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless there is an indication of a security problem. Inmates in disciplinary confinement may also possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. If removal of any item in the inmate’s possession is determined necessary, the correctional staff shall document their actions on the Form DC6-229, Daily Record of Special Housing, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for her or his confiscated items by completing the Inmate Impounded Personal Property List, Form DC6-220. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates in disciplinary confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol.

- (d) through (14) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: The rulemaking is intended to add reporting forms to the list of District forms that will be used in related rulemaking. Simultaneously with this rulemaking the District is amending Chapter 40D-2, Water Use Permits, F.A.C., to include additional conservation standards and reporting for water use permittees and applicants.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District’s list of forms. The three forms being added to the list are to be used by Public Supply permittees to report information required, or proposed to be required by Chapter 40D-2, Water Use Permits, F.A.C. Two of forms will be used by Public Supply permittees to annually report required water demand and water conservation information to the District. Those two forms are titled “Public Supply Annual Report For General And Individual Permits, Form No. LEG-R.023.00 (07/09)” and “Public Supply Annual Report For General Water Use Permits Less Than 100,000 Gpd, Form No. Leg-R.047.00 (09/09)”. Another form, titled “SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.026.00 (07/09)” will be used by Public Supply permittees to report the generation and distribution of reclaimed water.

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

LAW IMPLEMENTED: 373.044, 373.113, 373.149, 373.171, 373.337 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: Annette Zielinski, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-10.041	Water Reservation Areas: Lower West Coast Planning Area
40E-10.051	Water Reservation Areas: Kissimmee Planning Area

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

**SUBJECT AREA TO BE ADDRESSED:** Water reservation for the North Fork of the St. Lucie River in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife. **NOTE:** The draft rule text is available on the District’s website at [www.sfwmd.gov](http://www.sfwmd.gov) and click on “Water Reservations” at bottom of page.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6544, email: [sburns@sfwmd.gov](mailto:sburns@sfwmd.gov) or Beth Lewis, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6343 or (561)682-6343, email: [belewis@sfwmd.gov](mailto:belewis@sfwmd.gov) or Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6536 or (561)682-6536, email: [bmills@sfwmd.gov](mailto:bmills@sfwmd.gov). For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.0095	Personnel
59A-8.0185	Personnel Policies

**PURPOSE AND EFFECT:** The purpose of this rule development is to prepare the rules required in Section 400.497(5) and (6), F.S., on the oversight of the director of nursing required and the use of an unannounced licensure survey related to a licensure application for a change of ownership; to prepare rules on the submission of the quarterly report required in Section 400.474(6)(f), F.S.; to update the health statement required of personnel; to update the statutory references in the rule and forms referenced in the rule to conform to current statutes, and remove items that are now in statutes.

**SUBJECT AREA TO BE ADDRESSED:** Oversight by the director of nursing, change of ownership license, submission of the quarterly report, and updating the rule to conform to current statutes.

**RULEMAKING AUTHORITY:** 400.497 FS.

**LAW IMPLEMENTED:** 400.497, 400.474(6)(f) FS.

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

**DATE AND TIME:** Thursday, November 12, 2009, 1:00 p.m. – 4:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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 3 days before the workshop/meeting by contacting: Anne Menard (850)414-6010. If you are 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:** Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, [HQAHOMEHEALTH@ahca.myflorida.com](mailto:HQAHOMEHEALTH@ahca.myflorida.com) or (850)414-6010

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**

**RULE NO.:**                    **RULE TITLE:**  
 61-19.009                    Fines  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendment removes reference to the biennial license fee and adds a minimum and maximum fine amount.  
**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is fines.  
**RULEMAKING AUTHORITY:** 455.225(3), 468.402(3) FS.  
**LAW IMPLEMENTED:** 455.225(3), 468.402, 468.407(2), 468.413(4) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Anthony B. Spivey, Executive Director, Office of Talent Agencies, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012. If you are 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: Anthony B. Spivey, Executive Director, Office of Talent Agencies, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012

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**

**Pilotage Rate Review Board**

**RULE NOS.:**                    **RULE TITLES:**  
 61E13-2.001                    Definitions  
 61E13-2.004                    Initiation of Rate Change  
 61E13-2.005                    Contents of Application by a Pilot  
 61E13-2.006                    Contents of Application by Persons  
    Other Than a Pilot  
 61E13-2.007                    Processing of Application  
 61E13-2.009                    Effective Date of Orders

61E13-2.010                    Notice of Intended Agency Action  
 61E13-2.011                    Request for Hearing Pursuant to the Administrative Procedure Act  
 61E13-2.012                    Determination of Disputed Issues of Material Fact; Formal or Informal Hearings

**PURPOSE AND EFFECT:** The Board intends to review its rules to determine whether any changes to these rules are necessary.

**SUBJECT AREA TO BE ADDRESSED:** Review of rules to determine whether changes are necessary.

**RULEMAKING AUTHORITY:** 310.151(1)(c) FS.

**LAW IMPLEMENTED:** 120.57, 310.151 FS.

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

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

**PLACE:** Hutchinson Island Marriott Beach Resort & Marina, 555 N.E. Ocean Boulevard, Stuart, Florida 34996

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Pilot Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

**RULE NO.:**                    **RULE TITLE:**  
 64B3-5.007                    Director; Limitations and Qualifications

**PURPOSE AND EFFECT:** The Board proposes to review the existing language in the rule to determine whether changes are necessary and to add a certification to serology/immunology.

**SUBJECT AREA TO BE ADDRESSED:** Director; Limitations and Qualifications.

**RULEMAKING AUTHORITY:** 483.805(4) FS.

**LAW IMPLEMENTED:** 381.0034(3), 483.800, 483.809, 483.823(1), 483.824 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-10.005  
 RULE TITLE: Scope of Practice Relative to Specialty of Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the scope of the specialty of histocompatibility.

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-25.001  
 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: To allow the examination to be offered in Spanish; and to update the application.

SUBJECT AREA TO BE ADDRESSED: Spanish language examination and changes to the application.

RULEMAKING AUTHORITY: 456.013(5) (7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 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: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-25.004  
 RULE TITLE: Endorsements

PURPOSE AND EFFECT: To update the application questions.

SUBJECT AREA TO BE ADDRESSED: Applicant history questions.

RULEMAKING AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 456.0635, 480.041(4)(c) 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: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-26.002  
 RULE TITLE: Licensure of Massage Establishments

PURPOSE AND EFFECT: To update the application questions.

SUBJECT AREA TO BE ADDRESSED: Applicant history questions.

RULEMAKING AUTHORITY: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 456.0635, 480.043(1), (2), 483.043(7) 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: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-30.004      RULE TITLE: Citations

PURPOSE AND EFFECT: To make the timeframes for compliance with citations consistent.

SUBJECT AREA TO BE ADDRESSED: Timeframes for compliance with citations.

RULEMAKING AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 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: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.003      RULE TITLE: Standards of Practice; Discipline

PURPOSE AND EFFECT: The purpose of this rule amendment is to bring the rule into compliance with new requirements of Florida law.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.

RULEMAKING AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 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: Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-13.001      RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language including clarifying the definition of prevention of medical errors course.

SUBJECT AREA TO BE ADDRESSED: Continuing education for biennial renewal.

RULEMAKING AUTHORITY: 495.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.002      RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify violations and penalties.

SUBJECT AREA TO BE ADDRESSED: Violations and penalties.

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.007  
 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify rule language to clarify citation fines and penalties.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.073, 456.077 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-3.001	Licensure as a Physical Therapist by Examination
64B17-3.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: To update the application for licensure, to delete outdated provisions and to make the rule consistent with the statutory requirements; to move the special testing accommodations questions to another part of the application; and to update the licensure application.

SUBJECT AREA TO BE ADDRESSED: Updating the licensure application; moving special testing accommodations questions; and statutory compliance with new licensure restrictions.

RULEMAKING AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-4.001	Licensure as a Physical Therapist Assistant by Examination
64B17-4.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-4.003	Licensure by Endorsement

PURPOSE AND EFFECT: To update the licensure application; to move the special testing accommodations questions to another part of the application; and to update the licensure application.

SUBJECT AREA TO BE ADDRESSED: Statutory compliance with new licensure restrictions; and moving special testing accommodations questions.

RULEMAKING AUTHORITY: 456.017(1)(b), 486.025, 486.102, 486.104, 486.107(1) FS.

LAW IMPLEMENTED: 456.017, 486.102(2), 486.104, 486.107(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan

Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-7.001	Disciplinary Guidelines
64B17-7.0027	Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: To review and adjust the current guidelines and to create guidelines for new statutory violations; and to move the special testing accommodations questions to another part of the application.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; and special testing accommodations questions.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:	RULE TITLE:
64B17-9.001	Continuing Education

PURPOSE AND EFFECT: To move the special testing accommodations questions to another part of the application; and to provide a standard for the amount of credit an individual may apply towards Continuing Education Credit for completion of graduate level courses.

SUBJECT AREA TO BE ADDRESSED: Special testing accommodations questions; and creation of standards for approval of graduate course credit for continuing education.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.:	RULE TITLE:
64B18-11.001	Application for Licensure

PURPOSE AND EFFECT: The Board proposes to revise the application for licensure to incorporate new statutory requirements imposed by Section 456.0635, F.S.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure.

RULEMAKING AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.0635, 461.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.:	RULE TITLE:
64B24-8.002	Disciplinary Action and Guidelines

PURPOSE AND EFFECT: To add penalty guidelines for explicit new violations for which a practitioner may be disciplined.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Action and Guidelines.

RULEMAKING AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.079, 467.203 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: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:                   RULE TITLES:  
64E-14.003                   Construction Procedures, Variances  
64E-14.005                   Application and Variance Fees

PURPOSE AND EFFECT: Section 154.06, Florida Statutes, requires the department to adopt by rule a uniform statewide fee schedule for regulatory activities performed through the environmental health program. The purpose of this proposed rule is to adopt a fee schedule to help recover the costs of providing environmental health services in the migrant labor camp program. The effect is that a uniform statewide fee schedule would be created for regulatory activities performed in this program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will address fees for services provided, such as inspections, re-inspections, plan reviews, and construction site evaluations.

RULEMAKING AUTHORITY: 154.06, 381.006, 381.006(5), 381.0086 FS.

LAW IMPLEMENTED: 154.06, 381.0083, 381.0084, 381.0086 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: Sharon Saultter, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399, (850)245-4277

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE NOS.:                   RULE TITLES:  
66B-1.003                   Definitions  
66B-1.008                   Project Eligibility  
66B-1.013                   Acknowledgement

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Ensure consistency with the rule and Chapter 374, F.S.; and clarify the rule provisions for project maintenance, and establish specific provisions for the required acknowledgement sign.

The effect of the rule development is to implement changes in the administration of the District's Assistance Program that will aid the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Project Eligibility, and Acknowledgment.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: October 27, 2009, 11:00 a.m.

PLACE: The District Office, 1314 Marcinski Road, Jupiter, 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: Mark Crosley, (561)627-3386. If you are 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: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone (561)627-3386

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE NOS.:                   RULE TITLES:  
66B-2.004                   Policy  
66B-2.008                   Project Eligibility  
66B-2.013                   Acknowledgement

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Ensure consistency with the rule and Chapter 374, F.S.; and include a section on Environmental Education Facilities & Programs; clarify the rule provisions for project maintenance and establish specific provisions for the required acknowledgement sign.

The effect of the rule development is to implement changes in the administration of the District's Assistance Programs that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Policy, Project Eligibility and Acknowledgement.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: October 27, 2009, 11:00 a.m.

PLACE: The FIND District Office, 1314 Marcinski Road, Jupiter, 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: Mark Crosley, (561)627-3386. If you are 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: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone (561)627-3386

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.: 69B-211.320  
RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: Rule 69B-211.320, F.A.C., establishes curriculum standards for designations identified by Section 626.221(2)(k), F.S. as exempting a license applicant from the requirement of an examination. This proposed amendment is to include the designation Certified Adjuster

(CA) from ALL LINES Training to the list of designations for which curriculum standards are established. This conforms the rule to the existing statute.

SUBJECT AREA TO BE ADDRESSED: The workshop shall address the inclusion of Certified Adjuster (CA) from ALL LINES Training to the list of credentials for which the curriculum standards are provided.

RULEMAKING AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

DATE AND TIME: Monday, November 2, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Leslie Kitterman, (850)413-5472. If you are 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: Hannah Tucker, Financial Administrator, (850)413-2813 or Leslie Kitterman, Insurance Administrator, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5472

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.: 69J-9.001  
RULE TITLE: Database of Information Relating to Sinkholes

PURPOSE AND EFFECT: Section 627.7065(2), F.S., requires the Department of Financial Services ("DFS") to consult with the Florida Geological Survey ("FGS") and the Department of Environmental Protection ("DEP") to implement a statewide electronic database of sinkholes and related activity identified in the state. Pursuant to Section 627.7065(3), F.S., the content of the database may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report the receipt of claims involving sinkhole loss and other similar activities. The DFS may require insurers to report present and past data of sinkhole

claims. The database may also include information of damage due to ground settling and other subsidence activity. The DFS consulted with the FGS and the DEP to determine the form and content of the database which is set forth in the proposed rule.

**SUBJECT AREA TO BE ADDRESSED:** The creation of a complete electronic database of sinkhole activity in the State of Florida.

**RULEMAKING AUTHORITY:** 624.308(1), 627.7065(6) FS.

**LAW IMPLEMENTED:** 627.706, 627.7065 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:** November 4, 2009, 2:00 p.m.

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, 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 5 days before the workshop/meeting by contacting: Greg Thomas at (850)413-5768 or Greg.Thomas@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Greg Thomas, Chief, Bureau of Education, Advocacy & Research, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)413-5768

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE OR ON THE DEPARTMENT'S WEBSITE AT:** <http://www.myfloridacfo.com/LegalServices/RuleHearing/>

**PURPOSE AND EFFECT:** Incorporates into the existing rules a new category of Motor Vehicle Service Agreement Companies: "Motor Vehicle Manufacturers."

**SUBJECT AREA TO BE ADDRESSED:** Motor Vehicle Service Agreement Companies.

**RULEMAKING AUTHORITY:** 634.021, 634.031, 634.041, 634.121, 634.1213, 634.1216, 634.061, 634.252 FS.

**LAW IMPLEMENTED:** 634.041(12), 637.137(6) 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:** November 10, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Amy Groszos, Office of Insurance Regulation, E-mail Amy.Groszos@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:** Amy Groszos, Office of Insurance Regulation, E-mail Amy.Groszos@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

### FINANCIAL SERVICES COMMISSION

#### OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-200.004	Qualification to Obtain and Hold a License
69O-200.005	Use of the Statutory Deposit
69O-200.006	Contractual Liability Insurers
69O-200.009	Form Filings
69O-200.011	Disapproval of Forms
69O-200.013	Rate Filings
69O-200.014	Exemption From Financial Examination
69O-200.015	Forms Incorporated by Reference
69O-200.016	New Car Motor Vehicle Service Agreements Issued on Used Cars

### DEPARTMENT OF STATE

#### Division of Corporations

RULE NOS.:	RULE TITLES:
1N-5.001	Definitions
1N-5.002	Notary's Electronic Signature

**PURPOSE AND EFFECT:** In 2007 the Legislature initiated electronic notarization in Florida by enacting Chapter 2007-257, Laws of Florida. This was codified as Section 117.021, Florida Statutes. Subsection (5) of this section authorizes the Department of State to adopt rules to insure security, reliability, and uniformity of signatures and seals to be utilized in the electronic notarization process. This rule establishes the manner in which a signature and a seal must be electronically affixed and the assurance level of security needed to insure reliability and uniformity. The law and the rule do not assign any regulatory responsibilities on the

Department. The rule establishes a mechanism by which a duly commissioned notary public is enabled to notarize documents electronically in a secure, reliable, and uniform manner.

SUMMARY: Provides definitions, security measures and procedures.

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: 117.021(5) FS.

LAW IMPLEMENTED: 117.021 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Jay Kassees, 500 S. Bronough Street, Tallahassee, FL 32399-0250, (850)245-6000. If you are 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: Jay Kassees 500 S. Bronough Street, Tallahassee, FL 32399-0250, (850)245-6000

THE FULL TEXT OF THE PROPOSED RULE IS:

ELECTRONIC NOTARIZATION

1N-5.001 Definitions.

(1) “Capable of independent verification” means any interested person may reasonably determine the notary’s identity, the notary’s relevant authority and that the electronic signature is the act of the particular notary identified by the signature.

(2) “Electronic document” means information that is created, generated, sent, communicated, received, or stored by electronic means.

(3) “Electronic notarization” and “electronic notarial act” means an official act authorized under Section 117.021(1), F.S. using electronic documents and electronic signatures.

(4) “Electronic Notary System” means a set of applications, programs, hardware, software, or technology designed to enable a notary to perform electronic notarizations.

(5) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document or record.

(6) “Attached to or logically associated with” means the notary’s electronic signature is securely bound to the electronic document in such a manner as to make it impracticable to falsify or alter, without detection, either the signature or the document.

(7) “Unique to the notary public” means the notary’s electronic signature is attributable solely to the notary public to the exclusion of all other persons.

(8) “Retained under the notary public’s sole control” means accessible by and attributable solely to the notary to the exclusion of all other persons and entities, either through being in the direct physical custody of the notary or through being secured with one or more biometric, password, token, or other authentication technologies in an electronic notarization system that meets the performance requirements of Sections 117.021(2) and (3), F.S.

(9) “Public key certificate” means a computer-based record that:

- (a) Identifies the certification authority issuing it;
- (b) Names or identifies its subscriber;
- (c) Contains the subscriber’s public key; and
- (d) Is digitally signed by the certification authority issuing it.

Rulemaking Authority 117.021(5) FS. Law Implemented 117.021 FS. History–New \_\_\_\_\_.

1N-5.002 Notary’s Electronic Signature.

(1) In performing an electronic notarial act, a notary shall execute an electronic signature in a manner that attributes such signature to the notary public identified on the official commission.

(2) A notary shall take reasonable steps to ensure the security, reliability and uniformity of electronic notarizations, including, but not limited to, the use of an authentication procedure such as a password, token, card or biometric to protect access to the notary’s electronic signature or the means for affixing the signature.

(3) The notary’s electronic signature and seal information may be affixed by means of a public key certificate.

(4) The notary’s electronic signature and seal information may be affixed by means of an electronic notary system.

(5) Any public key certificate or electronic notary system that is used to affix the Notary’s electronic signature and seal information shall be issued at the third or higher level of assurance as defined by the U. S. National Institute of Standards and Technology Special Publication 800-63 (NIST800-63) which may be accessed at the following URL: [http://csrc.nist.gov/publications/nistpubs/800-63/SP800-63V1\\_0\\_2.pdf](http://csrc.nist.gov/publications/nistpubs/800-63/SP800-63V1_0_2.pdf).

Rulemaking Authority 117.021(5) FS. Law Implemented 117.021 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jay Kassees  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Secretary Kurt S. Browning  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 30, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 14, 2009

## DEPARTMENT OF STATE

### Division of Elections

RULE NO.: 1S-2.043  
RULE TITLE: Electronic File Reporting Relating to  
Absentee Ballot Requests  
Information, Voting Activity, and  
Election Results

PURPOSE AND EFFECT: The primary purpose of the proposed rule is to codify current practices and procedures that have arisen out of implementing state law requirements of certain voting and elections related data. The collection, reporting and public availability of the data are mandated by provisions by provisions adopted in 2005 (Ch. 2005-277 and 2005-278, Laws of Florida), in 2007 (Ch. 2007-30, Laws of Florida), and in 2008 (Ch. 2008-95, Laws of Florida) and involve primarily data collected, compiled and transmitted by the Supervisors of Elections to the Division of Elections. The proposed rule establishes uniform file format specifications, timelines for collection and transfer of data, and other content requirements for compilation, transmission and reporting or availability of absentee ballot request information, early voting activity, precinct-level election results, official results export data, and voting history activity. The proposed rule incorporates only one form by reference (DS-DE #70) which is an application form that must be completed only by statutorily authorized persons or entities who want to obtain otherwise publicly exempt voter absentee ballot request information.

SUMMARY: The proposed rule establishes procedures and deadlines for the electronic format, collection, transfer and reporting of data relating to election results, voter activity and voting history.

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: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657, 102.141, FS.

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

DATE AND TIME: November 9, 2009, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Amber Barrett, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224; anbarrett@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are 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: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6536; e-mail: mimatthews@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.043 Electronic Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results.

(1) General applicable provisions. This rule establishes file format specifications, timelines and other content requirements for the electronic compilation, transmission and reporting of absentee ballot request information, early voting activity, precinct-level election results, official results export data, and voting history activity. The Supervisors of Elections shall ensure that the files required under this rule transmit successfully and timely to the Division of Elections.

(2) Definitions. For purposes of this rule:

(a) "FVRS" refers to the Florida Voter Registration System.

(b) "Supervisor" refers to the county Supervisor of Elections.

(c) "Division" refers to the Division of Elections.

(d) "Election", except as otherwise expressly stated, means primary and general elections (held in even-numbered years), presidential preference primary elections, and special elections held pursuant to Section 100.101, F.S. This rule does not apply for municipal, local referendum, special district, or independent district elections.

(3) Absentee ballot request information files.

(a) Compilation. For each election as defined in subsection (2), the Supervisor shall compile daily an electronic file that contains information related to receiving and processing

absentee ballot requests. Each day's file shall be a complete replacement of the previous day's file. The Supervisor shall create a separate file for each election.

(b) File Transmission. The Supervisor shall transmit to the Division the electronic file compiled under paragraph (a) no later than noon Eastern Standard Time of the day after the day being reported. The file shall be sent daily beginning the first day absentee ballots are mailed in that county for the upcoming election or 35 days before a primary election or 45 days before a general election, whichever is earlier. The last file shall be sent 10 day after the election. The daily file shall be sent even if there is no new information to report. The file shall be in the format specified in paragraph (c).

(c) File specifications.

1. Each file shall be created or converted into a tab-delimited text file.

2. Quotes shall not be used to enclose alphanumeric data.

3. For each record of a registered voter, the address included shall be the address to which the voter has requested the ballot to be delivered. However, if the requested mailing address is the same as the residential address, such addresses and the precinct location must be redacted in the file for those registered voters whose addresses are protected from public disclosure as requested under Section 119.071(4)(d), F.S.

4. Each record in the file must contain the following information in the specified format:

**Table 1**  
**Absentee Ballot Request Information File Layout**

<u>Data Element Name</u>		<u>TranRead</u>	<u>Data Format Rules</u>
<u>RecordType</u>	<u>AbStat</u>	Y	"AbStat"
<u>CountyId</u>	<u>County providing summary</u>		Char(3) <u>Use FVRS county codes</u>
<u>FVRSVoterIdNumber</u>	<u>FVRS Voter Id Number</u>	Y	Numeric (10)
<u>FVRSElectionNumber</u>	<u>FVRS Election identifier</u>	Y	Numeric (10)
<u>ElectionDate</u>	<u>Date of the election</u>	Y	MM/DD/YYYY
<u>ElectionName</u>	<u>Name of Election</u>	Y	Char(35)
<u>LastAbsRecordChangeDate</u>	<u>Date the absentee summary record was last updated</u>	Y	MM/DD/YYYY
<u>AbsenteeRequestStatus</u>		Y	Char(1) C: Cancelled E: Voter Error M: Mailed R: Requested U: Returned Undeliverable V: Voted
<u>AbsReqDate</u>		Y	MM/DD/YYYY
<u>AbsDeliveryDate</u>			MM/DD/YYYY
<u>AbsReturnDate</u>			MM/DD/YYYY
<u>AbsReqCanceledDate</u>			MM/DD/YYYY
<u>AbsMilitary</u>			Char(1) Y, N
<u>AbsOverseasFlag</u>			Char(1) Y, N
<u>AbsMilitaryDependent</u>			Char(1) Y, N
<u>Precinct</u>			Char (6)
<u>AbsParty</u>			Char (3)
<u>VoterName</u>			Char (99)
<u>AbsReqMailingAddressLine1</u>			Char (40)
<u>AbsReqMailingAddressLine2</u>			Char (40)
<u>AbsReqMailingAddressLine3</u>			Char (40)
<u>AbsReqMailingAddressCity</u>			Char (40)
<u>AbsReqMailingAddressState</u>			Char (2)
<u>AbsReqMailingAddressZip</u>			Char (15)
<u>AbsReqMailingAddressCountry</u>			Char (40)

(d) Public access.

1. Persons or entities authorized under Section 101.62, F.S., may access absentee ballot request information from the Supervisor pursuant to his or her established procedures or from the Division as specified in subparagraph 2.

2. The Division shall post on its website (<http://election.dos.state.fl.us>) links to the daily county files of absentee ballot request information as directly received from the Supervisor. In order to access this information, a person or entity authorized under Section 101.62, F.S., must first submit form DS DE #70, entitled "Access Application for Absentee Ballot Request Information" (eff. / / ). The Division shall then assign a username and password. Authorization for access is only valid for one general election cycle. All passwords for access expire at the end of the calendar year in which requested and the request for access must be renewed annually. Form DS DE #70 is incorporated by reference and is available by contacting the Florida Department of State, Division of Elections, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6200, or by access to the Division website at: <http://election.dos.state.fl.us>.

3. An individual voter requesting access to his or her personal absentee ballot request information must obtain such information directly from the Supervisor of his or her county of residence.

(4) Early voting history files.

(a) Compilation. For each election as defined in subsection (2), the Supervisor shall compile electronic files that contain early voting activity as follows:

1. Early voting summary file. This file shall contain, in accordance with the specifications in paragraph (c), early voting summary information that consists of the total number of voters casting a ballot at each early voting location processed up to the close of business for each day. The file shall also include a complete status summary from the point of the file creation to the close of the business for the day being reported.

2. Early voting voters list file. This file shall contain in accordance with specifications in paragraph (c), a list of the individual voters who cast a ballot during the early voting period for the election up through the last day being reported.

(b) File transmission. The Supervisor shall transmit to the Division the electronic files in paragraph (a) no later than noon Eastern Standard Time of the day after the day that is being reported. The files shall be sent daily even if there is no new information or activity to report. The first file transmission shall occur the day after the early voting period begins and the last file transmission shall occur the day after the early voting period ends for that respective election in that county.

(c) File specifications.

1. Early voting summary file:

a. Each file shall be created or converted into a tab-delimited text file.

b. Alphanumeric data shall not be enclosed in quotes.

c. The file shall contain a record for location and date for which votes were cast early for a given election.

d. Each record in the file must contain the following information in the specified format:

<i>Data Element Name</i>		<i>TranRead</i>	<i>Data Format Rules</i>
RecordType	Etots	Y	"Etots"
CountyId	County providing summary		Char(3) Use FVRS county codes
FVRSElectionNumber	FVRS Election identifier	Y	Numeric
ElectionDate	Date of the election	Y	MM/DD/YYYY
ElectionName	Name of Election	Y	Char(35)
Location	Location of early voting	Y	Char(35)
DateOfSummary		Y	MM/DD/YYYY
TotalEarlyVotes		Y	Numeric

2. Early voting voters list file:

a. The file shall be created or converted into in a tab-delimited text file format.

b. Alphanumeric data shall not be enclosed in quotes.

c. Each record in the file must contain the following information in the specified format for each voter who is recorded as having voted early by the time the file is prepared:

<i>Data Element Name</i>		<i>TranReqd</i>	<i>Data Format Rules</i>
RecordType	EVtrs	Y	“EVtrs”
CountyId	County providing summary		Char(3) Use FVRS county codes
FvrsElectionNumber	Fvrs Election identifier	Y	Numeric
ElectionDate	Date of the Election	Y	MM/DD/YYYY
ElectionName	Name of Election	Y	Char(35)
FvrsVoterIdNumber		Y	Numeric
VoterName		Y	Char(60)
EVPrecinct			Char(6)
EVParty			Char (3)
Location	Location of Early Voting	Y	Char(35)
DateofEarlyVote	Date voter cast ballot	Y	MM/DD/YYYY

(d) Public access. In addition to these files being made available to the public by the Supervisor pursuant to Section 101.62, F.S., the Division shall post to its (<http://election.dos.state.fl.us>) a public access link on its website to these files as directly received from the Supervisors.

(5) Official results database export files. For each election as defined in subsection (2), the Supervisor shall:

(a) Use the file export function to create a file that includes the official results from the database of the county’s voting system used in the election.

(b) File with the Florida Department of State’s Division of Elections’ a copy of the official results export file for the applicable election by transmitting the file at the same time that the official results of the election are certified.

(6) Precinct-level election results reports.

(a) Compilation. After each presidential preference primary election, special election and general election only, the Supervisor shall aggregate and record for each precinct the total number of ballots cast by all voters voting in the election. The Supervisor shall compile separately within those reports

the precinct-level election results for the primary or special primary election preceding the general or special election, as applicable.

(b) Transmission. The Supervisor shall submit electronically precinct-level election results, including summary results to the Division no later than noon Eastern Standard Time of the 45th day after the applicable election cycle.

(c) File specifications. The files containing the precinct-level election results shall be created in accordance with the applicable file specifications for either of the following two methodologies:

1. Manual method.

a. The precinct level results file shall be created or converted into a tab-delimited text file.

b. Alphanumeric data shall not be enclosed in quotes.

c. The row immediately before the first data record shall contain the column names of the data elements that make up the data records. There should be one header-record followed by multiple data records.

<i>Data Element Name</i>		<i>Data Format Rules</i>
County Name	County providing summary	Char(3)
Election Number	Election identifier	Numeric
Election Date	Date of the election	MM/DD/YYYY
Election Name	Name of Election	Char(35)
Record header	Column names	Tab-delimited

d. Each data record in the file must contain the following information in the specified format.

<u>Data Element Name</u>		<u>Data Format Rules</u>
<u>Precinct Code</u>	<u>County precinct identifier</u>	<u>Char (6)</u>
<u>Precinct Location</u>	<u>Precinct location name</u>	<u>Alphanumeric</u>
<u>Contest Name</u>	<u>Contest title</u>	<u>Numeric</u>
<u>Candidate/Retention/Issue Name</u>	<u>Candidate name/retention or issue identifier for approval or rejection</u>	<u>Char (35)</u>
<u>Candidate Party</u>	<u>Major, Minor or No Party Affiliation</u>	<u>Char (3)</u>
<u>Undervote Total</u>	<u>Undervote total</u>	<u>Numeric</u>
<u>Overvote Total</u>	<u>Overvote total</u>	<u>Numeric</u>
<u>Write-in Total</u>	<u>Write-in total</u>	<u>Numeric</u>
<u>Vote Total</u>	<u>Vote total</u>	<u>Numeric</u>

2. File export method. In accordance with the specifications for the applicable voting system, the precinct-level election results created by the file export function shall include precinct-level election results from the voting system database used in the election.

(7) Voting history activity reports.

(a) Compilation. After a general election only, each Supervisor shall compile an electronic file that includes voting history activity information on each of the individual voters who were qualified to vote for the primary or the general election, and who cast a ballot in the primary or general election.

(b) Transmission. The Supervisor shall transmit electronically to the Division complete voting history no later than 45 days after the general election. The files shall be transmitted to the specified voting history subdirectory under each county’s existing transfer directory using secure file transfer protocol (SFTP).

(c) File specifications.

1. The file shall contain records for only one county for each election.

2. The file shall contain records for all qualified voters who: voted at a precinct location, voted during the early voting period, voted by absentee ballot, attempted to vote by absentee ballot but the ballot was not counted or attempted to vote by

provisional ballot but the ballot was not counted in that election for that county regardless of the voter’s county of residence or active or inactive registration status at the time the file is created.

3. Each file shall be created or converted into a tab-delimited format.

4. File names shall adhere to the following convention:

a. Three character county identifier followed by underscore.

b. Followed by four character file type identifier of ‘VH03’ followed by an underscore.

c. Followed by FVRS election ID followed by an underscore.

d. Followed by Date Created followed by an underscore.

e. Date format is MMDDYYYY.

f. Followed by Time Created – HHMMSS.

g. Followed by ‘.txt’.

5. Numeric data and date information shall be provided as specified in subparagraph 11.

6. Alphanumeric data shall not be enclosed in quotes.

7. The file shall contain a header record as the first row in the file as follows:

<u>Field Position</u>	<u>Field</u>	<u>Type</u>	<u>Length</u>	<u>Required</u>	<u>Format</u>	<u>Comment</u>
1	<u>File Indicator</u>	<u>varchar2</u>	<u>2</u>	<u>Y</u>	<u>VH</u>	<u>Specifies the file type</u>
2	<u>County ID</u>	<u>varchar2</u>	<u>3</u>	<u>Y</u>		<u>Identifies the source of the input data.</u>
4	<u>File Creation Timestamp</u>	<u>varchar2</u>	<u>19</u>	<u>Y</u>	<u>MM/DD/YYYY HH24:MM:SS</u>	<u>Timestamp for beginning of file creation process</u>

8. The file shall contain a footer record as the last row in the file as follows:

<u>Field Position</u>	<u>Field</u>	<u>Type</u>	<u>Length</u>	<u>Required</u>	<u>Format</u>	<u>Comment</u>
<u>1</u>	<u>Transaction Code</u>	<u>varchar2</u>	<u>4</u>	<u>Y</u>	<u>'TRALR'</u>	<u>Specifies the data layout for the current line</u>
<u>3</u>	<u>Record Count</u>	<u>integer</u>	<u>8</u>	<u>Y</u>	<u>99999999</u>	<u>Number of voting history records contained within the file.</u>

9. Each record in the file must contain the following information, in the specified format, for each voter who qualified to vote in the presidential preference primary, the primary election or the general election:

	<u>Field Name</u>	<u>Max Length</u>	<u>Valid Codes/ Format</u>	<u>Description</u>
<u>1</u>	<u>Record Identifier</u>	<u>4</u>	<u>'VH03'</u>	
<u>2</u>	<u>FVRS Voter ID Number</u>	<u>10</u>	<u>Numeric</u>	
<u>3</u>	<u>FVRS Election ID Number</u>	<u>10</u>	<u>Numeric</u>	
<u>4</u>	<u>Vote Date</u>		<u>MM/DD/YYYY</u>	<u>Date vote was cast</u>
<u>5</u>	<u>Vote History Code</u>	<u>1</u>	<u>Y = Voted at the Polls</u> <u>A = Absentee Voted</u> <u>E = Voted Early</u> <u>B = Absentee Ballot Not Counted</u> <u>P = Provisional Ballot Not Counted</u>	<u>Provisional ballots cast that are subsequently counted as recorded as Y</u>
<u>6</u>	<u>Precinct</u>	<u>6</u>	<u>text</u>	
<u>7</u>	<u>Congressional District</u>	<u>3</u>	<u>999</u>	
<u>8</u>	<u>House District</u>	<u>3</u>	<u>999</u>	
<u>9</u>	<u>Senate District</u>	<u>3</u>	<u>999</u>	
<u>10</u>	<u>County Commission District</u>	<u>40</u>	<u>text</u>	
<u>11</u>	<u>School Board District</u>	<u>40</u>	<u>text</u>	

(d) Access. The Division shall post within 60 days a public access link to the legislative report on the Division's website at: <http://election.dos.state.fl.us>, that also includes the file layout and codes. Such report shall also be made available upon request.

Rulemaking Authority 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS. Law Implemented 98.0981, 101.62, 101.657, 102.141 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Donald L. Palmer, Director of the Division of Elections  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary of State Kurt S. Browning  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.0014  
RULE TITLE: Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUMMARY: The rule incorporates revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be

implemented by each school district and the Department of Education within the automated statewide comprehensive management information system. The rule contains the security, privacy and retention procedures to be used by the Department of Education for school district, student, staff and finance records collected and maintained at the state level.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will have an impact on small business.

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

**RULEMAKING AUTHORITY:** 120.536(1), 120.54, 1001.02(1), 1002.22(3)(a), 1008.385(3) FS.

**LAW IMPLEMENTED:** 1002.22, 1008.385(2), 1010.305 FS.

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

**DATE AND TIME:** November 11, 2009, 1:00 p.m.

**PLACE:** Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

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

6A-1.0014 Comprehensive Management Information System.

(1) Each school district and the Department shall develop and implement an automated information system component which shall be part of, and compatible with, the statewide comprehensive management information system. Each information system component shall contain automated student, staff and finance information systems and shall include procedures for the security, privacy and retention of automated records. The procedures for the security, privacy and retention of automated student records shall be in accordance with the requirements of 20 U.S.C. 1232g(b)(3), 34 C.F.R. Part 99 and Section 1002.22, F.S.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2009~~ ~~2008~~," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, ~~2009~~ ~~2008~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the

Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) If any portion of this rule and reference materials is adversely affected by the courts, the affected portion should be considered, repealed and the rule shall be repromulgated.

**Rulemaking Specific Authority** 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3, 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07, 3-24-08, 11-26-08,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Jeff Sellers, Deputy Commissioner, Accountability, Research, and Measurement.

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 30, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 21, 2009

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to adopt the updated application form, Form SES 100, Supplemental Educational Services Provider Application, for 2010 applicants. The effect is the adoption of the updated form for applicants seeking to provide Supplemental Educational Services during the 2010-2011 school year.

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

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

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

**RULEMAKING AUTHORITY:** 1008.331 FS.

**LAW IMPLEMENTED:** 1008.331 FS.

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

DATE AND TIME: November 11, 2009, 1:00 p.m.

PLACE: Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Purpose. This rule implements supplemental educational services in Title I schools as authorized by Section 1008.331, F.S.

(2) Definitions. For the purpose of this rule, the following definitions shall be used:

(a) “District/provider contract” means the agreement for the provision of supplemental educational services between each school district and each is required to enter into with state-approved supplemental educational services providers in the district for the provision of supplemental educational services.

(b) “Eligible school” is a Title I school that is in year one ~~two~~ or beyond of school improvement, corrective action, or restructuring.

(c) “Eligible student” means students from low-income families, as determined by the school district consistent with 20 U.S.C, Section 6316, who are attending a Title I funded school that is in year one ~~two~~ or beyond of school improvement, corrective action, or restructuring.

(d) “Hearing Officer” means an individual employed by the Department and appointed by the Commissioner of Education to hear disputes about the denial and removal of providers as well as the award of a service designation.

~~(e)(d)~~ “School district” for the purposes of this rule, refers to all local education agencies in the state of Florida.

~~(f)(e)~~ “State-approved supplemental educational services provider” means a provider that has been approved by the Florida Department of Education to provide supplemental educational services in one or more school districts.

~~(g)(f)~~ “Student learning plan” means the document plan developed in consultation with the parent, school district, and state-approved provider, which is designed to improve academic achievement of a child receiving supplemental educational services.

~~(h)(g)~~ “Supplemental educational services” means additional academic instruction, such as tutoring, remediation, and other supplemental academic enrichment services ~~or other educational interventions~~, that is provided by state-approved supplemental educational services providers outside of the

regular school day, on weekends, or in the summer, and that are designed to increase the academic achievement of students from low-income families who are attending Title I schools in their first ~~second~~ year of school improvement, corrective action, or restructuring.

(i) “Service designation” means a designation of excellent, satisfactory, or unsatisfactory assigned by the Department to each state-approved supplemental educational services provider. ~~“Increasing academic proficiency” means the provider has demonstrated increased academic proficiency as measured by sixty percent of students earning a minimum of one normal curve equivalency point learning gain in reading/language arts and seventy percent of students earning a minimum of one normal curve equivalency point learning gain in mathematics on assessments identified by the Department.~~

(3) Roles and Responsibilities.

(a) The Department shall:

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

2. Approve supplemental educational services providers based upon the application requirements set forth in Form SES 100, Supplemental Educational Services Provider Application 2010 ~~2009~~, which is hereby incorporated by reference to become effective upon the effective date of this rule. Form SES 100 may be obtained from the Florida Department of Education, Bureau of Student Assistance, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or on the Department’s webbiest at [www.fldoe.org/flbpo](http://www.fldoe.org/flbpo).

3. Maintain a list of state-approved providers.

(b) School districts providing supplemental educational services shall:

1. Identify eligible students and develop equitable procedures for prioritizing services if demand exceeds available funding.

2. Notify eligible families prior to and after the start of the school year regarding the availability of services and the process for obtaining supplemental educational services in an understandable and uniform format. This notice shall include:

a. Contact information for state-approved providers serving the school district, including providers that are able to serve students with disabilities or English Language Learners and accessible through technology, such as distance learning;

b. A description of services, tutor qualifications, and evidence of effectiveness as determined by the Department’s evaluation of academic proficiency of each provider;

c. A description of the procedures and timelines for selecting a provider and the commencement of services;

d. The enrollment form with clear instructions; ~~and~~

e. An offer to assist parents in choosing a provider; and

f. An explanation of the benefits of receiving SES.

3. Unless a waiver is granted by the State Board of Education, pursuant to Section 1008.331(3)(a), F.S., hold open student enrollment for supplemental educational services until the school district has obtained a written election to receive or reject services from the parents of at least a majority of eligible students or until the school district has expended all available funds.

4. Make available the supplemental educational services enrollment forms to the parents of eligible students and providers prior to and after the start of the school year.

5. Provide enrollment lists, parent contact information, and available student diagnostic data to supplemental educational services providers sufficiently in advance of October 15 so that eligible students may begin receiving supplemental educational services no later than October 15.

6. Enter into a district/provider contract with each approved supplemental educational services provider approved to serve the school district; the school district is responsible for ensuring services are consistent with the district/provider contract.

7. Notify the Department when a district/provider contract is terminated with cause due to a breach by the provider where the termination is based upon a failure to comply with or meet provider assurances set forth in SES Form 100. Notification shall occur within fifteen (15) days of the date of the termination of the contract. Notification shall include the name of the company or organization, the date the contract was terminated, the assurance the provider failed to comply with, and the factual basis which resulted in a breach of contract.

8. Develop in consultation with the parent and the provider a student learning plan. Enter into a student learning plan. The plan shall be consistent with the student's individual education plan, English language learner plan, or the plan developed under Section 504 of the Rehabilitation Act. The plan shall include the following:

a. A statement of specific achievement goals for the student; these goals shall be aligned with the Sunshine State Standards as approved by the State Board of Education;

b. An explanation of how the student's progress will be measured;

c. A timetable for improving achievement; and

d. An explanation describing how the student's parents and teacher(s) will be regularly informed of the student's progress.

~~9.8.~~ Reassign students to another provider for the remainder of the students funding allocation if the providers services do not begin by the timelines established in this rule, or if the providers district/provider contract is terminated, or if the provider is removed from the state-approved list.

10. Display on its Web site the following information:

a. Beginning with the data from the 2007-2008 school year, and for each subsequent school year, the number of students who were eligible for and the number of students who participated in SES; and

b. For the current year, a list of state-approved providers serving the school district and the locations where services are provided.

(c) State-approved supplemental educational services providers shall:

1. Be capable of delivering supplemental educational services in the school districts where approved by the Department.

2. Provide services that are secular, neutral, and non-ideological.

3. Provide services outside of the regular school day, such as before or after school, on weekends, or in the summer.

4. ~~Unless provided by the school district, Ceonduct a pre-assessment diagnostic assessments~~ to determine student's gaps in knowledge and skills prior to beginning services.

5. ~~Consult with the school district and Use the results of the diagnostic assessments, student academic performance information provided by the district, and input from the parents~~ to develop the student learning plan.

6. Provide educational services designed to enable the student to attain achievement goals specified on the student learning plan.

7. Measure the student's progress and regularly report progress to the student's parents and teachers.

8. Adhere to the timetable in the student learning plan for improving the student's achievement.

9. Provide services consistent with health, safety, and civil rights laws.

10. Abide by school district policies and procedures on criminal background checks and the provisions of Section 1012.465, F.S.

11. Refrain from altering, completing, or submitting enrollment forms on behalf of a parent.

12. Provide services to eligible students no later than October 15 of each school year contingent upon receipt of the district-approved student enrollment lists at least twenty (20) days prior to the start date. In the event that a contract with a state-approved provider is signed fewer than twenty (20) days prior to October 15, the provider shall have no fewer than twenty (20) days from the date the contract is executed to begin delivering services.

(4) Supplemental Educational Provider Approval.

(a) Application for approval by the Department for the provision of supplemental educational services shall be made on Form SES 100, Supplemental Educational Services Provider Application.

(b) Except for that portion of the application submitted in hard-copy as set forth in Form SES 100 documenting financial soundness and assurances, applications shall be submitted on-line at [www.fldoe.org/flbpo](http://www.fldoe.org/flbpo). The hard-copy financial soundness documentation and assurances of the application shall be delivered to the following address: Florida Department of Education, Bureau of Student Assistance ~~Public School Options~~, 325 West Gaines Street, Suite 348 346, Tallahassee, Florida 32399-0400.

(c) Applications submitted by means other than those set forth above and applications received after the deadline for submission, set forth in Form SES 100, regardless of the cause or nature of the delay, will not be accepted or considered for approval by the Department.

(d) Approval requires the timely submission of all documents and meeting the requirements set forth in Form SES 100.

(e) Approval shall be for one year. Approval is non-transferable and valid only for the person or entity named by the Department in its notice of approval.

(f) An applicant is ineligible to apply for approval to provide supplemental educational services for the next school year subsequent to any of the following:

1. Termination of a supplemental educational services contract with a school district with cause in fifty (50) percent or more of the districts served in the previous school year, where the termination is based upon the provider's failure to comply with, or meet, provider assurances set forth in SES Form 100; or

2. The award of an unsatisfactory service designation for two (2) consecutive years, beginning with the service designation awarded in the 2010-2011 school year.

(5) Monitoring of Supplemental Educational Services. The Department is authorized to conduct announced and unannounced site visits of school districts and of approved providers to monitor compliance with the approved application, district/provider contract, student learning plan, and requirements of this rule.

(a) Monitoring shall be in compliance with Education Department General Administrative Regulation 34CFR 80.40(a) and consistent with the authority for oversight in Section 1008.32, F.S.

(b) Each district and provider shall maintain documentation to verify compliance with the requirements of law and rules applicable to supplemental educational services and comply with the Department's monitoring procedures, including on-site and desktop monitoring and self-evaluations.

(c) The Department shall annually develop a report of the results of the monitoring reviews.

(6) Evaluation of Supplemental Educational Services: The Department shall evaluate and report the quality and effectiveness of supplemental educational services provided by each state-approved provider. The evaluation shall be

implemented pursuant to Section 1008.331(5), Florida Statutes will measure academic proficiency in reading/language arts and mathematics for all students participating in supplemental educational services.

(7) Complaint Process: The following process is established to allow for notification to the Department of a violation of the laws or rules related to supplemental educational services by providers or school districts.

(a) To initiate a complaint, a person must submit a written complaint to the Florida Department of Education using Form SES 200, Complaint Regarding Supplemental Educational Services, which is hereby incorporated by reference to become effective upon the effective date of this rule. This complaint form may be obtained by contacting the Florida Department of Education, Bureau of Student Assistance ~~Public School Options~~ at (850)245-0479, or 325 West Gaines Street, Suite 348 346, Tallahassee, Florida 32399-0400 or by downloading the form on the Department's web site at [www.fldoe.org/flbpo](http://www.fldoe.org/flbpo).

(b) Upon receipt of a complaint, the Department shall review for sufficiency and shall close the complaint where it does not allege a violation of the laws regarding supplemental educational providers. Where the complaint alleges a violation of the laws regarding supplemental education providers, the Department shall cause the complaint to be investigated. The provider and school district shall cooperate fully in the investigation.

(c) The Department shall review the investigation and provide notice of its intended action to the provider, specifying the nature of the action, such as dismissal of the complaint, request for corrective action, referral to the district, or removal from the approved provider list or enforcement under Section 1008.331, F.S. The notice shall state the grounds for the intended action. Nothing in this rule shall restrict the Department's authority to summarily suspend or remove a provider from the approved provider list where the Department finds that an immediate serious danger to the public health, safety, or welfare exists. Upon determination that there is a need for immediate action, the Commissioner or designee shall provide written notice of the immediate action.

(d) Unless the complaint is closed under the provisions of paragraph (7)(b) of this rule, or summary action is taken under the provisions of paragraph (7)(c) of this rule, the entity against whom a complaint has been made shall be provided notice of the complaint and the opportunity to respond prior to the Department's intended action.

(8) Removal from the State-Approved Supplemental Educational Services Provider List. A provider shall be removed from the approved list, and the provider and any related organizations shall be ineligible to re-apply during the following two-year period, following the process established in subsection (7) of this rule, for the following reasons:

(a) The failure to deliver services as provided in Section 1008.331(3)(b), F.S.;

(b) ~~The award of an unsatisfactory service designation~~ The failure to contribute to increasing the academic proficiency of students for two consecutive years, beginning with the service designation awarded in the 2010-2011 school year; or

(c) When the investigation reveals that a school district has been fraudulently invoiced; or

(d)~~(e)~~ When the Department determines that the matter is of such magnitude that it cannot be addressed by the school district through its enforcement mechanisms, the failure to comply with provider responsibilities and assurances, the failure to meet and maintain the eligibility application requirements found in Form SES 100, the Supplemental Educational Services Providers Request for Applications, and the failure to comply with the requirements established for providers in this rule.

(9) Reporting Requirements.

(a) School districts are required to report, through the Department's automated student information data base system, students who are served by supplemental educational services.

(b) Supplemental educational services providers must provide auditable documentation of services and contact hours provided to each student to the school district.

(c) School districts and state-approved providers shall cooperate with Department requests for information pertaining to supplemental educational services.

(10) Grievance Procedures for Providers. This subsection establishes the basis and procedures for the resolution of disputes about the denial to serve as a state-approved supplemental educational services provider and the removal from the State-Approved Educational Services Provider List, as well as disputes about the award of a service designation.

(a) Hearing Officer. The Commissioner shall appoint one or more hearing officers to hear disputes and make a recommendation to the Commissioner for resolution of the grievance.

(b) Process for Filing a Grievance.

1. Grievances shall be in written form.

2. The grievance shall be mailed or delivered to the following address: Florida Department of Education, Bureau of Student Assistance, 325 West Gaines Street, Suite 348, Tallahassee, Florida 32399-0400.

3. In order to be timely, grievances shall be received no later than ten (10) days after the Department mails notice of the intended action.

4. Grievances that are not provided in written form will not be considered. Grievances received after the deadline will not be considered, absent demonstration of extraordinary circumstances beyond the control of the grievant.

(c) Contents of Grievance.

1. All grievances shall contain the following items: the name and mailing address of the organization, the name, mailing address, e-mail address, and telephone number of the grievant or representative, the provider identification number, the grounds or basis for the grievance, and any documentation the grievant intends to rely on. A grievance that requests reconsideration without identifying alleged errors or deviation from the application is insufficient.

2. Unless the Department receives an alternative address, all Departmental notices to the grievant will be provided by e-mail to the e-mail address provided by the grievant.

(d) Basis of Grievance.

1. Grievances must contain a statement of specific facts the grievant contends warrants reversal or modification of the Department's action and a statement of the specific rules or statutes that the grievant contends requires reversal or modification of the Department's action. A grievance that requests reconsideration without identifying the specific facts that warrant reversal or modification or that fails to include the specific rules or statutes that require reversal or modification will not be considered.

(e) Pre-review procedures.

1. Within thirty (30) days of receipt, the Department shall review the grievance and any supporting documentation identifying the specific alleged errors and deviations submitted with the grievance.

2. Where the Department determines that the grievance should be granted, the grievant shall be notified within three (3) working days of the decision and the grievance shall be dismissed with no further action by the Department.

3. Where the Department determines that the grievance should not be granted, the grievance and response shall be forwarded to the Hearing Officer.

(g) Conduct Review. Proceedings shall be as informal as fairness and principles of due process will allow. The Hearing Officer may disregard or discount evidence that is not credible, material, competent, or relevant.

1. The determination shall be based upon written submissions unless a request for a formal review is received with the grievance and the Hearing Officer determines that a formal hearing is necessary in order to resolve the grievance. Either the agency or grievant may request a formal review.

2. Reviews may be conducted telephonically.

(h) Recommendation. The Hearing Officer shall recommend findings of fact and conclusions of law to the Commissioner.

(11)~~(10)~~ Confidentiality. The identity of any student who is eligible for or receiving supplemental educational services shall not be disclosed to the public without prior written consent of the parents of the student, however, unless a student is a dependent student as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), when a student has

attained 18 years of age, prior written consent of the student is required before disclosure under this subsection occurs. Providers shall abide by the procedures of the school district and the Department for the security, privacy and retention of student records in accordance with the requirements of Section 1002.22, F.S. and 20 U.S.C. § 1232g.

Rulemaking Specific Authority 1008.331 FS. Law Implemented 1008.331 FS. History—New 4-14-08, Amended 5-24-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haitchcock, Chancellor, Division of Public Schools

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09401                      RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of the rule amendment is to establish a periodic review and revision cycle for the Next Generation Sunshine State Standards. The effect is to ensure that Florida’s curriculum standards remain current and relevant.

SUMMARY: This rule is amended to require that each set of standards be reviewed by an expert group no less than every twelve years. The expert group will make recommendations to the Commissioner and he will then authorize the necessity for any revisions.

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: 1001.02 FS.

LAW IMPLEMENTED: 1003.41(2) FS.

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

DATE AND TIME: November 11, 2009, 1:00 p.m.

PLACE: Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, 325 West Gaines Street, Suite 1502, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. Beginning with the 2008-2009 school year, the mathematics and science benchmarked standards for mathematics and science referenced below in paragraphs (1)(b) and (c), describe what students should know and be able to do at grade level progression from kindergarten to grade 8 and for each of the mathematics content areas of: algebra, calculus, discrete mathematics, financial literacy, geometry, probability, statistics, and trigonometry, and each of the science content areas of: earth and space science, life science, physical science, and nature of science for grades 9-12. Beginning with 2009-2010, the health, physical education, and social studies benchmarked standards describe what students should know and be able to do at ten progression levels (grades K, 1, 2, 3, 4, 5, 6, 7, 8, 9-12). The benchmarked standards in paragraphs (1)(e)-(f) of this rule describe what students should know and be able to do at four progression levels (grades Pre-K-2, 3-5, 6-8, 9-12) in the subjects of the arts and foreign languages. The access points contained in either the Next Generation Sunshine State Standards or the Sunshine State Standards provide access to the general education curriculum for students with significant cognitive disabilities. Public schools shall provide appropriate instruction to assist students in the achievement of these standards or the Sunshine State Standards for Special Diploma as appropriate. These standards, benchmarks, and access points are contained in the following publications which ~~and~~ are hereby incorporated by reference and made a part of this rule.

- (a) Sunshine State Standards – Reading and Language Arts, July 2007,
- (b) Sunshine State Standards – Mathematics, 2008,
- (c) Sunshine State Standards – Science, 2008,
- (d) Next Generation Sunshine State Standards – Social Studies, 2009,
- (e) Sunshine State Standards – Foreign Languages, 1996,
- (f) Sunshine State Standards – The Arts, 1996,
- (g) Next Generation Sunshine State Standards – Health, 2009,
- (h) Next Generation Sunshine State Standards – Physical Education, 2009, and
- (i) Sunshine State Standards for Special Diploma, 1999.

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) No less than every twelve (12) years an expert group shall review the standards and make recommendations to the Commissioner for their review and revision. The Commissioner shall determine whether revisions are necessary based on the recommendations.

~~(3)(2)~~ Each district school board shall incorporate the Sunshine State Standards, Sunshine State Standards for Special Diploma, or Next Generation Sunshine State Standards as appropriate for subject areas contained herein into the district Student Progression Plan.

~~(4)(3)~~ The Sunshine State Standards and Next Generation Sunshine State Standards shall serve as the basis for statewide assessments.

Rulemaking Specific Authority 1001.02 FS. Law Implemented 1001.03, 1003.41 FS. History--New 6-18-96, Amended 9-28-99, 3-1-07, 7-25-07, 11-25-07, 4-14-08, 9-22-08, 2-1-09, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 13, 2009

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.099821  
 RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the amendment is to adopt procedures for the Department to calculate each Voluntary Prekindergarten Provider's 2008-2009 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK education program during the 2008-09 school year and who are administered the statewide kindergarten screening during the 2009-10 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten provider readiness rates.

SUMMARY: This rule prescribes the procedures for the Department of Education to use to calculate each Voluntary Prekindergarten Provider's 2008-09 Kindergarten Readiness Rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs to the Department are estimated to be \$77,385. There are no estimated costs to other states or local governmental entities. Although small

businesses will be subject to the rule, the Department estimates no regulatory cost increase as a result of the proposed revisions.

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: 1002.69(5), (6), 1002.73(2)(d) FS.

LAW IMPLEMENTED: 1002.69(5), (6) FS.

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

DATE AND TIME: November 11, 2009, 1:00 p.m.

PLACE: Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Director, Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) Purpose. The purpose of this rule is to implement the requirements of Section 1002.69, F.S.

~~(2) Kindergarten Screening. In addition to the administration of the kindergarten screening measures, adopted by the Department of Education, school districts shall also administer the Letter Naming Fluency Measure of the Indicadores Dinamicos del Exito en la Lectura (IDEL) to public school kindergarten students whose native language is Spanish and who answered "yes" to at least two (2) questions on the Home Language Survey.~~

~~(2)(3)~~ Accuracy of Data.

(a) Prior to the calculation of the VPK Provider Kindergarten Readiness Rate, as described in subsection ~~(4)(5)~~ of this rule, private and public school VPK providers shall have the opportunity to review a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours they attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph ~~(3)(4)~~(a)1. of this rule, the provider may submit corrective information to the Office of Early Learning of the Department of Education within 14 days after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the

corrective information and accept or reject the requested corrective information within 21 days after publication of the cumulative list on the Department’s website. Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the method described in subsection ~~(4)(5)~~ of this rule.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department’s website or if a private provider disputes ownership at the time of the ~~2008-09~~ ~~2007-08~~ VPK program, the provider may file a dispute on the Department’s website and submit documentation to the Department for its review and consideration within 14 days after publication of the preliminary rate. The Department shall review and accept or reject any changes to the data within ~~21~~ 14 days after publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection ~~(4)(5)~~ of this rule and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.

~~(3)(4)~~ Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate for ~~2008-09~~ ~~2007-08~~.

(a) After the conclusion of the review of the data described in subsection ~~(2)(3)~~ of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. Attended in the VPK program for seventy (70) percent or more of the total number of instructional hours; and
2. Participated in each of the kindergarten screening measures.

(b) If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), F.S.

~~(4)(5)~~ Procedures for Calculating the VPK Provider Kindergarten Readiness Rate for ~~2008-09~~ ~~2006-07~~.

(a) The “Percent of Children Ready for Kindergarten” shall be calculated as the number of “Children Ready for Kindergarten” on each screening measure divided by the total number of “Children Screened” on that measure.

(b) One point is assigned for each percent of “Children Ready for Kindergarten” on each screening measure.

(c) The VPK Provider Kindergarten Readiness Rate shall be the sum of the “Percent of Children Ready for Kindergarten” on each screening measure with a maximum of ~~two~~ ~~three~~ hundred ~~(200)~~ ~~(300)~~ points.

(d) The Kindergarten Readiness Rate for private and public school VPK Providers will be displayed as follows:

	Screening Measure #1	Screening Measure #2	Screening Measure #3
Children Ready for Kindergarten	22	15	12
Children Screened	22	20	20
Percent of	100	75	60
Children Ready for Kindergarten VPK Provider Readiness Rate			<u>175</u> <del>235</del>

~~(e) For children who also participated in the Letter Naming Fluency Measure of the Indicadores Dinamicos del Exito en la Lectura (IDEL), as described in subsection (2) of this rule, the higher of the two (2) Letter Naming Fluency Measures shall be used to calculate the “Percent of Children Ready for Kindergarten” as described in paragraph (5)(d) of this rule.~~

~~(e)(f)~~ All providers shall be ranked according to their final score.

~~(5)(6)~~ VPK Provider Kindergarten Readiness Rates. VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.

~~(6)(7)~~ Low Performing VPK Providers. If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be designated as a low performing VPK provider, notified of each designation by the Department, and acknowledge such designation on the Department’s website within 21 days of the State Board of Education’s adoption of the minimum readiness rate.

Rulemaking Specific Authority ~~1002.69(5), (6), 1002.73(2)(d) FS.~~ Law Implemented 1002.69(5), (6) FS. History—New 6-3-07, Amended 1-16-08, 1-5-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: RULE TITLE:

6A-2.0010 Educational Facilities

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to adopt the 2009 Supplement to the State Requirements for Educational Facilities to address changes made in Florida Law during the 2009 legislative session and to update forms to meet requirements of rule and law.

**SUMMARY:** The rule is amended to include raises in the threshold limits for Day Labor projects and studies, establishes requirements for using a board's own labor and equipment for completing capital improvement projects, identification of Green Building Standards used for a project, and required information on a Certificate of Occupancy.

**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:** 1001.02(1) FS.

**LAW IMPLEMENTED:** 255.20, 255.2575, 1013.371 FS.

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

**DATE AND TIME:** November 11, 2009, 1:00 p.m.

**PLACE:** Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mr. Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Suite 1054, Tallahassee, FL 32399

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

6A-2.0010 Educational Facilities.

State Board of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, Florida Statutes, are contained in Section 423 of the Florida Building Code and the Department of Education publication titled "State Requirements for Educational Facilities 2007 and the 2009 Supplement to the State Requirements for Educational Facilities, which are hereby incorporated by reference and made a part of this rule to become effective with the effective date of the amended rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with "State Requirements for Educational Facilities 2007 and the 2009 Supplement to the State Requirements for Educational Facilities". Copies of "State Requirements for Educational Facilities 2007 and the 2009 Supplement to the State

Requirements for Educational Facilities" are available from the Office of Educational Facilities, Florida Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, at a cost to be determined by Commissioner, but which shall not exceed actual cost, or from the Department of Education's website at: <http://www.fldoe.org/edfacil> in PDF format.

**Rulemaking Specific Authority** Section 1(a) Article IX, State Constitution; 1001.02(1), 1001.02(2), 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution; 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06, 2-12-08,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mr. Spessard Boatright, Director, Office of Educational Facilities

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 29, 2009

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 18, 2009

**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: RULE TITLE:

6A-2.0020 Eligibility for Charter School Capital Outlay

**PURPOSE AND EFFECT:** The purpose of this new rule is to clarify the process by which charter school capital outlay plans are approved by the Department. The effect will be a more clearly defined process consistent with Section 1013.62, Florida Statutes.

**SUMMARY:** The proposed rule defines the criteria necessary for a charter school to be eligible for capital outlay.

**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:** 1013.62 FS.

**LAW IMPLEMENTED:** 1013.62 FS.

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

**DATE AND TIME:** November 11, 2009, 1:00 p.m.

**PLACE:** Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0020 Eligibility for Charter School Capital Outlay. The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, Florida Statutes.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, Florida Statutes, if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to Section 1013.62, Florida Statutes.

(2) The eligibility requirement for satisfactory student achievement under Section 1013.62, Florida Statutes, shall be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in Section 1008.34, Florida Statutes, shall not be eligible for capital outlay funding for the school year immediately following the designation.

Rulemaking Authority 1001.02, 1013.62 FS. Law Implemented 1013.62 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice

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

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-2.0030  
RULE TITLE: Qualified School Construction Bond Program

PURPOSE AND EFFECT: The purpose of this new rule is to implement the administration of the Qualified School Construction Bond Program, which was established as part of the American Recovery and Reinvestment Act of 2009.

SUMMARY: The proposed rule sets forth the allocation and application processes for the Program, including required documentation to be provided by the education agencies.

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: 159.845 FS.  
LAW IMPLEMENTED: 159.841, 159.842, 159.843, 159.844, 159.845 FS.

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

DATE AND TIME: November 11, 2009, 1:00 p.m.  
PLACE: Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Suite 1054, Tallahassee, Florida 32399-0400, (850)245-9229

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0030 Qualified School Construction Bond Program.

(1) Qualified School Construction Bonds (QSCBs). The American Recovery and Reinvestment Act of 2009 authorized the issuance of Qualified School Construction Bonds (QSCBs) to finance school construction and other eligible projects for public schools. The amount of QSCBs issued in each state is limited under federal law. This rule is created pursuant to Sections 159.841, 159.842, 159.843, 159.844, and 159.845, Florida Statutes, which authorizes the Department of Education (Department) to establish a program for allocating the available allocation authority in Florida. Under this program, qualified school districts, charter schools or state education agencies can borrow funds with no interest cost. A Qualified School Construction Bond is an interest-free bond issued by a state or local governmental entity, the proceeds of which are used to construct or improve certain eligible public schools, or for certain land or equipment purchases. Instead of receiving periodic interest payments from the issuer, the QSCB bondholder (potential bondholders include banks, insurance companies, and corporations actively involved in the business of lending money) receives a federal income tax credit while the bond is outstanding, in an amount equal to a percentage of the face amount of the bond. The education agency's debt service obligation is only for the principal amount of the bonds. The full faith and credit of the State of Florida is not pledged to QSCB bonds issued by agencies other than the Florida Department of Education.

(a) Eligibility Criteria.

1. All school districts, charter schools or state education agencies are eligible to apply.

2. Eligible QSCB projects include all projects permitted to be financed with QSCBs under federal law, including:

- a. New construction of a public school owned facility,
- b. Rehabilitation or repair of an existing public school owned facility,
- c. Land acquisition for the facility to be constructed with the QSCB proceeds, and
- d. Equipment to be used in the facility that is being constructed, rehabilitated, or repaired with the proceeds of QSCBs.

NOTE: Lease payments may not be made with QSCB proceeds.

(b) Application Process.

1. Application shall be made through submission of Form OEF 411, Qualified School Construction Bond (QSCB) Program Notice of Intent to Issue Bonds and Request for Written Confirmation, which is hereby incorporated by reference to become effective with the effective date of this rule. Form OEF 411 may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

2. Applications must be received from the districts or charter schools on or before October 1, or such other date as established by the Department.

3. Districts or charter schools should not request more bonding authority than can be reasonably expected to be repaid, and the district or charter school must expect that the QSCBs will be issued prior to the end of the calendar year in which an application is made.

4. Applications must clearly explain the pledged revenue from which the district or charter school intends to repay the bond principal upon maturity.

5. The application must include the following documents:

a. A copy of the resolution referenced in the Certificate of Eligibility section of Form OEF 411.

b. A completed Qualified School Construction Bonds Notice of Intent to Issue and Request for Written Confirmation Project Spending Plan, Form OEF 412, which is hereby incorporated by reference to become effective with the effective date of this rule. Form OEF 412 may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

6. Charter schools must submit a copy of the most current financial audit containing an auditor's opinion that the charter school will remain operational until the QSCBs mature.

(c) Allocation Process.

1. After the federally imposed state bonding authority is known for each calendar year, the school districts and charter schools will be notified by the Department.

2. The total available state volume cap limitation will be divided between two pools, the school district's pool and the charter school's pool. The pools will be established based on

the ratio of the number of charter schools divided by the number of students served, as compared to the total student population.

3. Applications are reviewed for eligibility and completeness. Districts or charter schools may be contacted for further information or clarification.

4. Applications from school districts must include only survey recommended projects.

5. District applications will be considered and allotments awarded based on the following factors:

a. Existing classroom funding needs for compliance with the constitutionally mandated class-size reduction requirements;

b. Increasing enrollment growth of greater than one (1) percent per year;

c. Need to replace aging facilities, fifty (50) years and older, based on a Department approved analysis; or

d. Existing funding needs for survey recommended projects included in a current Educational Plant Survey approved by the Department.

6. Charter school applications will be considered and allotments awarded based on the review and evaluation of the description of the facility; including, but not limited to, the age, condition, ownership, number of students currently being served, projected number of students to be served, and a photograph(s) of the existing facility demonstrating a need for the project to be financed with QSCB proceeds.

7. Once the Department determines the allocations to be awarded, each district or charter school will be notified in writing. Districts or charter schools whose applications have been denied and those with ineligible projects will also be notified.

8. Any allotment balance remaining after the initial allocation process will revert to a state-wide allocation pool, to which unissued/returned allotments will be added. The state-wide pool may be reallocated at a later date to other qualifying districts.

9. A final confirmation letter of the allocation will be provided upon the districts or charter schools submission of the State of Florida, Department of Education Issuance Report Pursuant to Part IX of Chapter 159, Florida Statutes, Form OEF 413 and a copy of the official statement cover. Form OEF 413 is hereby incorporated by reference to become effective with the effective date of this rule. This form may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

(2) In addition to previously stated requirements, there are a number of administrative items school districts or charter schools must keep in mind:

(a) Qualified School Construction Bond (QSCB) proceeds cannot be used to pay debt service or other outstanding debt obligations incurred to finance project costs.

(b) Qualified School Construction Bond (QSCB) proceeds cannot be used to make lease payments.

(c) The district or charter school must comply with all information requests from the Department so that federal accountability and reporting requirements can be met.

(d) Each district or charter school must determine whether the purposes for which QSCBs are issued conform to state law regarding indebtedness.

(e) Each district or charter school is responsible for repayment of the principal upon maturity.

(f) School districts shall not use PECO or CO&DS revenues to pay QSCB debt service obligations, but may use District School Tax revenues pursuant to Section 1011.71, F.S. (often referred to as local discretionary capital outlay millage).

(g) If District School Tax proceeds are proposed for repayment of QSCB debt, those proceeds shall not exceed the Certificates of Participation (COPs) limit established for District School Tax revenue in Section 1011.71, F.S.

(h) If a district or charter school determines that its allotment will not be used, the district or charter school should notify the Department as soon as possible.

(i) If the scope of one of a district's or charter school's approved projects changes, the district or charter school must receive the approval of the Department before reallocating the funds to other projects. Requests will be reviewed on a case-by-case basis.

1. The Department may allow reallocations among approved projects, as identified on the current QSCB award letter, to another current approved project.

2. The Department will disallow the reallocation of funds to new or unapproved projects.

(j) Districts or charter schools must have all bonds issued by December 31 of its funding year.

(k) As districts or charter schools issue QSCB bonds, Form OEF 413 and a copy of the cover of the official statement must be forwarded to the Department upon issuance of the bonds in order to receive a final confirmation of the volume cap allocation.

(l) On December 31 of the district's or charter schools' funding year, unused allotments will revert back to the Department for reallocation.

(m) Allocations of the volume limitation are granted first from carried-forward balances from previous years and then from the current year balance.

Rulemaking Authority 159.845 FS. Law Implemented 159.841, 159.842, 159.843, 159.844, 159.845 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Suite 1054, Tallahassee, Florida 32399-0400, (850)245-9229

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.03013	Exceptional Student Educational Eligibility for Students Who Are Deaf or Hard-of-Hearing
6A-6.030151	Exceptional Student Education Eligibility for Students with Orthopedic Impairment
6A-6.030152	Exceptional Student Education Eligibility for Students with Other Health Impairment
6A-6.030153	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury
6A-6.03016	Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities
6A-6.03022	Special Programs for Students who are Dual-Sensory Impaired
6A-6.03023	Exceptional Student Education Eligibility for Students With Autism Spectrum Disorder
6A-6.03027	Special Programs for Children Three Through Five Years Old who are Developmentally Delayed
6A-6.03028	Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities
6A-6.0331	General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services

PURPOSE AND EFFECT: The purpose of the rule amendments for Rules 6A-6.03013, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03023, F.A.C., is to conform cross references to rules that have been recently revised and to include content related to evaluation procedures that are currently included in the ESE Policies and Procedures document in accordance with Rule 6A-6.03411, F.A.C. The effect will be rules that include applicable cross references, and improved access to information on the required content of

evaluations for school district personnel and families. Rules 6A-6.030151, 6A-6.030152, 6A-6.030153, F.A.C., also include an amendment permitting a school district, at the discretion of the ESE administrator, to utilize an evaluation report from a physician licensed in another state for the purpose of evaluation and eligibility determination. The effect will be to reduce hardships to school districts and families for those districts where it is commonplace that students receive their medical care in an adjacent state. In addition, to align with statutory changes made to Section 1003.01(3), Florida Statutes, the titles of these three rules have been changed to remove reference to the term "physically impaired." The effect will be alignment with current statutory language. The purpose of the rule amendment for Rule 6A-6.03022, F.A.C., is to conform cross references to a rule that has recently been revised and to delete a section of rule related to a funding methodology that is now obsolete. The effect will be a rule that includes applicable cross references and accurate content. The purpose of the rule amendment for Rule 6A-6.03027, F.A.C., is to align requirements for general education interventions and activities prior to evaluation with Rule 6A-6.0331, F.A.C., which was recently revised. The effect will be the consistent alignment of requirements across these two rules. The purpose of the rule amendment for Rule 6A-6.03028, F.A.C., is to change the requirement related to when an individual educational plan (IEP) team must give consideration to a student's need for information and instruction in the area of self determination from age 16 to age 14. The effect will be earlier consideration of the student's needs for skills that will support active participation in the development of the student's IEP. The purpose of the rule amendment for Rule 6A-6.0331, F.A.C., is to allow a school district, at the discretion of the ESE administrator, to utilize an evaluation report from a physician licensed in another state for the purpose of evaluation and eligibility determination. The effect will be to reduce hardships to school districts and families for those districts where it is commonplace that students receive their medical care in an adjacent state. In addition, the amendment to Rule 6A-6.0331, F.A.C., includes a recent change in the Individuals with Disabilities Education Act (IDEA) with regard to revocation of parent consent. The effect will be policies and procedures that align with the requirements of IDEA.

**SUMMARY:** These rule amendments incorporate specific evaluation procedures for students being considered as eligible students with disabilities who are deaf or hard-of-hearing, orthopedically impaired, other health impaired, traumatic brain injured, emotionally/behaviorally disabled, or having an autism spectrum disorder. The rule amendment incorporated in Rule 6A-6.03027, F.A.C., aligns general education interventions and procedures prior to evaluation for children three through five years of age who are suspected of being developmentally delayed with procedures included in Rule 6A-6.0331, F.A.C. Reevaluation procedures are included for students with dual-sensory impairment and rule language related to an obsolete funding methodology has been deleted

from Rule 6A-6.03022. Rule 6A-6.03028, F.A.C., is amended to include requirements for consideration of instruction in self determination by IEP teams no later than age fourteen. Rule 6A-6.0331, F.A.C., is amended to incorporate recent IDEA requirements related to the revocation of parental consent. Additionally, language has been added to permit use of reports from physicians licensed in other states for the purpose of evaluation and eligibility determination.

**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:** 1003.01, 1003.57, 1003.571 FS.

**LAW IMPLEMENTED:** 1003.01, 1003.57, 1003.571 FS.

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

**DATE AND TIME:** November 11, 2009, 1:00 p.m.

**PLACE:** Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, FL 32399

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

6A-6.03013 Exceptional Student Educational Eligibility for Students Who Are Deaf or Hard-of-Hearing.

(1) **Definition.** Students who are deaf or hard-of-hearing. A student who is deaf or hard-of-hearing has a hearing loss aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

(2) General education interventions and activities ~~Activities prior to referral.~~ Prior to referral for evaluation, the requirements in subsection ~~subsections~~ 6A-6.0331(1)-(3), F.A.C., must be met.

(3) **Evaluation.** In addition to the provisions of subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include the following: ~~a student must also include the procedures identified in the district's Policy and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.~~

(a) Audiological evaluation;

(b) Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses;

(c) Evaluation of social development;

(d) Evaluation of receptive and expressive communication; and,

(e) A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven.

(4) Criteria for eligibility. A student who is deaf or hard-of-hearing is eligible for exceptional student education if the following criteria are met:

(a) An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one (1) of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:

1. 25 decibel (db)  $\pm$  5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or

2. A high frequency hearing threshold level of 25 dB  $\pm$  5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or

3. A unilateral hearing threshold level of 50 dB  $\pm$  5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or

4. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified in subparagraphs (4)(a)1., 2., and 3., above; and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

(5) Reevaluation shall occur at least every three (3) years and shall include at a minimum an audiological evaluation, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with subsection (3) of this rule.

~~(6)(5)~~ A screening for Usher's Syndrome shall be administered to each student who is deaf or hard-of-hearing at least once during grades 6-12.

Rulemaking Specific Authority ~~1003.01 4000.01, 4001.42(4)(1), 1003.57, 1003.571~~ FS. Law Implemented ~~1003.01 4000.01, 4001.42(4)(1), 1003.21, 1003.57(5), 1003.571 4011.62(1)(e)~~ FS. History—New 7-1-77, Amended 9-11-84, Formerly 6A-6.3013, Amended 7-1-94, 7-1-07, \_\_\_\_\_.

6A-6.030151 Exceptional Student Education Eligibility for Students ~~Who are Physically Impaired~~ with Orthopedic Impairment.

(1) Definition. Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g. including but not limited to skeletal deformity or spina bifida), and impairments resulting from other causes (e.g., including but not limited to cerebral palsy or amputations).

~~(2) General education interventions and activities Activities prior to referral.~~ Prior to referral for evaluation, the requirements in ~~subsection subsections~~ 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include the following: a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(a) A report of a medical examination, within the previous twelve-month (12) period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, Florida Statutes, unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction; and,

(b) An educational evaluation that identifies educational and environmental needs of the student.

(4) Criteria for eligibility. A student with an orthopedic impairment is eligible for exceptional student education, if the following criteria are met:

(a) Evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills, and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

Rulemaking Specific Authority ~~1003.01 4001.02(4), 1003.57(1)(e), 1003.571~~ FS. Law Implemented ~~4001.03, 1003.01(3), 4003.21(4), 1003.57(1)(e), 1003.571 4011.62~~ FS. History—New 7-1-07, Amended \_\_\_\_\_.

6A-6.030152 Exceptional Student Education Eligibility for Students ~~Who are Physically Impaired~~ with Other Health Impairment.

(1) Definition. Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

~~(2) General education interventions and activities Activities prior to referral.~~ Prior to referral for evaluation, the requirements in ~~subsection subsections~~ 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include the following: a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(a) A report of a medical examination, within the previous twelve-month (12) period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, Florida Statutes, unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction; and.

(b) An educational evaluation that identifies educational and environmental needs of the student.

(4) Criteria for eligibility. A student with other another health impairment is eligible for exceptional student education if the following criteria are met:

(a) Evidence of other another health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment, and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

Rulemaking Specific Authority 1003.01 ~~1001.02(4)~~, 1003.57(1)(e), 1003.571 FS. Law Implemented ~~1001.03~~, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1003.571, ~~1011.62~~ FS. History—New 7-1-07, Amended \_\_\_\_\_.

6A-6.030153 Exceptional Student Education Eligibility for Students ~~Who Are Physically Impaired~~ With Traumatic Brain Injury.

(1) Definition. A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe, open or closed head injuries resulting in impairments in one (1) or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

(2) General education interventions and activities ~~Activities prior to referral~~. Prior to referral for evaluation, the requirements in subsection ~~subsections~~ 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include the following: a student must also

~~include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.~~

(a) A report of medical examination, within the previous twelve-month (12) period from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, Florida Statutes, unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction;

(b) Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre and post-injury capabilities in one of more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities, psychosocial behavior; physical functions; information processing or speech; and.

(c) An educational evaluation that identifies educational and environmental needs of the student.

(4) The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

(5)(4) Criteria for eligibility. A student with a traumatic brain injury is eligible for exceptional student education, if the following criteria are met:

(a) Evidence of a traumatic brain injury that impacts one or more of the areas identified in subsection (1) of this rule.

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

Rulemaking Specific Authority 1003.01 ~~1001.02(4)~~, 1003.57(1)(e), 1003.571 FS. Law Implemented ~~1001.03~~, 1003.01(3), ~~1003.21(4)~~, 1003.57(1)(e), 1003.571 ~~1011.62~~ FS. History—New 7-1-07, Amended \_\_\_\_\_.

6A-6.03016 Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities.

(1) Definition. Students with an emotional/behavioral disability (E/BD). A student with an emotional/behavioral disability has persistent (is not sufficiently responsive to implemented evidence based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

(2) General education interventions and activities ~~Activities prior to referral~~. Prior to referral for evaluation, the requirements in subsection ~~subsections~~ 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include the following: a student must also

~~include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.~~

(a) A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review, and if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility. Implementation of the behavioral intervention plan is not required in extraordinary circumstances described in paragraph (4)(e) of this rule;

(b) The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA;

(c) A social/developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical/health, and environmental factors impacting learning and behavior, and which identifies the relationship between social/developmental and socio-cultural factors, and the presence or non-presence of emotional/behavioral responses beyond the school environment;

(d) A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional/behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success;

(e) A review of educational data which includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional/behavioral disability; additional academic evaluation may be completed if needed; and

(f) A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional/behavioral responses may be precipitated by a physical problem.

(4) Criteria for eligibility. A student with an emotional/behavioral disability must demonstrate an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and must demonstrate one or more of the following characteristics described in paragraph (4)(a) or (4)(b) of this rule and meet the requirements of paragraphs (4)(c) and (4)(d) of this rule:

(a) Internal factors characterized by:

1. Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends and/or school work, or mood swings, or erratic behavior; or

2. The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or

3. Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or

(b) External factors characterized by:

1. An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or

2. Behaviors that are chronic and disruptive such as noncompliance, verbal and/or physical aggression, and/or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in ~~subparagraph~~ subparagraph (4)(a)1.-3. of this rule.

(c) The characteristics described in paragraph (4)(a) or (b) of this rule must be present for a minimum of six (6) months duration and in two (2) or more settings, including but not limited to, school, educational environment, transition to and/or from school, or home/community settings. At least one (1) setting must include school.

(d) The student needs special education as defined in paragraph 6A-6.03411(1)(~~kk~~)(e), F.A.C.

(e) In extraordinary circumstances, general education interventions and activities prior to referral for evaluation as described in subsection (2) of this rule and criteria for eligibility described in paragraph (4)(c) of this rule may be waived when immediate intervention is required to address an acute onset of an internal emotional/behavioral characteristic as listed in paragraph (4)(a) of this rule.

(5) Characteristics not indicative of a student with an emotional/behavioral disability:

(a) Normal, temporary (less than six (6) months) reactions to life event(s) or crisis, or

(b) Emotional/behavioral difficulties that improve significantly from the presence of evidence based implemented interventions, or

(c) Social maladjustment unless also found to have an emotional/behavioral disability.

~~Rulemaking Specific Authority 1003.01, 1000.01, 1001.42(4)(1), 1003.57, 1003.571 FS. Law Implemented 1003.01, 1000.01, 1001.42(4)(1), 1003.57(5), 1003.571 1011.62(1)(e) FS. History--New 7-1-77, Amended 10-23-79, 11-25-80, 1-6-83, 9-27-84, 3-10-85, Formerly 6A-6.3016, Amended 7-1-07, \_\_\_\_\_.~~

6A-6.03022 Special Programs for Students who are Dual-Sensory Impaired.

(1) through (3) No change.

(4) Re-evaluation. Re-evaluation shall occur at least every three (3) years and shall include a minimum of the evaluations required in paragraph (3)(b) of this rule, and any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student in accordance with subsections (7) and (8) of Rule 6A-6.0331 subparagraph 6A-6.0341(2)(i), F.A.C. The medical aspect of re-evaluation for students with bilateralanopia may be waived by a written recommendation of a physician.

(5) Instructional Program. Each individual student who is dual-sensory impaired shall be served in any program or combination of programs for ~~handicapped or non-handicapped~~ students with or without disabilities where the student can receive appropriate services. The district shall establish procedures to ensure that each student's program is adequately met.

(6) No change.

~~(7) Funding. Students eligible for programs for students with dual sensory impairments may be reported for FTE generation purposes at the weight for profoundly handicapped students any time they are served in classes with other handicapped students.~~

~~Rulemaking Specific Authority 1003.01, 1003.57, 1003.571 1000.01, 1001.42(4)(1), 1011.62(1)(e) FS. Law Implemented 1003.01, 1000.01, 1001.42(4)(1), 1003.21, 1003.57(5), 1003.571 1011.62(1)(e) FS. History--New 7-2-79, Formerly 6A-6.3022, Amended 10-3-91, \_\_\_\_\_.~~

6A-6.03023 Exceptional Student Education Eligibility for Students With Autism Spectrum Disorder.

(1) Definition. Students with Autism Spectrum Disorder. Autism Spectrum Disorder is defined to be a range of pervasive developmental disorders that adversely affects a student's functioning and results in the need for specially designed instruction and related services. Autism Spectrum Disorder is characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe. Autism Spectrum Disorder may include Autistic Disorder, Pervasive

Developmental Disorder Not Otherwise Specified, Asperger's Disorder ~~Aspergers Syndrome~~, or other related pervasive developmental disorders.

(2) General education interventions and activities Activities prior to referral. Prior to referral for evaluation the requirements in subsection subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include the following: must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(a) Documented and dated behavioral observations conducted by members of the evaluation team targeting social interaction, communication skills, and stereotyped patterns of behavior, interests, or activities, across settings. General education interventions and activities conducted prior to referral may be used to meet this criterion, if the activities address the elements identified in this paragraph:

(b) A comprehensive social/developmental history compiled with the parents(s) or guardian(s) that addresses the core features of autism spectrum disorder:

(c) A comprehensive psychological evaluation to identify present levels of performance and uneven patterns of development in language, social interaction, adaptive behavior, and cognitive skills; and

(d) A comprehensive speech/language evaluation.

(e) Medical information provided shall be considered.

(4) Criteria for eligibility. A student with Autism Spectrum Disorder is eligible for exceptional student education if all of the following criteria are met:

(a) Evidence of all of the following:

1. Uneven developmental profile as evidenced by inconsistencies across or within the domains of language, social interaction, adaptive behavior, and/or cognitive skills; and

2. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to people or the environment; and

3. Impairment in verbal and/or nonverbal language or social communication skills, and

4. Restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities; and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

~~Rulemaking Specific Authority 1003.01, 1000.01, 1001.42(4)(1), 1003.57, 1003.571 1011.62(1)(e) FS. Law Implemented 1003.01, 1000.01, 1001.42(4)(1), 1003.21, 1003.57(5), 1003.571 1011.62(1)(e) FS. History--New 7-2-79, Formerly 6A-6.3023, Amended 7-1-07, \_\_\_\_\_.~~

6A-6.03027 Special Programs for Children Three Through Five Years Old who are Developmentally Delayed.

(1) Definition. A child who is developmentally delayed is three (3) through five (5) years of age and is delayed in one (1) or more of the following areas:

- (a) Adaptive or self-help development,
- (b) Cognitive development,
- (c) Communication development,
- (d) Social or emotional development,
- (e) Physical development including fine, or gross, or perceptual motor.

(2) Criteria for eligibility. A child is eligible for the special program for children who are developmentally delayed when the following criteria are met:

- (a) The child is three (3) through five (5) years of age.
- (b) Documentation of one of the following:

1. A score of two (2) standard deviations (SD) below the mean or a twenty-five (25) percent delay on measures yielding scores in months in at least one (1) area of development; or

2. A score of 1.5 standard deviations (SD) below the mean or a twenty (20) percent delay on measures yielding scores in months in at least two (2) areas of development; or

3. Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed.

(c) The eligibility staffing committee in accordance with ~~subsection paragraph~~ 6A-6.0331(6)(2)(b), F.A.C., has made a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

~~(3) Procedures prior to initial evaluation for prekindergarten children shall be in accordance with subsection (2) of Rule 6A-6.0331, F.A.C. General education interventions and activities for students in kindergarten shall be in accordance with subsection (1) of Rule 6A-6.0331, F.A.C. for referral. Before a child is referred for evaluation, the following activities shall occur:~~

~~(a) A review of existing social, psychological, and medical data with referral for a health screening when need is indicated; and~~

~~(b) A screening for vision, hearing, and communication functioning with referral for complete evaluations when need is indicated.~~

(4) Procedures for evaluation.

(a) Delay is documented by a multidisciplinary team ~~in accordance with paragraph~~ 6A-6.0331(2)(e), F.A.C., utilizing multiple measures of assessment which include:

1. Standardized instruments, judgement based assessments, criterion referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or

2. Informed clinical opinion utilizing qualitative and quantitative information to determine the need for early intervention services; and

3. Parent report which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.

(b) When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical ~~a typical~~ functioning in any one (1) or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

(5) Instructional program.

(a) As appropriate, ~~The~~ family support plan or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.

(b) Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for family support plans or IEP modifications.

(6) Continued eligibility. Continued eligibility for special programs shall be determined before the child is six (6) years old.

Rulemaking Specific Authority 1003.01(3), 1003.57, 1003.571 229.053(1), (2)(i), 230.23(4)(m), 232.01(1)(e), 236.081(1)(e) FS. Law Implemented 1003.01(3), 1003.57, 1003.571 228.041(18), (19), 232.01(1)(e), 229.053(2)(i), 230.23(4)(m), 236.081(1)(e) FS. History—New 7-13-93, Amended \_\_\_\_\_.

6A-6.03028 Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities.

(1) through (3)(g) No change.

(h) Contents of the IEP. The IEP for each student with a disability must include:

1. through 8. No change.

9. In order to ensure quality transition planning and services, IEP Teams shall begin the process of identifying transition services needs of students with disabilities, to include consideration of the student's need for instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, beginning no later than age fourteen (14), so that needed postsecondary goals may be identified and in place by age sixteen (16).

10. Beginning not later than the first IEP to be in effect when the student turns sixteen (16), or younger, if determined appropriate by the IEP Team and updated annually:

a. A statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where

appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals.

~~b. Consideration of instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, if appropriate.~~

~~b.e.~~ If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including Division of Vocational Rehabilitation Services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

~~11.40.~~ Beginning at least one (1) year before the student's eighteenth (18th) birthday, a statement that the student has been informed of his or her rights under Part B of the IDEA, if any, that will transfer from the parent to the student on reaching the age of majority, which is eighteen (18) years of age.

(i) through (t) No change.

~~Rulemaking Specific Authority 1001.02(1), (2)(a), 1003.01(3)(a), (b), 1003.57, 1003.571 FS. Law Implemented 1001.42(4)(1), 1003.01(3)(a), (b), 1003.57, 1003.571 1011.62(1)(e), (e), 1001.03(8) FS. History--New 7-13-93, Amended 10-17-04, 12-22-08, \_\_\_\_\_.~~

6A-6.0331 General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services.

The state's goal is to provide full educational opportunity and a free appropriate public education (FAPE) to all students with disabilities ages three (3) through twenty-one (21) and to school age students who are gifted. School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures. They must ensure that all students with disabilities or who are gifted and who are in need of specially designed instruction and related services are identified, located, and evaluated, and appropriate exceptional student education is made available to them if it is determined that the student meets the eligibility criteria specified in Rules 6A-6.03011 through 6A-6.0361, F.A.C. These requirements apply to all students, including those who are homeless or are wards of the state or who attend private schools, regardless of the severity of their disability. Additionally, school districts may elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Steps Program. The procedures and criteria for general education interventions, identification, evaluation, and determination of eligibility of students with disabilities and gifted students by school districts

shall be set forth in the school district's Exceptional Student Education (ESE) Policies and Procedures document consistent with the following requirements.

(1) through (2) No change.

(3) Initial evaluation. Each school district must conduct a full and individual initial evaluation before the initial provision of ESE. Either a parent of a student or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability or is gifted.

(a) Prior to a school district request for initial evaluation, school personnel must make one (1) of the following determinations and include appropriate documentation in the student's educational record to the effect that:

1. For a student suspected of being a student with a disability, the general education intervention procedures have been implemented as required under this rule and indicate that the student should be considered for eligibility for ESE; or

2. The nature or severity of the student's areas of concern make the general education intervention procedures inappropriate in addressing the immediate needs of the student.

(b) If the parent of the child receiving general education interventions requests, prior to the completion of these interventions, that the school conduct an evaluation to determine the student's eligibility for specially designed instruction and related services as a student with a disability, the school district:

1. Must obtain consent for and conduct the evaluation; and

2. Complete the activities described in subsection (1) of this rule concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction; or

3. Must provide the parent with written notice of its refusal to conduct the evaluation that meets the requirements of Rule 6A-6.03311, F.A.C.

(c) The school district shall be responsible for conducting all initial evaluations necessary to determine if the student is eligible for ESE and to determine the educational needs of the student. Such evaluations must be conducted by examiners, including physicians, school psychologists, psychologists, speech-language pathologists, teachers, audiologists, and social workers who are qualified in the professional's field as evidenced by a valid license or certificate to practice such a profession in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability. Educational evaluators not otherwise covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.0502, F.A.C.

1. Tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.

2. Standardized assessment of adaptive behavior shall include parental input regarding their student's adaptive behavior.

(d) The school district shall ensure that initial evaluations of students suspected of having a disability are completed within sixty (60) school days (cumulative) that the student is in attendance after the school district's receipt of parental consent for the evaluation. For prekindergarten children, initial evaluations must be completed within sixty (60) school days after the school district's receipt of parental consent for evaluation.

(e) The sixty (60)-day timeframe for evaluation does not apply to a school district if:

1. The parent of the student repeatedly fails or refuses to produce the student for the evaluation; or

2. A student enrolls in a school served by the school district after the timeframe has begun, and prior to a determination by the student's previous school district as to whether the student is a student with a disability. This exception applies only if the subsequent school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed. Assessments of students with disabilities who transfer from one school district to another school district in the same school year must be coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

(f) The school district shall ensure that students suspected of being gifted are evaluated within a reasonable period of time.

(4) through (8) No change.

(9) Parental Consent for Services.

(a) A school district responsible for making FAPE available to an exceptional student must obtain informed consent from the parent of the student before the initial provision of special education and related services to the student.

(b) The school district must make reasonable efforts to obtain informed consent from the parent for the initial provision of ESE services to the student.

(c) If the parent of a student fails to respond or refuses to consent to the initial provision of services, the school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

(d) If the parent of the student refuses consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the

initial provision of special education and related services, the school district will not be considered to be in violation of the requirement to make FAPE available to the student for the failure to provide the student with the special education and related services for which the school district requests consent. In addition, the school district is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which the school district requests such consent.

(e) If, at any time subsequent to the initial provision of special education and related services, the parent of a student revokes consent in writing for the continued provision of special education and related services, the school district may not continue to provide special education and related services to the student, but must provide prior written notice before ceasing the provision of special education and related services. The school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

(f) If a parent of a student revokes consent in writing for the continued provision of special education and related services, the school district:

1. Will not be considered to be in violation of the requirement to make FAPE available to the student for its failure to provide the student with further special education and related services; and

2. Is not required to convene an IEP Team meeting or develop an IEP for the student for further provision of special education and related services.

(g) If a parent of a student with a disability revokes consent in writing for their child's receipt of special education services after the initial provision of special education and related services to the student, the school district is not required to amend the student's education records to remove any references to the student's receipt of special education and related services because of the revocation of consent.

Rulemaking Specific Authority ~~1001.02(1)(2), (n), 1003.01(3)(a), (b), 1003.57, 1003.571~~ FS. Law Implemented ~~1001.42(4)(i), 1003.01(3)(a), (b), 1001.02(2)(n), 1003.57, 1003.571~~ FS. History New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A-6.331, Amended 7-13-93, 1-2-95, 9-20-04, 12-22-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haitcock, Chancellor, Division of Public Schools

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

**DEPARTMENT OF EDUCATION****State Board of Education**

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

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to revise the rule that addresses educational programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs. The effect will be a rule that addresses curricular flexibility in the provision of education to youth in these programs. Additionally, the revisions will align the rule with Florida Statutes, including removing early delinquency intervention programs from the title as Department of Juvenile Justice education programs are composed of detention, commitment, and day treatment programs.

**SUMMARY:** The rule is amended to allow programs to offer curricular flexibility in the provision of education to youth in juvenile justice education programs.

**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:** 1003.51, 1003.52 FS.

**LAW IMPLEMENTED:** 1003.51, 1003.52 FS.

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

**DATE AND TIME:** November 11, 2009, 1:00 p.m.

**PLACE:** Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, 325 West Gaines Street, Suite 1502, Tallahassee, FL 32399

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

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, or Day Treatment ~~Program, or Early Delinquency Intervention Programs.~~

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the

Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

(1) Student Eligibility.

(a) Students who do not attend a local public school due to their placement in a DJJ detention, commitment, or day treatment ~~or early delinquency intervention~~ program shall be provided high quality and effective educational programs by the local school district in which the DJJ facility is located or by a Juvenile Justice provider through a contract with the local school district.

(b) through (d) No change.

(2) Student Records.

(a) Content. Each school district shall maintain educational records for students in DJJ programs as required by Section 1003.25, F.S. The content of these records shall be as defined in subsections 6A-1.0955(2)-(5) and 6A-1.0014(2), F.A.C., Section 1003.51, F.S., and paragraph (5)(d) of this rule.

(b) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in paragraph 6A-1.0955(7)(b) and subsection 6A-1.0014(2), F.A.C. ~~Beginning with the 2000-2001 school year,~~ Each school district shall provide these students' educational records no later than five (5) school days after the receipt of the request. Each school district shall make available a copy of the student's transcript record, including pertinent exceptional student education information, to designated DJJ staff for inclusion in the DJJ file when the student exits the program. DJJ staff shall provide this information to the receiving school district.

(c) No change.

(3) Student Assessment.

(a) To ensure high quality and effective educational programs for youth in DJJ detention, commitment, or day treatment ~~program, or early delinquency intervention~~ programs, the school district shall provide for the review of the student's educational records and conduct assessments, consistent with the requirements of this subsection, in order to identify the students' functioning levels, provide appropriate educational programs, and report the learning gains of the student.

(b) All students in DJJ commitment, or day treatment ~~program, or early delinquency intervention~~ programs, who have not graduated from school, shall be assessed within ten (10) school days of the student's commitment. The entry assessments shall include:

1. Academic measures that provide proficiency levels in:
  - a. Reading,
  - b. Mathematics,
  - c. Writing.
2. Vocational interest and/or aptitude measures.

(c) For the students referenced in paragraph (3)(b) of this rule, exit assessments shall include, at a minimum, the academic measures.

(d) Students placed in a detention center shall be assessed within ten (10) school days ~~only~~ upon entry for academic measures.

(e) No change.

(f) All students in DJJ detention, commitment, or day treatment ~~program, or early delinquency intervention programs~~ shall also participate in the state and district-wide assessments required by Sections 1008.22, 1008.25, 1003.43, and 1003.438, F.S.

(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, F.A.C., to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures shall include at a minimum standard scores for each academic area assessed.

(h) ~~Beginning in the 2000-2001 school year, the~~ Department of Education shall include the results of these assessments in applicable statewide and school reports.

(4) Individual Academic Plans.

(a) An individual plan for educational progress shall be developed within twenty-two (22) school calendar ~~school calendar~~ days of student entry to DJJ detention programs and within fifteen (15) school days of entry to DJJ commitment, or day treatment ~~program, or early delinquency intervention programs~~. This plan shall be based upon the student's entry assessments and past educational history and must address the areas of academic, literacy, and life skills. The plan shall include:

1. Specific and individualized long-term goals and short-term instructional academic and career ~~vocational/technical~~ objectives;
2. Remedial strategies and/or tutorial instruction;
3. Evaluation procedures;
4. A schedule for determining progress toward meeting the goals and instructional and career ~~vocational/technical~~ objectives.

(b) Progress monitoring plans, required by Section 1008.25, F.S., or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

(5) Transition Services.

(a) For all students in DJJ commitment; or day treatment ~~program, or early delinquency intervention programs~~, an individual transition plan based on the student's post-placement goals shall be developed cooperatively with the student, his/her parents, school district and/or contracted provider personnel and DJJ program staff. Re-entry

counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable.

(b) through (c) No change.

(d) Exit portfolios shall be created for each student prior to exit from a commitment; or day treatment, ~~or early delinquency intervention~~ program and provided to the program ~~DJJ~~ personnel for inclusion in the youth's individual record ~~DJJ file~~. DJJ shall provide ~~This information shall be provided~~ to the home school district. The exit portfolio shall include the records required by Sections 1003.51, F.S., and include at a minimum:

1. Transition plan;
2. Results of district and state-wide assessments;
3. Individual academic plan, 504 plan, and/or individual educational plan for exceptional students;
4. Academic record or transcript; and
5. Work and/or project samples.

(6) Instructional Program and Academic Expectations.

(a) School Day and Year. The instructional program shall consist of 250 days of instruction, or its hourly (1200) equivalent, of which ten (10) days for residential or twenty (20) days for day treatment ~~of which~~ may be used for teacher training/planning, distributed over twelve (12) months as required by Section 1003.01(11), F.S. Each school district shall collaborate with private providers and the DJJ, as appropriate, to develop a school calendar for these programs to be adopted by the local school board.

(b) Requirements. DJJ schools shall have the flexibility in student scheduling to meet the basic academic and career needs of the student. The instructional program shall meet the requirements of Sections 1003.42, 1003.43, 1003.438, 1003.52, 1008.23, and 1008.25, F.S., and include:

1. Curricular offerings, consistent with the Florida Course Code Directory and Instructional Personnel Assignments as adopted in Rule 6A-1.09441, F.A.C., that reflect the students' assessed educational and transition needs and meet the students' needs as identified by the individual plan as required by paragraph (4)(a) of this rule. All students shall receive a curriculum to address their individual, academic, career, and transition needs. Students shall receive career ~~vocational/technical~~ training, workplace readiness training, or career awareness and exploration instruction while in the juvenile justice program.

2. GED preparation that meets ~~shall meet~~ GED course requirements specified in Rules 6A-6.0571 and 6A-6.021, F.A.C., and adult education course descriptions and/or the school district's approved GED/~~HSET~~ Exit Option that must meet the requirements specified by the Department of Education.

3. Instructional Tutorial activities that are based on the students' assessed academic needs. Such activities shall be designed to assist students in advancing to their age

appropriate grade level or to assist students in meeting their goals for reentry into the public school system, alternative schools, adult education, ~~career vocational/technical~~ education, employment, or post secondary education.

4. Instruction ~~that is shall be~~ individualized to address the academic and ~~career vocational/technical~~ goals and objectives that are outlined in each student's individual academic plan.

5. Instruction ~~that is shall be~~ delivered through a variety of instructional techniques to address students' academic levels and learning styles, including competency based programs and access to the Florida Virtual School as required in Section 1003.52(4), F.S.

(7) through (8)(a)2. No change.

3. Certain interruptions to the education program, over which the teacher and student have no control, do not have to be deducted from the direct instructional time reported for FTE. These include:

- a. ~~Disaster Fire~~ drills;
- b. Lockdowns of the classroom or program for security purposes;
- c. Bomb scares;
- d. Court hearings; and
- e. Meetings students have with law enforcement personnel during school hours.

(8)(a)4. through (c) No change.

(9) Contracts with Private Providers.

(a) School districts may provide services directly or may enter into a contract with a private provider to provide educational services to these youth. ~~Beginning in 2000-2001,~~ Such contracts with private providers shall address the responsibilities of the school district and the private provider for implementing the requirements of this rule. The private provider shall have, at a minimum:

1. through 2. No change.

(b) Prior to contracting with a private provider, the school district shall:

1. Review and consider the provider's past performance history, including the results of prior Quality Assurance Reviews.

2. Review the private provider's contract, if any, with DJJ for the care and custody of the youth in the commitment, detention, or day treatment,~~or early delinquency intervention~~ program to ensure that services and resources are coordinated and not duplicative.

(c) Contracts with private providers, as described above, shall be submitted to the Department of Education prior to the October FTE Reporting Survey for review to verify compliance with this rule.

(d) The provider(s) of career education workforce development programs in the district in which the DJJ facility is located shall be responsible for notifying the DJJ program of the requirements for enrollment and completion of these programs. The inclusion of DJJ students in the school district's

career education workforce development program may be included in the contract referenced above and the cooperative agreement required by Section 1003.52, F.S.

(10) Interventions and Sanctions.

(a) If the educational program in a DJJ detention, commitment, or day treatment,~~or early delinquency intervention~~ program has received an unsatisfactory rating on the educational component of the Quality Assurance Review, does not meet the minimum requirements for standards ~~for a designated priority indicator~~ of the Educational Quality Assurance Review, or has demonstrated noncompliance with state and federal requirements, the Department of Education shall initiate a series of interventions and graduated sanctions. Sanctions shall be initiated against programs that have not taken appropriate corrective actions within six months.

(b) through (11) No change.

Rulemaking Specific Authority 1003.51 FS. Law Implemented 1003.51, 1003.52 FS. History--New 4-16-00, Amended 5-19-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0784  
 RULE TITLE: Approval of Charter School Governance Training

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise and improve the process by which charter school governance training plans are approved by the Department and to ensure consistency with Section 1002.33(9)(k), Florida Statutes.

SUMMARY: Charter school governing board members will be required to participate in Department approved governance training every three years. Public Officers, as defined in statute, will be permitted to meet the requirements of this rule by providing evidence of training received during the course of their duties as Public Officers.

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: 1002.33(26) FS.  
 LAW IMPLEMENTED: 1002.33(9)(j) FS.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: November 11, 2009, 1:00 p.m.  
 PLACE: Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0784 Approval of Charter School Governance Training.

The following provisions are established for the approval of charter school governing board training submitted to the Florida Department of Education for approval pursuant to Section 1002.33, F.S.

(1) General training requirements.

(a) Beginning with the effective date of this rule, every member of the governing body of a charter school operating in Florida shall participate ~~annually~~ in governance training ~~on or before August 1 of each calendar year. The charter school governance training must meet the requirements of this rule and be approved by the Department. Governing boards composed entirely of "school officers", as defined by Section 1012.01, F.S., may meet the requirements of this rule by complying with the procedures set forth in subsection (6) of this rule. The training must be delivered consistent with a training plan that has been submitted and approved by the Department as described in this rule.~~

(b) ~~Each governing board member must complete Training for charter school governing boards with one or more members who have had no previous board service or have served on the board for less than ninety (90) days must include a minimum of four (4) hours of instruction focusing on government in the sunshine, conflicts of interest, ethics, and financial responsibility as specified in Section 1002.33(9)(k), F.S. After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period thereafter, to complete a two (2) hour refresher training on the four (4) topics above in order to retain his or her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.~~

(c) ~~New members joining a charter school board must complete the four (4) hour training within 90 days of their appointment to the board. A minimum of two (2) hours of refresher instruction on the four (4) topics in Section~~

~~1002.33(9)(k), F.S., may be offered if a charter school's governing board is composed entirely of members who have served continuously on the school's board for ninety (90) days or more, and all board members have completed four (4) hours of instruction as described in paragraph (1)(b) of this rule.~~

(d) Instruction beyond the hours specified in paragraphs (1)(b) and (c) of this rule may be included in the training plan to address additional topics generally recognized and supported by research or practitioners as important for effective governing board operation.

(e) Each charter school is responsible for contracting with or providing a trainer who delivers governance training consistent with a governance training plan that has been approved by the Department.

(2) No change.

(3) Submission and review of training plans.

(a) Potential training providers shall complete Form IEPC-9, Charter School Governance Training, Training Plan Approval Application, for submitting a charter school governance training plan for review and approval. Form IEPC-9 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) After completing and signing the form, a training provider seeking approval must submit the original and ~~three (3) five (5) copies of the form, or an original and an electronic copy on a CD saved as a PDF file,~~ to the Office of Independent Education and Parental Choice as described on the form. ~~The Department will conduct two review periods each year, with deadlines for submitting applications on or before May 1 and on or before October 1. This requires that all applications and supporting documentation must be received by the Department on or before these dates.~~

(c) The Commissioner of Education shall appoint a ~~review committee~~ team to review charter school governance training plans. The review team shall be ~~appointed by the Commissioner of Education and~~ composed of individuals with knowledge in education, finance, governance, and law. A training plan submitted for approval to the Department will be reviewed within thirty (30) days ~~of the deadlines listed in paragraph (3)(b) of this rule of receipt~~ to determine compliance with the components identified in paragraph (2)(b) of this rule.

(d) The review team's findings will be consolidated and provided as recommendations to the Commissioner or designee. Using the recommendations of the ~~review team committee,~~ the Commissioner shall determine if the provider has met the criteria for approval or denial. Within ten (10)

working days following the Commissioner's determination, the Department shall send a written notification to the proposed provider regarding the outcome of the training plan review.

(e) The names of training providers whose training plans have been approved to meet requirements of Section 1002.33(9)(k), F.S., will be posted on the Department's website at <http://www.floridaschoolchoice.org> and will be available in hard copy upon request to the Office of Independent Education and Parental Choice. ~~Governance training that was delivered between January 1, 2008, and the effective date of this rule will be considered to have met statutory requirements if it was delivered pursuant to a training plan subsequently approved by the Department and reported as described in subsection (5) of this rule.~~

(f) A notice of denial of approval shall be sent to proposed training providers who submitted plans that do not comply with the components identified in paragraph (2)(b) of this rule. The notice of denial will identify specific areas of program weakness that must be corrected prior to reconsideration for approval. The provider may correct the application and resubmit on the next available submission deadline outlined in paragraph (3)(b) of this rule ~~shall have sixty (60) days after receipt of the notice of denial to resolve any outstanding issues, including submission of a revised training plan for reconsideration and review pursuant to paragraphs (3)(b), (e) and (d) of this rule. If issues with the training plan have not been resolved within sixty (60) days after receipt of the original notice of denial or any subsequent notice of denial following reconsideration of the revised training plan, whichever is later, the application for approval shall be administratively closed. After sixty (60) days from the date the application is administratively closed, a new training plan may be submitted to the Department as described in paragraphs (3)(a) and (b) of this rule.~~

(4) Length of approval and renewal of training plans.

(a) Each approval or extension shall be granted for a period of time determined by the Department of Education, but shall not exceed two (2) years from the date of approval.

(b) No earlier than six (6) months prior to the expiration of approval, a training provider may submit a request for renewal of an approved training plan by completing and submitting Form IEPC-10, Charter School Governance Training, Application to Renew an Approved Training Plan. Form IEPC-10 is hereby incorporated by reference to become effective with the effective date of this rule and will be available electronically on the Department's website at <http://www.floridaschoolchoice.org> or may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) A request for training plan renewal submitted for approval to the Department will be reviewed within thirty (30) days of receipt to determine continued compliance with the

components identified in paragraph (1)(b) and (2)(b) of this rule. Within ten (10) working days following the Commissioner's determination, the provider will be notified in writing of the Department's decision to renew the plan or not to renew. If a training plan is not renewed, a provider may submit a new training plan to the Department as described in paragraphs (3)(a) and (b) of this rule.

(5) Report of governing board training.

(a) Each training provider offering an approved training program in accordance with this rule shall submit a report of each governing board's training to the Department and a copy of the report to the charter school director within thirty (30) days of the training. The charter school director is responsible for providing a copy of the report to the school's sponsor within ~~ten (10) thirty (30)~~ days of receiving the report from the trainer.

~~(b) Information to be reported shall include the name of the charter school governing board and individual members who received training, the date and location of the training, and whether or not the training objectives were achieved.~~ The report shall be submitted using the IEPC-11 form. Form IEPC-11 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's Web site. The report shall be submitted electronically to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Each training provider offering an approved charter school governance training program shall provide a certificate of participation to every governing board member who completes the training and achieves the training objectives as stated in the training plan.

(6) A charter school governing board composed entirely of "school officers" as defined in Section 1012.01, F.S., may comply with the requirements of this rule by providing documentation that they have received charter school governance training consistent with this rule. Documentation of charter school governance training shall be submitted to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, and must include:

(a) Date and location of charter school governance training received.

(b) Name, contact information, qualifications, and experience of all persons actively involved in providing charter school governance training.

Rulemaking Specific Authority 1002.33(24) FS. Law Implemented 1002.33(9)(k) FS. History--New 7-21-08, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Kooi, Executive Director, Office of Independent Education and Parental Choice

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

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-10.0311	Assessment of Student Attainment of College-Level Communication and Computation Skills

**PURPOSE AND EFFECT:** Senate Bill 1676, passed by the 2009 Legislature, repealed Section 1008.29, Florida Statutes, relating to the College-Level Academic Skills Testing (CLAST) Program. The purpose of this rule amendment is to revise the rule language to reflect the 2009 statutory changes that elimination of the examination (CLAST) and to implement recommendations relating to the remaining College-Level Academic Skills (CLAS) Requirements (pursuant to Section 1007.25, Florida Statutes).

**SUMMARY:** Section 1007.25, Florida Statutes, directs the State Board of Education, in conjunction with the Board of Governors, to establish minimum requirements for receipt of an associate in arts or baccalaureate degree from a Florida public postsecondary institution. The requirements are intended to ensure that students have demonstrated proficiency in college-level communication and computation skills prior to the conference of a degree. Specifically, these include the establishment of minimum scores on nationally standardized assessments and the identification of postsecondary coursework that can be used to meet the requirements. The Articulation Coordinating Committee approved recommendations on August 13, 2009 that served as the foundation for the proposed rule revision.

**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:** 1001.02(2)(d), 1007.25(12)(a) FS.

**LAW IMPLEMENTED:** 1001.02, 1007.25 FS.

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

**DATE AND TIME:** November 11, 2009, 1:00 p.m.

**PLACE:** Palm Beach Community College, Lake Worth Campus, 4200 Congress Ave., Lake Worth, FL 33461

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Heather Sherry, Director, Office of Articulation, Department of Education, 325 West Gaines St., Suite 1401, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0311 Assessment of Student Attainment of College-Level Communication and Computation Skills.

~~(1) The skills in Rule 6A-10.0316, F.A.C., shall be used by the Articulation Coordinating Committee as the basis for the development of specifications for test items.~~

~~(2) The specifications shall be used by the Articulation Coordinating Committee as the basis for the development of tests and other assessment procedures to measure the level of student attainment of the skills.~~

~~(3) The College Level Academic Skills Test, an achievement test developed by the Department pursuant to Section 1008.345(8)(h), Florida Statutes, to measure the level of attainment of college-level communication and computation skills listed in Rule 6A-10.0316, F.A.C., is approved and designated for use in community colleges and state universities. Scores on the reading, writing, and computation subtests shall be reported on the score scale which was established by the Department in the October, 1982 test administration. From October 1, 1982 through September 30, 1991, scores on the essay shall be reported on a four (4) point score scale established by the Department in the October, 1982 test administration. Beginning October 1, 1991, scores on the essay shall be reported on a six (6) point scale established by the Department in the October, 1991 test administration. For purposes of the requirements of Section 1008.29(4), Florida Statutes, a total score of four on a four point score scale shall be considered equivalent to a total score of five on a six point score scale for students retaking the essay portion of the examination.~~

~~(4) Admission criteria for the College Level Academic Skills Test shall be specified by the Commissioner in the Test Administration Plan.~~

~~(5) A person required to take the College Level Academic Skills Test who has a record of physiological disorder(s) which substantially impairs that person's visual, auditory, manual or speaking abilities or who has a record of a learning disability shall be deemed to have satisfied any requirement to present a score on any subtest which has not been modified in administration so as best to ensure that the performance of the person on the subtest accurately reflects the person's achievement of the skill being measured, rather than the person's impaired abilities. The test modifications may include but are not limited to the following:~~

~~(a) Flexible scheduling. The person may be administered a subtest during several brief sessions, so long as all testing is completed on the test administration date.~~

~~(b) Flexible setting. The person may be administered a subtest individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.~~

~~(c) Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person's responses onto a machine-scorable answer sheet.~~

~~(d) Revised format. The person may use a large print booklet, a Braille test booklet, or a magnifying device.~~

~~(e) Auditory aids. The person may use audio devices. A tape recorded version of appropriate portions of the test may be used, along with a printed copy. Appropriate portions of the test may be read to the student by a narrator.~~

~~(6) Each college and university shall establish a committee for the purpose of evaluating requests for exemption from the testing requirements of this rule which are submitted by students with specific learning disabilities. Each institution shall adopt its own procedures for implementing the provisions of this Subsection and Section 1008.29(5), Florida Statutes. The student shall have the right to appeal the findings of the committee directly to the president of the institution. Once a waiver is granted by an institution, the waiver is transferable to other institutions.~~

~~(7) Each community college president and university president shall establish a committee to consider requests for waivers from the testing requirements of this rule for students other than those with specific learning disabilities. The committee shall be chaired by the chief academic officer of the institution and shall have four (4) additional members appointed by the president which shall include a member of the mathematics department, a member of the English department, the institutional test administrator, and a fourth faculty member from a department other than English or mathematics. The terms of office of the committee members and the meeting times and conditions shall be established by the president. However, as part of the process of determining whether to recommend a waiver from the provisions of Section 1008.29(3), Florida Statutes, the committee shall conduct a personal interview with each student requesting a waiver.~~

~~(8) Any student who has taken any of the four (4) subtests of the College Level Academic Skills Test at least four (4) times and has not earned a passing score on the subtest but has otherwise earned a minimum grade point average of 2.0 in all college credit courses in that same subject area and met the requirements defined in Rule 6A-10.030, F.A.C., for that area may appeal to the committee described in subsection (7) of this rule for a waiver from that subtest. In considering the request, the committee shall review the student's academic records and such other information as may be appropriate.~~

~~(9) The committee described in subsection (7) of this rule shall determine whether the student's inability to pass the reading, English language skills, or essay subtest is due to the student having English as second or foreign language. If the student has completed instructional programs for English as a second language or English as a foreign language with a minimum grade point average of 2.0, and has otherwise earned a minimum grade point average of 2.0 in all college credit courses in the subtest area as that for which a waiver is being considered, and has met the requirements of Rule 6A-10.030, F.A.C., for that area, then a waiver may be considered.~~

~~(10) In considering a request for a waiver from any subtest, the committee described in subsection (7) of this rule shall determine whether the student has demonstrated sufficient effort to pass the subtest and has satisfactorily completed remediation studies related to the failed subtest in addition to meeting the requirements in subsections (8) and (9) of this rule. Waivers shall not be granted under any circumstance unless the student first has demonstrated effort to learn the required skills to the level required by the subtest.~~

~~(11) If the committee described in subsection (7) of this rule recommends by majority vote that a waiver be given for a specified subtest, such recommendation shall be accompanied by documentation that the student has acquired the skills to the level required by the subtest and statements of explanation or justification to be considered by the president who then may approve or disapprove the recommendation. If a waiver is granted, the student's official college or university transcript shall include a statement that the student did not meet the requirements of Section 1008.29(3), Florida Statutes, for an identified subtest, and a waiver was granted.~~

~~(12) Each institution granting waivers to students under the provisions of this rule shall provide information about the students receiving waivers to the Department of Education in accordance with procedures established by the Commissioner of Education. This information shall include documentation of the student's name and social security number, the test section waived, and the reasons for the waiver.~~

~~(13) A community college shall not grant a waiver unless it is in conjunction with the awarding of the associate in arts degree.~~

~~(14) Pursuant to Section 1008.29(9)(a), Florida Statutes, any student fulfilling Students must demonstrate college-level proficiency in communication and computation skills by successfully completing one or more of the following requirements before the award completion of the associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this rule:~~

~~(1)(a) Achieve a score that meets or exceeds a minimum score on a nationally standardized examination as listed below: Students may present scores from the Scholastic Achievement Test (SAT-I) as follows:~~

Skill Area	Required Score on Examination
Reading	<ul style="list-style-type: none"> <li>• <del>500 or above on the SAT Critical Reading portion taken after February 2005</del></li> <li>• <del>500 or above on the Verbal section of the recentered SAT I taken prior to March 2005</del></li> <li>• <del>421 or above (non-recentered score) on the Verbal section of the SAT I taken prior to March 2005</del></li> <li>• <del>22 or above on the ACT program in Reading</del></li> <li>• <del>20 or above on the Composite of the ACT taken prior to October 1989</del></li> <li>• <del>93 or above on the ACCUPLACER Reading Comprehension Examination</del></li> </ul>
English Language and Essay	<ul style="list-style-type: none"> <li>• <del>500 or above on the SAT Writing portion taken after February 2005</del></li> <li>• <del>500 or above on the Verbal section of the recentered SAT I taken prior to March 2005</del></li> <li>• <del>421 or above (non-recentered score) on the Verbal section of the SAT I taken prior to March 2005</del></li> <li>• <del>21 or above on the ACT program in English</del></li> <li>• <del>21 or above on the ACT program in English/Writing (English with Essay component)</del></li> <li>• <del>20 or above on the Composite of the ACT taken prior to October 1989</del></li> <li>• <del>105 or above on the ACCUPLACER Sentence Skills Examination</del></li> </ul>
Computation	<ul style="list-style-type: none"> <li>• <del>500 or above on the SAT Mathematics portion taken after February 2005</del></li> <li>• <del>500 or above on the Mathematics section of the recentered SAT I taken prior to March 2005</del></li> <li>• <del>473 or above (non-recentered score) on the Mathematics section of the SAT I taken prior to March 2005</del></li> <li>• <del>21 or above on the ACT program in Mathematics</del></li> <li>• <del>21 or above on the ACT taken prior to October 1989</del></li> <li>• <del>91 or above on the ACCUPLACER Elementary Algebra examination</del></li> </ul>

~~1. Quantitative. Students who have earned a quantitative score of five hundred (500) or above on the recentered score scale of the Scholastic Achievement Test (SAT-I), or its equivalent on the original score scale, shall be exempt from the computation section of the College Level Academic Skills Test.~~

~~2. Verbal. Students who have earned a verbal score of five hundred (500) or above on the recentered score scale of the Scholastic Achievement Test (SAT-I), or its equivalent on the original score scale, shall be exempt from the Reading, English Language Skills, and Essay sections of the College Level Academic Skills Test.~~

~~(b) Students may present scores from the American College Testing Program (ACT) as follows:~~

~~1. Mathematics. Students who have earned a score of twenty one (21) or above on the Enhanced American College Testing Program in mathematics, or a score of twenty one (21)~~

~~or above on the original ACT, shall be exempt from the Computation section of the College Level Academic Skills Test.~~

~~2. English. Students who have earned a score of twenty two (22) or above on the Enhanced American College Testing Program in Reading, or a score of twenty (20) or above on the Composite of the original ACT, shall be exempt from the Reading section of the College Level Academic Skills Test. Students who have earned a score of twenty one (21) or above on the American College Testing Program in English, or a score of twenty (20) or above on the original ACT, shall be exempt from the English Language Skills and Essay sections of the College Level Academic Skills Test.~~

~~(2)(c) Achieve Students who have earned a grade point average of 2.5 or above on a 4.0 grade scale in selected postsecondary level courses at Florida public institutions and non-public institutions on the Statewide Course Numbering System, pursuant to Section 1007.24(7), Florida Statutes shall be exempted from one or more sections of the College Level Academic Skills Test, as specified below. Each postsecondary institution shall establish its own policies for the evaluation of students' coursework when that student earned credits that are not part of the Statewide Course Numbering System from an institution other than a Florida public community college or university.~~

~~(a)1. To meet the College Level Academic Skills requirements in communication, a student must earn a 2.5 grade point average in a combination of at least one (1) course with the ENC prefix and any other course, exclusive of those with the SPC prefix, that is designated as a Gordon Rule writing course pursuant to the requirements of paragraph 6A-10.030(2)(a), F.A.C. Course prefixes are assigned in accordance with Section 1007.24, Florida Statutes. To exempt the English Language Skills, Reading and Essay sections of the College Level Academic Skills Test, the student must have earned a 2.5 grade point average in two (2) courses for a minimum of six (6) semester hours of credit from: ENC 1101, English I and ENC 1102, English II or other equivalent college level English course.~~

~~(b)2. To meet the College Level Academic Skills requirements in computation, a student must earn a 2.5 grade point average in any combination of two (2) courses from the list below:~~

- ~~1. Any MAC course with the last three (3) digits of 102 or higher.~~
- ~~2. MGFX106-Liberal Arts Mathematics I.~~
- ~~3. MGFX107 – Liberal Arts Mathematics II.~~
- ~~4. MGFX113-Topics in College Mathematics I.~~
- ~~5. MGFX114-Topics in College Mathematics II.~~
- ~~6. MGFX118-Mathematics for CLAST Review.~~
- ~~7. Any MGF course with last three (3) digits of 202 or higher.~~
- ~~8. Any Gordon Rule statistics course.~~

9. Any mathematics course that has College Algebra (MACX105 as a prerequisite).

To exempt the Computation section of the College Level Academic Skills Test, the student must have earned a 2.5 grade point average in two (2) courses for a minimum of six (6) semester hours of credit from:

a. Option 1. The student shall complete any two (2) of the following: MAC\*102 College Algebra or any other MAC course with the last three digits being higher than 102; MGF\*106 Liberal Arts Mathematics I, MGF\*107 Liberal Arts Mathematics II, MGF\*202 Finite Mathematics or any other MGF courses with the last three digits being higher than 202; or STA\*014 Statistical Methods or any other STA course.

b. Option 2. The student shall complete any two (2) of the following: MGF\*106 Liberal Arts Mathematics I and MGF\*107 Liberal Arts Mathematics II; MGF\*113 Topics in College Mathematics I; MGF\*114 Topics in College Mathematics II; or MGF\*118 Mathematics CLAST Review.

c. Option 3. MGF\*106 Liberal Arts Mathematics I or MGF\*113 Topics in College Mathematics I, and MAC\*102 College Algebra or MAC\*105 College Algebra.

(c) Credits granted in accordance with the Articulation Coordinating Committee Credit-by-Examination Equivalencies shall be substituted for the courses specified above. The document, Articulation Coordinating Committee Credit-By-Examination Equivalencies, is hereby incorporated by reference as a part of this rule to become effective with the effective date of this rule. Copies may be obtained by contacting the Office Articulation, Department of Education, 325 West Gaines Street, Tallahassee, FL or from the Department's web site at <http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf>. If a student earns credit by examination for two (2) courses listed in both paragraphs (2)(a) and (2)(b), of this rule, the requirement will be considered to be met. If a student earns credit by examination for one (1) course within either paragraph (2)(a) or (2)(b), of this rule, no grade will be assigned for that course. The 2.5 grade point calculation will be based solely on grades earned in courses completed at an institution.

(15) Students who do not initially earn passing scores on the Scholastic Achievement Test (SAT-I) or the American College Testing Program may submit scores earned on other administrations of the tests as long as subsequent scores are not earned within thirty (30) days of the preceding score.

(16) Pursuant to Section 1008.29(9), Florida Statutes, any student denied a degree based on the failure of at least one (1) subtest of the CLAST may use any of the alternatives specified in this rule for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this rule. This provision does not require a student to take the CLAST before being given the opportunity to use any of the alternatives

specified in this rule. The exemptions provided herein do not apply to requirements for teacher certification as provided in Section 1012.56, Florida Statutes.

(17) For purposes of evaluating student grade point averages to implement the provisions of subsection (14) of this rule, each postsecondary institution may determine how to make allowances for students who have earned credits in Advanced Placement, College Level Examination, and International Baccalaureate Programs:

Rulemaking Specific Authority 1001.02(6), 1007.25(12)(a) FS. Law Implemented 1001.02, 1007.25 1008.29, 1008.345, 1012.56 FS. History—New 9-3-81, Amended 5-25-82, 10-7-82, 12-7-82, 12-20-83, 3-28-84, Formerly 6A-10.311, Amended 4-13-88, 4-1-91, 8-19-91, 10-18-94, 11-25-97, 3-28-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Heather Sherry, Director, Office of Articulation

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

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

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:	RULE TITLE:
40C-8.031	Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to (1) amend established minimum water levels for the following lakes in the following counties: Lake Grandin in Putnam County, and Lakes Colby and Shaw and Three Island Lake in Volusia County; (2) add a duration and return interval to the established minimum water levels for Lake Ashby in Volusia County and Lake Gore in Flagler County and delete their listed hydroperiod categories; (3) make minor technical changes by rounding to the nearest decimal place for the minimum average levels for Lake Broward in Putnam County and Lake Sand Hill in Clay County; (4) make minor technical changes by changing the name of the hydroperiod category from "temporarily flooded" to "seasonally flooded" for the frequent high levels for the following lake in the following counties: Bird Pond, McKasel, and Pam in Putnam County, and Mills in Seminole County; (5) make a minor technical change by changing the name of the

hydroperiod category from “seasonally flooded” to “temporarily flooded” for Lake Sunset in Lake County; (6) make minor technical changes by changing the name of the hydroperiod category from “typically flooded” to “typically saturated” for the minimum average water level of the following lakes in the following counties: Daugharty and Dias in Volusia County, Disston in Flagler County, and Echo in Putnam County; and (7) revise the formatting of existing subsections 40C-8.031(1)-(2), F.A.C., for clarity.

**SUMMARY:** The proposed rule would establish or amend established minimum water levels for the above listed lakes and springs pursuant to the mandate of Section 373.042, Florida Statutes. Each of the established or amended levels have either an associated hydroperiod category or a duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process. Additionally, the proposed rule would revise the formatting of Rule 40C-8.031, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** In general, the rule amendment contains two types of changes: (1) changes to the format of Rule 40C-8.031, F.A.C., and (2) revisions to the levels and/or hydroperiod categories, and duration and return intervals for several existing MFLs in the same rule. The first type of change (reformatting) is being made to clarify the rule, and is not a substantive change and will not have an economic impact on small business. The second type of change (to levels/hydroperiods/duration/return intervals) is a substantive change, but except for changes to two MFLs described below, will not increase the level of restriction for the existing MFLs. For nine of the existing MFLs, the level of restriction will not change at all, but will be expressed differently. These changes will not have any economic impact on permit applicants. For six existing MFLs, the revisions will make the existing MFLs slightly less restrictive and thus may potentially have a positive economic impact on permit applicants. The existing MFLs that would become less restrictive are: Lake Sand Hill in Clay County; Lake Sunset in Lake County; Lake Grandin in Putnam County; and lakes Colby, Shaw, and Three Island in Volusia County. Finally, there are two existing MFLs that would become more restrictive: Lake Pam in Putnam County; and Lake Mills in Seminole County. There are few consumptive uses of water (CUP) or environmental resource permit (ERP) activities near lakes Pam or Mills. The changes to the

hydroperiod categories for lakes Pam and Mills may or may not have an impact on proposed water uses or ERP activities, depending on the intensity and proximity of the activity to the lake, and depending on any avoidance measures or mitigation proposed. Many factors determine how a proposed water use or ERP activity will affect an MFL. Thus, it is not possible to precisely determine what the economic impact would be to potential CUP or ERP applicants who are small businesses until such a proposed water use or ERP activity is evaluated in the permitting process. The proposed revisions to the existing MFLs for lakes Pam and Mills will not impact existing water uses or ERP activities. 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:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421 FS.

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

**DATE AND TIME:** November 10, 2009, Following the regularly scheduled Governing Board/Regulatory Meeting which begins at 1:00 p.m.

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, FL 32177-2529

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026 or email address wgaylord@sjrwm.com

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

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum groundwater levels and minimum mean annual spring flows are established: ~~The following minimum surface water levels and flows and minimum ground water levels are established:~~

Spring Name	County	Head (ft NGVD)	Discharge (cfs)
Messant Spring	Lake	32	12
Miami Spring	Seminole	27	4
Palm Spring	Lake	27	7
Rock Spring	Orange	31	53
Saniando Spring	Seminole	28	15
Seminole Spring	Lake	34	34
Starbuck Spring	Seminole	31	13
Wekiwa Spring	Orange	24	62

(a) Wekiva River at the SR-46 Bridge.

	Level	Flow	Duration	Return Interval
	(ft. NGVD)	(cfs)	(days)	(years)
Minimum Infrequent High	9.0	880	7	5
Minimum Frequent High	8.0	410	30	2
Minimum Average	7.6	240	180	1.7
Minimum Frequent Low	7.2	200	90	3
Phase 1 Restriction	7.0	190	NA	NA
Phase 2 Restriction	6.9	180	NA	NA
Phase 3 Restriction	6.7	160	NA	NA
Phase 4 Restriction	6.5	150	NA	NA
Minimum Infrequent Low	6.1	120	7	100

(b) Wekiva River Minimum Groundwater Levels and Spring Flows:

	Head	Discharge		
	(ft. NGVD)	(cfs)		
Messant Spring	32	12		
Seminole Spring	34	34		
Rock Spring	31	53		
Wekiva Spring	24	62		
Miami Spring	27	4		
Sanlando Spring	28	15		
Starbuck Spring	31	13		
Palm Spring	27	7		

(c) Black Water Creek at the SR-44 Bridge.

	Level	Flow	Duration	Return Interval
	(ft. NGVD)	(cfs)	(days)	(years)
Minimum Infrequent High	27.0	340	7	5
Minimum Frequent High	25.8	145	30	2
Minimum Average	24.3	33	180	1.7
Minimum Frequent Low	22.8	2.5	90	15
Phase 1 Restriction	22.7	2	NA	NA
Phase 2 Restriction	22.5	1	NA	NA
Phase 3 Restriction	22.4	0.6	NA	NA
Phase 4 Restriction	22.3	0.3	NA	NA
Minimum Infrequent Low	21.9	0	7	100

(d) St. Johns River 1.5 miles downstream of Lake Washington weir.

	Level	Flow	Hydroperiod Category
	(ft. NGVD)	(cfs)	
Minimum Frequent High	15.3	1,450	Seasonally Flooded
Minimum Average	12.7	240	Typically saturated
Minimum Frequent Low	11.3	28	Semipermanently flooded

(e) Taylor Creek 1.7 miles downstream of structure S-164.

	Flow	Hydroperiod Category
	(cfs)	
	95	
	17	
	0.5	
Minimum Frequent High		Seasonally flooded
Minimum Average		Typically saturated
Minimum Frequent Low		Semipermanently flooded

(f) St. Johns River at SR-44 near DeLand, Volusia County.

	Level	Flow	Duration	Return Interval
	(ft. NGVD)	(cfs)		
Minimum Frequent High	1.9	4600	30 days	3 years

Minimum Average	0.8	2050	180 days	1.5 years
Minimum Frequent Low (g) Blue Spring, Volusia County	0.3	1100	120 days	5 years

Minimum Long Term Mean Flow		Cfs		
December 3, 2006 through March 31, 2009		133		
April 1, 2009 through March 31, 2014		137		
April 1, 2014 through March 31, 2019		142		
April 1, 2019 through March 31, 2024		148		
After March 31, 2024		157		

(h) St. Johns River at SR 50 in Orange and Brevard Counties:

	Level	Flow	Duration	Return Interval
	(ft NGVD)	(cfs)	(days)	(years)
Minimum Frequent High	8.1	1950	30	2
Minimum Average	5.9	580	180	1.5
Minimum Frequent Low	4.2	140	120	5
Minimum Infrequent Low	2.7	43	60	50

(i) St. Johns River at Lake Monroe in Seminole and Volusia Counties:

	Level	Duration	Return Interval
	(ft NGVD)	(days)	(years)
Minimum Frequent High	2.8	30	2
Minimum Average	1.2	180	1.5
Minimum Frequent Low	0.5	120	5

(2) The following minimum surface water levels and flows are established: The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Flow (cfs)	Hydroperiod Category	Duration (days)	Return Interval (years)
Black Water Creek at the SR 44 Bridge	Lake	Infrequent High	27.0	340	=	7	5
		Frequent High	25.8	145	=	30	2
		Average	24.3	33	=	180	1.7
		Frequent Low	22.8	2.5	=	90	15
		Phase 1 Restriction	22.7	2.0	=	=	=
		Phase 2 Restriction	22.5	1.0	=	=	=
		Phase 3 Restriction	22.4	0.6	=	=	=
		Phase 4 Restriction	22.3	0.3	=	=	=
		Infrequent Low	21.9	0.0	=	7	100
		St. Johns River 1.5 miles downstream of Lake Washington weir	Brevard	Frequent High	15.3	1450	Seasonally Flooded
Average	12.7			240	Typically Saturated	=	=
Frequent Low	11.3			28	Sempermanently Flooded	=	=

St. Johns River at SR 44 near DeLand	Volusia	Frequent High	1.9	4600	=	30	3
		Average	0.8	2050	=	180	1.5
		Frequent Low	0.3	1100	=	120	2
Taylor Creek 1.7 miles downstream of structure S-164		Frequent High	=	95	Seasonally Flooded	=	=
		Average	=	17	Typically Saturated	=	=
		Frequent Low	=	0.5	Sempermanently Flooded	=	=
St. Johns River at SR 50 near Christmas	Orange and Brevard	Frequent High	8.1	1950	=	30	2
		Average	5.9	580	=	180	1.5
		Frequent Low	4.2	140	=	120	5
		Infrequent Low	2.7	43	=	60	50
Wekiva River at the SR46 Bridge	Seminole and Lake	Infrequent High	9.0	880	—	7	5
		Frequent High	8.0	410	—	30	2
		Average	7.6	240	—	180	1.7
		Frequent Low	7.2	200	—	90	3
		Phase 1 Restriction	7.0	190	—	—	—
		Phase 2 Restriction	6.9	180	—	—	—
		Phase 3 Restriction	6.7	160	—	—	—
		Phase 4 Restriction	6.5	150	—	—	—
		Infrequent Low	6.1	120	—	7	100

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM- INFREQUENT LOW
(a) AP SHAWA NORTH	Lake	Seasonally Flooded Typically Saturated Semipermanently Flooded		85.0	83.3	81.3	
(b) AP SHAWA SOUTH	Lake	Seasonally Flooded Typically Saturated Semipermanently Flooded		86.0	84.7	83.2	
(c) ARGENTA	Putnam	Seasonally Flooded Typically Saturated Semipermanently Flooded		50.1	47.7	46.3	
(d) ASHBY	Volusia	Seasonally Flooded Semipermanently Flooded		42.3		41.1	
(e) BANANA	Putnam	Seasonally Flooded Typically Saturated Semipermanently Flooded		38.0	36.2	34.4	
(f) BELL	Putnam	Temporarily Flooded Typically Saturated Semipermanently Flooded		42.5	40.5	38.7	
(g) BIG	Volusia	Seasonally Flooded Typically Saturated Semipermanently Flooded		26.1	25.0	23.7	
(h) BIRD POND	Putnam	Temporarily Flooded Typically Saturated		41.8	39.5		

		Semipermanently Flooded				38.1	
(i) BLUE POND	Clay	Temporarily Flooded		174.1			
		Typically Saturated			173.3		
		Semipermanently Flooded				171.7	
(j) BOGGY MARSH	Lake	Seasonally Flooded		117.3			
		Typically Saturated			115.9		
		Semipermanently Flooded				114.5	
(k) BOWERS	Marion	Temporarily Flooded		57.1			
		Typically Saturated			54.0		
		Semipermanently Flooded				52.7	
(l) BRANTLEY	Seminole	Seasonally Flooded		46.3			
		Typically Saturated			45.6		
		Semipermanently Flooded				44.1	
(m) BROOKLYN	Clay	Temporarily Flooded		114.6			
		Typically Saturated			108.0		
		Semipermanently Flooded				101.0	
(n) BROWARD	Putnam	Temporarily Flooded		40.0			
		Typically Saturated			38.25		
		Semipermanently Flooded				36.5	
(o) BURKETT	Orange	Seasonally Flooded		53.5			
		Typically Saturated			52.6		
		Semipermanently Flooded				51.2	
(p) CHARLES	Marion	Seasonally Flooded		40.2			
		Typically Saturated			39.3		
		Semipermanently Flooded				37.9	
(q) CHERRY	Lake	Seasonally Flooded		96.0			
		Typically Saturated			94.9		
		Semipermanently Flooded				93.4	
(r) CLEAR	Putnam	Temporarily Flooded		37.4			
		Typically Saturated			36.4		
		Semipermanently Flooded				34.9	
(s) COLBY	Volusia	Seasonally Flooded		28.3			
		Typically Saturated			26.6		
		Semipermanently Flooded				25.2	
(t) COMO	Putnam	Seasonally Flooded		38.0			
		Typically Saturated			36.2		
		Semipermanently Flooded				34.4	
(u) COMO, LITTLE LAKE	Putnam	Seasonally Flooded		38.0			
		Typically Saturated			36.6		
		Semipermanently Flooded				35.2	
(v) COWPEN	Putnam	Temporarily Flooded		89.1			
		Typically Saturated			85.7		
		Semipermanently Flooded				84.2	
(w) COW POND	Volusia	Seasonally Flooded		40.5			
		Typically Saturated			39.8		
		Semipermanently Flooded				37.6	
(x) COON POND	Volusia	Seasonally Flooded		35.7			
		Typically Saturated			34.6		

		Semipermanently Flooded				33.1	
(y) CRYSTAL/BAKER	Putnam	Seasonally Flooded		35.5			
		Typically Saturated			33.9		
		Semipermanently Flooded				33.0	
(z) DAUGHARTY	Volusia	Temporarily Flooded		44.8			
		Typically Flooded			42.6		
		Semipermanently Flooded				41.2	
(aa) DAVIS	Volusia	Seasonally Flooded		36.2			
		Typically Saturated			35.4		
		Semipermanently Flooded				34.0	
(bb) DEEP	Putnam	Seasonally Flooded		35.0			
		Typically Saturated			33.1		
		Semipermanently Flooded				32.2	
(cc) DIAS	Volusia	Seasonally Flooded		34.6			
		Typically Flooded			33.5		
		Semipermanently Flooded				32.2	
(dd) DISSON	Flagler	Seasonally Flooded		13.8			
		Typically Flooded			13.2		
		Semipermanently Flooded				12.5	
(ee) DORR	Lake	Seasonally Flooded		43.5			
		Typically Saturated			43.1		
		Semipermanently Flooded				42.1	
(ff) DREAM POND	Putnam	Seasonally Flooded		49.0			
		Typically Saturated			47.5		
		Semipermanently Flooded				46.0	
(gg) DRUDY	Volusia	Seasonally Flooded		42.1			
		Typically Saturated			40.6		
		Semipermanently Flooded				39.1	
(hh) ECHO	Putnam	Seasonally Flooded		38.8			
		Typically Flooded			36.7		
		Semipermanently Flooded				35.2	
(ii) EMMA	Lake	Seasonally Flooded		94.1			
		Typically Saturated			92.5		
		Semipermanently Flooded				91.1	
(jj) EMPORIA	Volusia	Seasonally Flooded		38.9			
		Typically Saturated			35.8		
		Semipermanently Flooded				34.3	
(kk) ESTELLA	Putnam	Seasonally Flooded		38.6			
		Typically Saturated			37.2		
		Semipermanently Flooded				36.5	
(ll) FOX	Brevard	Temporarily Flooded		16.7			
		Typically Saturated			15.3		
		Semipermanently Flooded				13.8	
(mm) GENEVA	Clay	Seasonally Flooded		103.0			
		Typically Saturated			101.0		
		Semipermanently Flooded				98.5	
(nn) GEORGE SLAKE	Putnam	Seasonally Flooded		98.4			
		Typically Saturated			97.8		
		Semipermanently Flooded				97.0	
(oo) GERTIE	Volusia	Temporarily Flooded		27.5			

		Typically Saturated			25.6		
		Semipermanently Flooded				23.3	
(pp) GORE	Flagler	Seasonally Flooded		21.1			
		Typically Saturated			20.6		
		Semipermanently Flooded				19.2	
(qq) GRANDIN	Putnam	Seasonally Flooded		81.8			
		Typically Saturated			81.3		
		Semipermanently Flooded				80.1	
(rr) HALFMOON	Marion	Seasonally Flooded		49.7			
		Typically Saturated			47.9		
		Semipermanently Flooded				46.5	
(ss) HELEN	Volusia	Temporarily Flooded		46.1			
		Typically Saturated			44.2		
		Semipermanently Flooded				43.6	

(tt) HIRES	Volusia	Seasonally Flooded		41.0			
		Typically Saturated			39.5		
		Semipermanently Flooded				38.0	
(uu) HOKEY	Volusia	Seasonally Flooded		35.4			
		Typically Saturated			33.7		
		Semipermanently Flooded				32.3	
(vv) HOPKINS PRAIRIE	Marion	Seasonally Flooded		25.8			
		Typically Saturated			23.4		
		Semipermanently Flooded				22.0	
(ww) HOWELL	Putnam	Seasonally Flooded		34.5			
		Typically Saturated			33.6		
		Semipermanently Flooded				31.8	
(xx) HOWELL	Seminole	Seasonally Flooded		53.7			
		Typically Saturated			52.9		
		Semipermanently Flooded				51.5	
(yy) INDIAN	Volusia	Seasonally Flooded		37.0			
		Typically Saturated			36.1		
		Semipermanently Flooded				34.4	
(zz) IRMA	Orange	Seasonally Flooded		55.1			
		Typically Saturated			54.8		
		Semipermanently Flooded				53.4	
(aaa) KERR	Marion	Seasonally Flooded		24.4			
		Typically Saturated			22.9		
		Semipermanently Flooded				21.5	
(bbb) LIZZIE	Putnam	Seasonally Flooded		43.9			
		Typically Saturated			42.7		
		Semipermanently Flooded				41.7	
(ccc) LOUISA	Lake	Seasonally Flooded		96.5			
		Typically Saturated			95.4		
		Semipermanently Flooded				94.0	
(ddd) LOWER LAKE LOUISE	Volusia	Seasonally Flooded		31.8			
		Typically Saturated			31.2		
		Semipermanently Flooded				29.7	
(eee) LOWERY	Polk	Temporarily Flooded		130.0			
		Typically Saturated			128.0		
		Semipermanently Flooded				126.5	
(ff) LUCY	Lake	Seasonally Flooded		94.1			
		Typically Saturated			92.5		
		Semipermanently Flooded				91.1	
(ggg) MAGNOLIA	Clay	Seasonally Flooded		124.7			

		Typically Saturated			124.2	
		Semipermanently Flooded				121.4
(hhh) MALL, LITTLE LAKE	Putnam	Seasonally Flooded		38.7		
		Typically Saturated			36.8	
		Semipermanently Flooded				35.2
(iii) MARGARET	Putnam	Seasonally Flooded		35.2		
		Typically Saturated			34.5	
		Semipermanently Flooded				32.5
(jjj) MARTHA	Orange	Seasonally Flooded		53.5		
		Typically Saturated			52.6	
		Semipermanently Flooded				51.2
(kkk) MARVIN	Putnam	Seasonally Flooded		38.6		
		Typically Saturated			37.3	
		Semipermanently Flooded				36.3
(lll) MCGRADY	Putnam	Seasonally Flooded		41.5		
		Typically Saturated			39.9	
		Semipermanently Flooded				37.8
(mmm) MCKASEL	Putnam	Temporarily Flooded		36.7		
		Typically Saturated			35.5	
		Semipermanently Flooded				34.1
(nnn) MELROSE	Putnam	Seasonally Flooded		105.2		
		Typically Saturated			104.2	
		Semipermanently Flooded				102.8
(ooo) MILLS	Seminole	Temporarily Flooded		42.5		
		Typically Saturated			41.4	
		Semipermanently Flooded				39.9
(ppp) MINNEOLA	Lake	Seasonally Flooded		96.0		
		Typically Saturated			95.3	
		Semipermanently Flooded				93.9
(qqq) MONROE	Seminole and Volusia	N/A		2.8		
		N/A			1.2	
		N/A				0.5
(rrr) NETTLES/ENGLISH	Putnam	Seasonally Flooded		44.3		
		Typically Saturated			42.7	
		Semipermanently Flooded				41.7
(sss) NICOTOON	Marion	Seasonally Flooded		54.7		
		Typically Saturated			53.3	
		Semipermanently Flooded				51.9
(ttt) NORRIS	Lake	Seasonally Flooded		30.5		
		Typically Saturated			29.7	
		Semipermanently Flooded				29.1
(uuu) NORTH COMO PARK	Putnam	Seasonally Flooded		41.3		
		Typically Saturated			39.7	
		Semipermanently Flooded				38.5
(vvv) NORTH TALMADGE	Volusia	Seasonally Flooded		55.6		
		Typically Saturated			54.4	
		Semipermanently Flooded				52.9
(www) OMEGA	Putnam	Temporarily Flooded		57.4		
		Typically Saturated			56.1	
		Semipermanently Flooded				54.0
(xxx) ORIO	Putnam	Seasonally Flooded		37.1		
		Typically Saturated			35.6	
		Semipermanently Flooded				34.7
(yyy) PAM	Putnam	Temporarily Flooded		39.3		
		Typically Saturated			37.5	
		Semipermanently Flooded				36.1
(zzz) PEARL	Orange	Seasonally Flooded		53.5		
		Typically Saturated			52.6	
		Semipermanently Flooded				51.2
(aaaa) PIERSON	Volusia	Seasonally Flooded		34.4		
		Typically Saturated			33.8	
		Semipermanently Flooded				32.4
(bbbb) PINE ISLAND	Lake	Seasonally Flooded		107.7		
		Typically Saturated			106.8	
		Semipermanently Flooded				105.4
(cccc) PREVATT	Orange	Seasonally Flooded		56.0		
		Typically Saturated			53.0	
		Semipermanently Flooded				50.9
(dddd) PRIOR	Putnam	Seasonally Flooded		42.3		
		Typically Saturated			40.0	
		Semipermanently Flooded				39.0
(eeee) PURDOM	Volusia	Seasonally Flooded		37.0		
		Typically Saturated			36.4	
		Semipermanently Flooded				35.0
(fff) SAND	Putnam	Seasonally Flooded		40.9		

		Typically Saturated			39.0		
		Sempermanently Flooded				36.6	
(gggg) SAND HILL	Clay	Seasonally Flooded		132.0			
		Typically Saturated			131.65		
		Sempermanently Flooded				129.5	
(hhhh) SAVANNAH	Volusia	Seasonally Flooded		31.1			
		Typically Saturated			29.5		
		Sempermanently Flooded				28.0	
(mm) SCOGGIN	Volusia	Seasonally Flooded		35.0			
		Typically Saturated			34.1		
		Sempermanently Flooded				32.7	
(jjjj) SHAW	Volusia	N/A	38.5				
		N/A		36.9			
		N/A			36.2		
		N/A				34.0	
		N/A					32.0
(kkkk) SILVER	Putnam	Seasonally Flooded		36.8			
		Typically Saturated			35.1		
		Sempermanently Flooded				33.7	
(llll) SMITH	Marion	Temporarily Flooded		34.6			
		Typically Saturated			31.4		
		Sempermanently Flooded				30.0	
(mmmm) SOUTH	Brevard	Temporarily Flooded		16.7			
		Typically Saturated			15.3		
		Sempermanently Flooded				13.8	
(nnnn) SOUTH COMO PARK	Putnam	Seasonally Flooded		38.1			
		Typically Saturated			36.7		
		Sempermanently Flooded				35.3	
(oooo) STAR	Putnam	Seasonally Flooded		77.5			
		Typically Saturated			75.4		
		Sempermanently Flooded				74.0	
(pppp) STELLA	Putnam	Seasonally Flooded		39.4			
		Typically Saturated			38.6		
		Sempermanently Flooded				37.2	
(qqqq) SUNSET	Lake	Seasonally Flooded		85.9			
		Typically Saturated			83.5		
		Sempermanently Flooded				81.0	
(rrrr) SWAN	Putnam	Temporarily Flooded		93.0			
		Typically Saturated			90.3		
(ssss) SYLVAN	Seminole	Seasonally Flooded		40.4			
		Typically Saturated			38.9		
		Sempermanently Flooded				37.5	
(tttt) TARHOE	Putnam	Seasonally Flooded		37.0			
		Typically Saturated			36.0		
		Sempermanently Flooded				35.2	
(uuuu) THREE ISLAND LAKES	Volusia	Seasonally Flooded		23.4			
		Typically Saturated			21.8		
		Sempermanently Flooded				18.8	
(vvvv) TRONE	Putnam	Seasonally Flooded		37.5			
		Typically Saturated			35.7		
		Sempermanently Flooded				34.3	
(wwww) TROUT	Volusia	Seasonally Flooded		23.3			
		Typically Saturated			20.9		
		Sempermanently Flooded				17.7	
(xxxx) TUSCAWILLA	Alachua	Seasonally Flooded		77.6			
		Typically Saturated			74.6		
		Sempermanently Flooded				73.2	
(yyyy) UPPER LAKE LOUISE	Volusia	Seasonally Flooded		35.3			
		Typically Saturated			34.6		
		Sempermanently Flooded				33.2	
(zzzz) WASHINGTON	Brevard	Seasonally Flooded		15.6			
		Typically Saturated			14.2		
		Sempermanently Flooded				12.8	
(aaaa) WAUBERG	Alachua	Seasonally Flooded		67.4			
		Typically Saturated			67.1		
		Sempermanently Flooded				65.6	
(bbbb) WEIR	Marion	Seasonally Flooded		37.2			
		Typically Saturated			36.4		
		Sempermanently Flooded				34.9	
(eeee) WINNEMISSETT	Volusia	Seasonally Flooded		39.5			
		Typically Saturated			37.8		
		Sempermanently Flooded				36.0	
(dddd) WINONA	Volusia	Seasonally Flooded		36.1			
		Typically Saturated			33.5		
		Sempermanently Flooded				32.0	

(3) The following minimum surface water flows are established for Blue Spring in Volusia County:

Time Period	Minimum Long Term Mean Flow
December 3, 2006 through March 31, 2009	133 cfs
April 1, 2009 through March 31, 2014	137 cfs
April 1, 2014 through March 31, 2019	142 cfs
April 1, 2019 through March 31, 2024	148 cfs
After March 31, 2024	157 cfs

(4) The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Hydroperiod Category	Duration (days)	Return Interval (years)
Aphsawa North	Lake	Frequent High	85.0	Seasonally flooded	==	==
		Average	83.3	Typically saturated	==	==
		Frequent Low	81.3	Sempermanently Flooded	==	==
Aphsawa South	Lake	Frequent High	86.0	Seasonally Flooded	==	==
		Average	84.7	Typically Saturated	==	==
		Frequent Low	83.2	Sempermanently Flooded	==	==
Argenta	Putnam	Frequent High	50.1	Seasonally Flooded	==	==
		Average	47.7	Typically Saturated	==	==
		Frequent Low	46.3	Sempermanently Flooded	==	==
Ashby	Volusia	Frequent High	12.3	==	60	2
		Frequent Low	11.1	==	120	5
Banana	Putnam	Frequent High	38.0	Seasonally Flooded	==	==
		Average	36.2	Typically Saturated	==	==
		Frequent Low	34.4	Sempermanently Flooded	==	==
Bell	Putnam	Frequent High	42.5	Temporarily Flooded	==	==
		Average	40.5	Typically Saturated	==	==
		Frequent Low	38.7	Sempermanently Flooded	==	==
Big	Volusia	Frequent High	26.1	Seasonally Flooded	==	==
		Average	25.0	Typically Saturated	==	==
		Frequent Low	23.7	Sempermanently Flooded	==	==
Bird Pond	Putnam	Frequent High	41.8	Seasonally Flooded	==	==
		Average	39.5	Typically Saturated	==	==
		Frequent Low	38.1	Sempermanently Flooded	==	==
Blue Pond	Clay	Frequent High	174.1	Temporarily Flooded	==	==
		Average	173.3	Typically Saturated	==	==
		Frequent Low	171.7	Sempermanently Flooded	==	==
Boggy Marsh	Lake	Frequent High	117.3	Seasonally Flooded	==	==
		Average	115.9	Typically Saturated	==	==
		Frequent Low	114.5	Sempermanently Flooded	==	==
Bowers	Marion	Frequent High	57.1	Temporarily Flooded	==	==
		Average	54.0	Typically Saturated	==	==
		Frequent Low	52.7	Sempermanently Flooded	==	==
Brantley	Seminole	Frequent High	46.3	Seasonally Flooded	==	==
		Average	45.6	Typically Saturated	==	==
		Frequent Low	44.1	Sempermanently Flooded	==	==
Brooklyn	Clay	Frequent High	114.6	Temporarily Flooded	==	==
		Average	108.0	Typically Saturated	==	==
		Frequent Low	101.0	Sempermanently Flooded	==	==
Broward	Putnam	Frequent High	40.0	Temporarily Flooded	==	==
		Average	38.2	Typically Saturated	==	==
		Frequent Low	36.5	Sempermanently Flooded	==	==
Burkett	Orange	Frequent High	53.5	Seasonally Flooded	==	==
		Average	52.6	Typically Saturated	==	==
		Frequent Low	51.2	Sempermanently Flooded	==	==
Charles	Marion	Frequent High	40.2	Seasonally Flooded	==	==
		Average	39.3	Typically Saturated	==	==
		Frequent Low	37.9	Sempermanently Flooded	==	==
Cherry	Lake	Frequent High	96.0	Seasonally Flooded	==	==
		Average	94.9	Typically Saturated	==	==
		Frequent Low	93.4	Sempermanently Flooded	==	==
Clear	Putnam	Frequent High	37.4	Temporarily Flooded	==	==
		Average	36.4	Typically Saturated	==	==
		Frequent Low	34.9	Sempermanently Flooded	==	==

Colby	Volusia	Frequent High	27.6	==	30	3
		Frequent Low	22.9	==	120	3
Como	Putnam	Frequent High	38.0	Seasonally Flooded	==	==
		Average	36.2	Typically Saturated	==	==
		Frequent Low	34.4	Sempermanently Flooded	==	==
Como, Little Lake	Putnam	Frequent High	38.0	Seasonally Flooded	==	==
		Average	36.6	Typically Saturated	==	==
		Frequent Low	35.2	Sempermanently Flooded	==	==
Coon Pond	Volusia	Frequent High	35.7	Seasonally Flooded	==	==
		Average	34.6	Typically Saturated	==	==
		Frequent Low	33.1	Sempermanently Flooded	==	==
Cowpen	Putnam	Frequent High	89.1	Temporarily Flooded	==	==
		Average	85.7	Typically Saturated	==	==
		Frequent Low	84.2	Sempermanently Flooded	==	==
Cow Pond	Volusia	Frequent High	40.5	Seasonally Flooded	==	==
		Average	39.8	Typically Saturated	==	==
		Frequent Low	37.6	Sempermanently Flooded	==	==
Crystal/Baker	Putnam	Frequent High	35.5	Seasonally Flooded	==	==
		Average	33.9	Typically Saturated	==	==
		Frequent Low	33.0	Sempermanently Flooded	==	==
Daugharty	Volusia	Frequent High	44.8	Temporarily Flooded	==	==
		Average	42.6	Typically Saturated	==	==
		Frequent Low	41.2	Sempermanently Flooded	==	==
Davis	Volusia	Frequent High	36.2	Seasonally Flooded	==	==
		Average	35.4	Typically Saturated	==	==
		Frequent Low	34.0	Sempermanently Flooded	==	==
Deep	Putnam	Frequent High	35.0	Seasonally Flooded	==	==
		Average	33.1	Typically Saturated	==	==
		Frequent Low	32.2	Sempermanently Flooded	==	==
Dias	Volusia	Frequent High	34.6	Seasonally Flooded	==	==
		Average	33.5	Typically Saturated	==	==
		Frequent Low	32.2	Sempermanently Flooded	==	==
Disston	Flagler	Frequent High	13.8	Seasonally Flooded	==	==
		Average	13.2	Typically Saturated	==	==
		Frequent Low	12.5	Sempermanently Flooded	==	==
Dorr	Lake	Frequent High	43.5	Seasonally Flooded	==	==
		Average	43.1	Typically Saturated	==	==
		Frequent Low	42.1	Sempermanently Flooded	==	==
Dream Pond	Putnam	Frequent High	49.0	Seasonally Flooded	==	==
		Average	47.5	Typically Saturated	==	==
		Frequent Low	46.0	Sempermanently Flooded	==	==
Drudy	Volusia	Frequent High	42.1	Seasonally Flooded	==	==
		Average	40.6	Typically Saturated	==	==
		Frequent Low	39.1	Sempermanently Flooded	==	==
Echo	Putnam	Frequent High	38.8	Seasonally Flooded	==	==
		Average	36.7	Typically Saturated	==	==
		Frequent Low	35.2	Sempermanently Flooded	==	==
Emma	Lake	Frequent High	94.1	Seasonally Flooded	==	==
		Average	92.5	Typically Saturated	==	==
		Frequent Low	91.1	Sempermanently Flooded	==	==
Emporia	Volusia	Frequent High	38.9	Seasonally Flooded	==	==
		Average	35.8	Typically Saturated	==	==
		Frequent Low	34.3	Sempermanently Flooded	==	==
Estella	Putnam	Frequent High	38.6	Seasonally Flooded	==	==
		Average	37.2	Typically Saturated	==	==
		Frequent Low	36.5	Sempermanently Flooded	==	==
Fox	Brevard	Frequent High	16.7	Temporarily Flooded	==	==
		Average	15.3	Typically Saturated	==	==
		Frequent Low	13.8	Sempermanently Flooded	==	==
Geneva	Clay	Frequent High	103.0	Seasonally Flooded	==	==
		Average	101.0	Typically Saturated	==	==
		Frequent Low	98.5	Sempermanently Flooded	==	==
Georges Lake	Putnam	Frequent High	98.4	Seasonally Flooded	==	==
		Average	97.8	Typically Saturated	==	==
		Frequent Low	97.0	Sempermanently Flooded	==	==
Gertie	Volusia	Frequent High	27.5	Temporarily Flooded	==	==
		Average	25.6	Typically Saturated	==	==
		Frequent Low	23.3	Sempermanently Flooded	==	==
Gore	Flagler	Frequent High	21.1	==	30	3
		Average	20.6	==	180	1.5
		Frequent Low	19.2	==	120	2

Grandin	Putnam	Frequent High	81.5	==	30	2
		Frequent Low	78.6	==	120	2
Halfmoon	Marion	Frequent High	49.7	Seasonally Flooded	==	==
		Average	47.9	Typically Saturated	==	==
		Frequent Low	46.5	Sempermanently Flooded	==	==
Helen	Volusia	Frequent High	46.1	Temporarily Flooded	==	==
		Average	44.2	Typically Saturated	==	==
		Frequent Low	43.6	Sempermanently Flooded	==	==
Hires	Volusia	Frequent High	41.0	Seasonally Flooded	==	==
		Average	39.5	Typically Saturated	==	==
		Frequent Low	38.0	Sempermanently Flooded	==	==
Hokey	Volusia	Frequent High	35.4	Seasonally Flooded	==	==
		Average	33.7	Typically Saturated	==	==
		Frequent Low	32.3	Sempermanently Flooded	==	==
Hopkins Prairie	Marion	Frequent High	25.8	Seasonally Flooded	==	==
		Average	23.4	Typically Saturated	==	==
		Frequent Low	22.0	Sempermanently Flooded	==	==
Howell	Putnam	Frequent High	34.5	Seasonally Flooded	==	==
		Average	33.6	Typically Saturated	==	==
		Frequent Low	31.8	Sempermanently Flooded	==	==
Howell	Seminole	Frequent High	53.7	Seasonally Flooded	==	==
		Average	52.9	Typically Saturated	==	==
		Frequent Low	51.5	Sempermanently Flooded	==	==
Indian	Volusia	Frequent High	37.0	Seasonally Flooded	==	==
		Average	36.1	Typically Saturated	==	==
		Frequent Low	34.4	Sempermanently Flooded	==	==
Irma	Orange	Frequent High	55.1	Seasonally Flooded	==	==
		Average	54.8	Typically Saturated	==	==
		Frequent Low	53.4	Sempermanently Flooded	==	==
Kerr	Marion	Frequent High	24.4	Seasonally Flooded	==	==
		Average	22.9	Typically Saturated	==	==
		Frequent Low	21.5	Sempermanently Flooded	==	==
Lizzie	Putnam	Frequent High	43.9	Seasonally Flooded	==	==
		Average	42.7	Typically Saturated	==	==
		Frequent Low	41.7	Sempermanently Flooded	==	==
Louisa	Lake	Frequent High	96.5	Seasonally Flooded	==	==
		Average	95.4	Typically Saturated	==	==
		Frequent Low	94.0	Sempermanently Flooded	==	==
Lower Lake Louise	Volusia	Frequent High	31.8	Seasonally Flooded	==	==
		Average	31.2	Typically Saturated	==	==
		Frequent Low	29.7	Sempermanently Flooded	==	==
Lucy	Lake	Frequent High	94.1	Seasonally Flooded	==	==
		Average	92.5	Typically Saturated	==	==
		Frequent Low	91.1	Sempermanently Flooded	==	==
Magnolia	Clay	Frequent High	124.7	Seasonally Flooded	==	==
		Average	124.2	Typically Saturated	==	==
		Frequent Low	121.4	Sempermanently Flooded	==	==
Mall. Little Lake	Putnam	Frequent High	38.7	Seasonally Flooded	==	==
		Average	36.8	Typically Saturated	==	==
		Frequent Low	35.2	Sempermanently Flooded	==	==
Margaret	Putnam	Frequent High	35.2	Seasonally Flooded	==	==
		Average	34.5	Typically Saturated	==	==
		Frequent Low	32.5	Sempermanently Flooded	==	==
Martha	Orange	Frequent High	53.5	Seasonally Flooded	==	==
		Average	52.6	Typically Saturated	==	==
		Frequent Low	51.2	Sempermanently Flooded	==	==
Marvin	Putnam	Frequent High	38.6	Seasonally Flooded	==	==
		Average	37.3	Typically Saturated	==	==
		Frequent Low	36.3	Sempermanently Flooded	==	==
McGrady	Putnam	Frequent High	41.5	Seasonally Flooded	==	==
		Average	39.9	Typically Saturated	==	==
		Frequent Low	37.8	Sempermanently Flooded	==	==
McKasel	Putnam	Frequent High	36.7	Seasonally Flooded	==	==
		Average	35.5	Typically Saturated	==	==
		Frequent Low	34.1	Sempermanently Flooded	==	==
Melrose	Putnam	Frequent High	105.2	Seasonally Flooded	==	==
		Average	104.2	Typically Saturated	==	==
		Frequent Low	102.8	Sempermanently Flooded	==	==
Mills	Seminole	Frequent High	42.5	Seasonally Flooded	==	==
		Average	41.4	Typically Saturated	==	==
		Frequent Low	39.9	Sempermanently Flooded	==	==

Minneola	Lake	Frequent High	96.0	Seasonally Flooded	==	==
		Average	95.3	Typically Saturated	==	==
		Frequent Low	93.9	Semipermanently Flooded	==	==
Monroe	Seminole and Volusia	Frequent High	2.8	==	30	2
		Average	1.2	==	180	1.5
		Frequent Low	0.5	==	120	2
Nettles / English	Putnam	Frequent High	44.3	Seasonally Flooded	==	==
		Average	42.7	Typically Saturated	==	==
		Frequent Low	41.7	Semipermanently Flooded	==	==
Nicotoon	Marion	Frequent High	54.7	Seasonally Flooded	==	==
		Average	53.3	Typically Saturated	==	==
		Frequent Low	51.9	Semipermanently Flooded	==	==
Norris	Lake	Frequent High	30.5	Seasonally Flooded	==	==
		Average	29.7	Typically Saturated	==	==
		Frequent Low	29.1	Semipermanently Flooded	==	==
North Como Park	Putnam	Frequent High	41.3	Seasonally Flooded	==	==
		Average	39.7	Typically Saturated	==	==
		Frequent Low	38.5	Semipermanently Flooded	==	==
North Talmadge	Volusia	Frequent High	55.6	Seasonally Flooded	==	==
		Average	54.4	Typically Saturated	==	==
		Frequent Low	52.9	Semipermanently Flooded	==	==
Omega	Putnam	Frequent High	57.4	Temporarily Flooded	==	==
		Average	56.1	Typically Saturated	==	==
		Frequent Low	54.0	Semipermanently Flooded	==	==
Orio	Putnam	Frequent High	37.1	Seasonally Flooded	==	==
		Average	35.6	Typically Saturated	==	==
		Frequent Low	34.7	Semipermanently Flooded	==	==
Pam	Putnam	Frequent High	39.3	Seasonally Flooded	==	==
		Average	37.5	Typically Saturated	==	==
		Frequent Low	36.1	Semipermanently Flooded	==	==
Pearl	Orange	Frequent High	53.5	Seasonally Flooded	==	==
		Average	52.6	Typically Saturated	==	==
		Frequent Low	51.2	Semipermanently Flooded	==	==
Pierson	Volusia	Frequent High	34.4	Seasonally Flooded	==	==
		Average	33.8	Typically Saturated	==	==
		Frequent Low	32.4	Semipermanently Flooded	==	==
Pine Island	Lake	Frequent High	107.7	Seasonally Flooded	==	==
		Average	106.8	Typically Saturated	==	==
		Frequent Low	105.4	Semipermanently Flooded	==	==
Prevatt	Orange	Frequent High	56.0	Seasonally Flooded	==	==
		Average	53.0	Typically Saturated	==	==
		Frequent Low	50.9	Semipermanently Flooded	==	==
Prior	Putnam	Frequent High	42.3	Seasonally Flooded	==	==
		Average	40.0	Typically Saturated	==	==
		Frequent Low	39.0	Semipermanently Flooded	==	==
Purdom	Volusia	Frequent High	37.0	Seasonally Flooded	==	==
		Average	36.4	Typically Saturated	==	==
		Frequent Low	35.0	Semipermanently Flooded	==	==
Sand	Putnam	Frequent High	40.9	Seasonally Flooded	==	==
		Average	39.0	Typically Saturated	==	==
		Frequent Low	36.6	Semipermanently Flooded	==	==
Sand Hill	Clay	Frequent High	132.0	Seasonally Flooded	==	==
		Average	131.6	Typically Saturated	==	==
		Frequent Low	129.5	Semipermanently Flooded	==	==
Savannah	Volusia	Frequent High	31.1	Seasonally Flooded	==	==
		Average	29.5	Typically Saturated	==	==
		Frequent Low	28.0	Semipermanently Flooded	==	==
Scoggin	Volusia	Frequent High	35.0	Seasonally Flooded	==	==
		Average	34.1	Typically Saturated	==	==
		Frequent Low	32.7	Semipermanently Flooded	==	==
Shaw	Volusia	Frequent High	36.7	==	30	3
		Average	35.4	==	180	1.7
		Frequent Low	33.7	==	120	2
Silver	Putnam	Frequent High	36.8	Seasonally Flooded	==	==
		Average	35.1	Typically Saturated	==	==
		Frequent Low	33.7	Semipermanently Flooded	==	==
Smith	Marion	Frequent High	54.6	Temporarily Flooded	==	==
		Average	51.4	Typically Saturated	==	==
		Frequent Low	50.0	Semipermanently Flooded	==	==

South	Brevard	Frequent High	16.7	Temporarily Flooded	==	==
		Average	15.3	Typically Saturated	==	==
		Frequent Low	13.8	Sempermanently Flooded	==	==
South Como Park	Putnam	Frequent High	38.1	Seasonally Flooded	==	==
		Average	36.7	Typically Saturated	==	==
		Frequent Low	35.3	Sempermanently Flooded	==	==
Star	Putnam	Frequent High	77.5	Seasonally Flooded	==	==
		Average	75.4	Typically Saturated	==	==
		Frequent Low	74.0	Sempermanently Flooded	==	==
Stella	Putnam	Frequent High	39.4	Seasonally Flooded	==	==
		Average	38.6	Typically Saturated	==	==
		Frequent Low	37.2	Sempermanently Flooded	==	==
Sunset	Lake	Frequent High	85.9	Temporarily Flooded	==	==
		Average	83.5	Typically Saturated	==	==
		Frequent Low	81.0	Sempermanently Flooded	==	==
Swan	Putnam	Frequent High	93.0	Temporarily Flooded	==	==
		Average	90.3	Typically Saturated	==	==
		Frequent Low	88.9	Sempermanently Flooded	==	==
Sylvan	Seminole	Frequent High	40.4	Seasonally Flooded	==	==
		Average	38.9	Typically Saturated	==	==
		Frequent Low	37.5	Sempermanently Flooded	==	==
Tarhoe	Putnam	Frequent High	37.0	Seasonally Flooded	==	==
		Average	36.0	Typically Saturated	==	==
		Frequent Low	35.2	Sempermanently Flooded	==	==
Three Island Lakes	Volusia	Frequent High	23.7	==	30	5
		Average	23.0	==	120	10
		Frequent Low	19.4	==		
Trone	Putnam	Frequent High	37.5	Seasonally Flooded	==	==
		Average	35.7	Typically Saturated	==	==
		Frequent Low	34.3	Sempermanently Flooded	==	==
Trout	Volusia	Frequent High	23.3	Seasonally Flooded	==	==
		Average	20.9	Typically Saturated	==	==
		Frequent Low	17.7	Sempermanently Flooded	==	==
Tuscawilla	Alachua	Frequent High	77.6	Seasonally Flooded	==	==
		Average	74.6	Typically Saturated	==	==
		Frequent Low	73.2	Sempermanently Flooded	==	==
Upper Lake Louise	Volusia	Frequent High	35.3	Seasonally Flooded	==	==
		Average	34.6	Typically Saturated	==	==
		Frequent Low	33.2	Sempermanently Flooded	==	==
Washington	Brevard	Frequent High	15.6	Seasonally Flooded	==	==
		Average	14.2	Typically Saturated	==	==
		Frequent Low	12.8	Sempermanently Flooded	==	==
Wauberg	Alachua	Frequent High	67.4	Seasonally Flooded	==	==
		Average	67.1	Typically Saturated	==	==
		Frequent Low	65.6	Sempermanently Flooded	==	==
Weir	Marion	Frequent High	57.2	Seasonally Flooded	==	==
		Average	56.4	Typically Saturated	==	==
		Frequent Low	54.9	Sempermanently Flooded	==	==
Winnemissett	Volusia	Frequent High	59.5	Seasonally Flooded	==	==
		Average	57.8	Typically Saturated	==	==
		Frequent Low	56.0	Sempermanently Flooded	==	==
Winona	Volusia	Frequent High	36.1	Seasonally Flooded	==	==
		Average	33.5	Typically Saturated	==	==
		Frequent Low	32.0	Sempermanently Flooded	==	==

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

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 1-12-04, 2-1-06, 12-03-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Sonny Hall, Technical Program Manager, Division of Water Supply Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529, (386)329-4368, email shall@sjrwmd.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.002                      RULE TITLE: Delegation of Authority

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to incorporate by reference a Well Construction Permitting Agreement between the District and the Marion County Health Department, effective October 1, 2009, by which the District’s authority to regulate well construction in Marion County is delegated to the Marion County Health Department.

**SUMMARY:** Since 2006, the Marion County Health Department (MCHD) has been administering the water well construction permitting program in that portion of Marion County situated within the District pursuant to a delegation agreement. A new two-year Agreement has been approved by both agencies to extend water well construction permitting delegation to October 2011. Rule 40D-1.002, F.A.C., is amended to incorporate by reference the new agreement.

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

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

**RULEMAKING AUTHORITY:** 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

**LAW IMPLEMENTED:** 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

- 40D-1.002 Delegation of Authority.
- (1) through (2) No change.
- (3) The Governing Board hereby incorporates by reference the following documents:
  - (a) and (b) No change.
  - (c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective ~~October 1, 2009~~ May 21, 2006, and the ~~First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective October 9, 2007.~~

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

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Tony Gilboy, Well Construction Regulation Manager

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 29, 2009

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to include in the list of District forms the Water Use Permit Application Supplemental Form – Public Supply, Form No. LEG-R.033.01 (9/09) and the Small General Water Use Permit Application Public Supply Attachment, Form No. LEG-R.045.00 (9/09), which are being adopted by the District. Amendments also delete from the list the Public Supply Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.012.00(4/09), which is being repealed.

**SUMMARY:** The District is revising its Water Use Permit (WUP) application forms in coordination with expansion of the Water Management Information System, or WMIS, which can now accept General and Individual WUP applications in addition to applications for Small General WUPs. Rule 40D-1.659, F.A.C., which lists all District forms, is amended to include a revised Public Supply Supplemental form to be submitted for Individual and General WUPs and a new Public Supply Attachment form for use with Small General WUP applications for public supply water use. The Public Supply Supplemental Form for use only in the Southern Water Use Caution Area is no longer be needed and is repealed.

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

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

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

**LAW IMPLEMENTED:** 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

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

(1) GROUND WATER

(a) through (m) No change.

(n) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – PUBLIC SUPPLY, FORM NO. LEG-R.033.0100 (9/09) ~~(3/09)~~, incorporated by reference in subparagraph 40D-2.101(2)(a)4., F.A.C.

(o) through (w) No change.

~~(x) PUBLIC SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.012.01 (4/09), incorporated by reference in paragraph 40D-2.101(6)(a), F.A.C.~~

(y) through (gg) renumbered (x) through (ff) No change.

(gg) SMALL GENERAL WATER USE PERMIT APPLICATION – PUBLIC SUPPLY ATTACHMENT, FORM NO. LEG-R.045.00 (9/09), incorporated by reference in subparagraph 40D-2.101(2)(c)4., F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore

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

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

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt and incorporate by reference a revised Water Use Permit Application Supplemental Form – Public Supply, Form No. LEG-R.033.01 (9/09) and a new Small General Water Use Permit Application Public Supply Attachment, Form No. LEG-R.045.00 (9/09), and to repeal the Public Supply Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.012.00 (4/09). The effect will be to have more specialized application forms for public supply water uses that are intended to eliminate or reduce the necessity for submittal of additional information in order to complete a permit application. Updated and revised forms are being implemented in conjunction with the District's expansion of its on-line permitting system.

SUMMARY: The District is revising its Water Use Permit (WUP) application forms in coordination with expansion of the Water Management Information System, or WMIS, which can now accept General and Individual WUP applications in addition to applications for Small General WUPs. Rule 40D-2.101, F.A.C., is amended to incorporate a revised Public Supply Supplemental form to be submitted for Individual and General WUPs and a new Public Supply Attachment form for use with Small General WUP applications for public supply water use. The Public Supply Supplemental Form for use only in the Southern Water Use Caution Area is no longer needed and is repealed. Section 1.4.1 of the Water Use Permit Information Manual Part B, Basis of Review, which describes application forms, is revised accordingly. Rule 40D-2.091, F.A.C., is amended to incorporate by reference the revised Basis of Review.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

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

(a) Water Use Permit Information Manual Part B, “Basis of Review” (~~\_\_\_\_\_~~) (~~8/30/09~~); and

(b) No change.

(c) No change.

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

40D-2.101 Content of Application.

(1) No change.

(2) The following District application forms shall be used to obtain a new Water Use Permit or to renew an existing Water Use Permit. All permit application forms described herein have been approved by the District Governing Board and are incorporated by reference into this Chapter. Forms are available upon request from any District office or from the District’s website at [www.watermatters.org](http://www.watermatters.org).

(a) Individual Water Use Permit. Application for a new or renewal of an existing Individual Water Use Permit shall be made using the Individual Water Use Permit Application, Form No. LEG-R.029.00 (3/09). Applicants shall also submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

1. through 3. No change.

4. Water Use Permit Application Supplemental Form – Public Supply, Form No. LEG-R.033.0100 (9/09) (~~3/09~~)

5. No change.

(b) General Water Use Permit. Application for a new or renewal of an existing General Water Use Permit shall be made using the General Water Use Permit Application Form, No. LEG-R.028.00 (3/09). Applicants shall also submit one or more Supplemental Forms listed in subparagraph (2)(a) above as appropriate for each type of water use proposed in the permit application. Applicants seeking an initial or renewal

General Water Use Permit for a combined annual average daily water demand of less than 100,000 gallons per day for public supply use may submit the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (9/09), in lieu of the Supplemental Form – Public Supply.

(c) Small General Water Use Permit. Application for a new Small General Water Use Permit shall be made using the Small General Water Use Permit Application, Form No. LEG-R.027.00 (3/09). To renew a Small General Water Use Permit issued solely for agricultural use, application shall be made using the Application to Renew a Small General Water Use Permit for Agricultural Use, Form No. LEG-R.036.00 (3/09). Application to renew all other Small General Water Use Permits shall be made using the Small General Water Use Permit Application, Form No. LEG-R.027.00 (3/09). One or more of the following Attachment Forms for a specific water use shall be submitted with the application form if the application proposes one of the specified water uses:

1. through 3. No change.

4. Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (9/09).

(3) through (5) No change.

(6) Southern Water Use Caution Area Application Forms. In addition to the permit application and information forms identified in subsections (1)-(5) above, all applicants for permits in the Southern Water Use Caution Area (SWUCA) shall submit the “Supplemental Form – Southern Water Use Caution Area,” Form No. LEG-R.007.02 (4/09) (~~03/09~~) incorporated herein by reference. Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for the intended water use type as described in Chapters 3 and 4 of the Water Use Permit Information Manual, Part B “Basis of Review.” All SWUCA application and supplemental information forms may be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org) or from District offices:

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

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

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

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History—Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, 10-1-89, 10-23-89, 2-10-93, and 1-1-03. Formerly 16J-2.06. Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, 7-1-09, 8-30-09, \_\_\_\_\_.

WATER USE PERMIT INFORMATION MANUAL PART B  
BASIS OF REVIEW

1.4.1 SOUTHERN WATER USE CAUTION AREA  
(SWUCA) APPLICATION FORMS

All Permit Applicants in the Southern Water Use Caution Area (SWUCA) shall submit the Supplemental Form–Southern Water Use Caution Area, Form No. LEG-R.007.02 (4/09) incorporated by reference in subsection 40D-2.101(6), F.A.C., in addition to the appropriate application and supplemental form(s) described in Section 1.4, above. ~~Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the Public Supply Supplemental Form Southern Water Use Caution Area, Form No. LEG-R.012.00 (09/07) incorporated by reference in paragraph 40D-1.659(1)(c), F.A.C.~~ Permit Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of the Basis of Review for Water Use Permit Applications, of the Water Use Permit Information Manual and incorporated by reference in subsection 40D-2.101(6), F.A.C.:

1. Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 (4/09); and
2. Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.01 (4/09).

All SWUCA application forms may be obtained from any District Service Office and from the District’s website at [www.watermatters.org](http://www.watermatters.org).

New 11-25-07, Amended 5-12-08, 7-1-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Martha A. Moore

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

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

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-4.042	Formal Determination of Wetlands and Other Surface Waters

PURPOSE AND EFFECT: The purpose and effect of the proposed rule revision is to provide entities with existing formal determinations that expire between September 1, 2008 and January 1, 2012 the option to renew the formal determination for a duration of two (2) years without a fee.

SUMMARY: District Rule 40D-4.042, Florida Administrative Code (F.A.C.), currently allows the renewal of existing formal determinations for a period of five (5) years at a reduced fee of Two Hundred Fifty (\$250.00) dollars provided physical conditions on the property have not changed so as to alter the boundaries of wetlands and other surface waters. The entity requesting a renewal is also required to file its petition within 60 days prior to the existing determination’s expiration. The proposed revisions will provide an option to renew existing formal determinations that expire between September 1, 2008 and January 1, 2012 for a duration of two (2) years without a fee. The two (2) year renewal is also limited by the requirement that physical conditions on the property have not changed so as to alter the boundaries or wetlands and other surface waters and the requirement to file a petition for renewal within certain timeframes.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Annette Zielinski, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4651, or [Annette.Zielinski@watermatters.org](mailto:Annette.Zielinski@watermatters.org)

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (6) No change.

(7) A petition for a new formal determination for a property for which a formal determination already exists shall be issued for five years at ~~require~~ the reduced fee set forth in Rule 40D-1.607, F.A.C., provided:

(a) Physical conditions on the property have not changed so as to alter the boundaries of the wetlands and other surface waters during that period; and

(b) The petition is submitted within 60 days prior to the existing determination’s expiration.

(8) A petition for a new formal determination for a property for which a formal determination already exists and that has an expiration date between September 1, 2008 and December 31, 2009, may be submitted and shall be granted for a duration of two years without payment of a fee provided:

(a) The petitioner certifies that the physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to Part IV of Chapter 373, F.S.; and

(b) The petition is received prior to December 31, 2009.

(9) A petition for a new formal determination for a property for which a formal determination already exists and that has an expiration date between December 31, 2009 and January 1, 2012, may be submitted and shall be granted for a duration of two years without payment of a fee provided:

(a) The petitioner certifies that the physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to Part IV of Chapter 373, F.S.; and

(b) The petition is received within 60 days prior to the expiration of the existing determination.

~~(10)~~(8) Pursuant to Section 373.421(4), F.S., the Governing Board may revoke the formal wetland determination upon a finding that the petitioner has submitted inaccurate information to the District.

Rulemaking Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History--New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, 7-29-02, 2-27-03, 8-30-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen E. West, Deputy General Counsel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE NO.: 58C-1.0031  
RULE TITLE: Lead Agency Dispute Resolution

PURPOSE AND EFFECT: The purpose of the proposed rule is to comply with Section 430.203(9)(a), F.S. The statute requires the department to adopt a rule creating a dispute resolution mechanism for substantially affected parties to protest an area agency on aging's intent to award the designation of "lead agency" to a party or parties. The statute requires the rule to include standards for bid protest and procedures for resolution.

SUMMARY: The rule develops standards for bid protest and procedures for resolution. The rule also develops minimum requirements for an impartial decisionmaker and review of the decisionmaker's decision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This proposed rule will have an impact on small employers as defined in Section 288.703, F.S. Pursuant to Section 120.54(3)(b)1., F.S., the department's statement of estimated regulatory costs is provided. The cost of the initial hearing conducted by the impartial decisionmaker is estimated to be approximately \$250.00 per hour. The estimated cost for review of the decision of the impartial decisionmaker is determined to be approximately the same.

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: 430.203(9)(a) FS.

LAW IMPLEMENTED: 430.203(9)(a) 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: November 10, 2009, 10:00 a.m. – 11:00 a.m. EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

Pursuant to the provisions of 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number: (850)414-2000. Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number: (850)414-2000. Email address: crochethj@elderaffairs.org

A copy of this rule and the form incorporated by reference is located on the department website listed below under the heading "Community Care for the Elderly, Rule 58C-1.0031, F.A.C., CCE Lead Agency Dispute Resolution." <http://elderaffairs.state.fl.us/english/rulemaking.php>

THE FULL TEXT OF THE PROPOSED RULE IS:

58C-1.0031 Lead Agency Dispute Resolution.(1) AREA AGENCY ON AGING PROCEDURES.

(a) In order to meet the requirement set forth in Section 430.203(9)(a)1., F.S., an area agency on aging must specify in its request for proposal that the notice of intent to award will be published in the same manner as the request for proposal was published.

(b) In addition, an area agency on aging (AAA) must comply with the bid process standards set forth in Section 430.203(9)(a), F.S., and this rule.

(c) The AAA must post the notice of intent to award pursuant to paragraph (a) of this subsection upon selection of a lead agency or lead agencies. This notice must include information that substantially affected parties will have an opportunity to request a hearing challenging the proposed action and instruction on how to request a hearing. The notice must also include the following statement: "Failure to file a notice of protest as described in subsection (4) of Rule 58C-1.0031, Florida Administrative Code (F.A.C.), shall constitute a waiver of proceedings under Rule 58C-1.0031, F.A.C."

(2) IMPARTIAL DECISIONMAKERS.

(a) Upon the effective date of this rule, the AAA must solicit and maintain a registry of impartial decisionmakers.

(b) The decisionmaker must meet the minimum qualifications below:

1. Be a member in good standing of The Florida Bar;

2. Have at least 5 years experience in the practice of administrative law, preferably with experience in government procurement procedures;

3. Have not been directly involved, or have any family member who was directly involved, in the intended award of the bid under protest; and

4. Not be currently employed by, or have a family member currently employed by, the AAA awarding the bid, or any lead agency or other agency that has filed a bid for lead agency designation with the AAA awarding the bid; and

5. Not have any other conflict of interest that would affect the decisionmaker's impartiality in the specific proceedings.

(c) Individuals interested in designation as an impartial decisionmaker must complete DOEA Form CCE-001, CCE Impartial Decisionmaker Application, \_\_\_\_\_, 2009, which is hereby incorporated by reference. The form may be obtained from the following website: <http://elderaffairs.state.fl.us/english/ruleforms/CCE-001.doc>.

(3) STANDARDS FOR BID PROTEST.

(a) In a protest to the notice of award, the following shall apply:

1. No submissions made after the bid or proposal opening that amend or supplement the bid or proposal shall be considered.

2. The burden of proof shall rest with the party protesting the proposed AAA intent to award.

(b) In a protest, the decisionmaker must conduct a de novo proceeding to determine whether the AAA's proposed action is contrary to its governing statutes or rules, or to the solicitation specifications. The standard of proof for the protestor must be whether the AAA's action was clearly erroneous, contrary to competition, arbitrary or capricious.

(4) PROTESTING PARTY PROCEDURES.

(a) Any party who is substantially affected by the AAA's intended decision to award a contract for lead agency must file a written notice of protest with the AAA within 72 hours after the posting of the notice of award, excluding weekends and state holidays. A substantially affected party is any party who bid on the AAA's request for proposal for designation as a lead agency.

(b) A formal written protest must be filed within 10 calendar days after the date the notice of protest is filed, unless the 10th day falls on a weekend or state holiday, in which case the deadline shall be the next business day.

(c) The formal written protest must state, with particularity, the facts and law upon which the protest is based.

(d) Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings.

(e) If any substantially affected party, decides to participate in the protest proceedings, that party must give notice within 3 business days of the posting of the initial notice of protest by the AAA.

(5) PROCEDURES FOR BID PROTEST.

Upon receipt of a timely filed notice of protest, the AAA must take the following steps:

(a) Stop the contract award process until the subject of the protest is resolved by final action as required by Section 430.03(9)(a)2., F.S.

(b) Immediately post the notice of protest in the same manner as the notice of intended award was posted.

(c) Select an impartial decisionmaker as required by Section 430.203(9)(a), F.S., from the registry referenced in subsection (2) of this rule.

1. The decisionmaker must be randomly selected.

2. The AAA must immediately provide the protesting party with the name of the appointed impartial decisionmaker.

3. If the protesting party has an objection to the selected decisionmaker, the protesting party must raise the objection in writing with the AAA within 48 hours, excluding weekends and state holidays, or the objection is deemed to be waived. However, if any party or the decisionmaker later discovers that the decisionmaker has a conflict of interest, the party may raise that objection in writing to the AAA within 48 hours of acquiring knowledge of the conflict, excluding weekends and state holidays, or the objection is deemed to be waived.

4. Upon receipt of a timely objection, the AAA must randomly select another decisionmaker.

(d) Provide an opportunity to resolve the protest by mutual agreement between the parties within 7 days, excluding weekends and state holidays. If the subject of a protest is not resolved by mutual agreement within the time frame set forth in this paragraph, a proceeding must be conducted as set forth in subsection (6) of this rule.

(6) DISPUTE RESOLUTION.

(a) If the protest is not resolved pursuant to paragraph (5)(d) of this rule, the impartial decisionmaker must commence a hearing within 30 calendar days after the AAA receives the formal written protest, unless the 30th day falls on a weekend or state holiday, in which case the deadline shall be the next business day. The provisions of this subsection may be waived only upon stipulation by all parties.

(b) In addition to the provisions included in Section 430.203(9)(a)3., F.S., which outline the rights of all substantially affected parties, the following procedures shall apply:

1. In any bid protest, the service of discovery may begin immediately upon filing of the formal written protest. Responses shall be due within 5 business days of receipt, not counting the day of receipt of any discover requirement.

a. All discovery must be concluded at least 48 hours prior to the scheduled hearing date.

b. All discovery requests must be commenced in a manner that allows discovery to be concluded at least 48 hours prior to the scheduled hearing.

2. The decisionmaker shall have the authority to issue subpoenas.

3. All depositions must have at least 3 business days notice.

4. If a party fails to comply with the discovery rules provided herein, the decisionmaker must exclude such evidence from the hearing, unless just cause is shown as specified in subparagraph (d)1. of this subsection.

5. Should any party be prejudiced by another party's failure to provide discovery, the decisionmaker may continue the hearing for a period not to exceed 5 business days. The non-complying party must comply with the requested discovery within 48 hours after the decision to continue the hearing.

(c) The decisionmaker must render a written decision within 30 calendar days after the hearing if no transcript of the proceedings is requested, or within 30 days after receipt of the hearing transcript by the decisionmaker. If the 30th day falls on a weekend or state holiday, the deadline shall be the next business day. The provisions of this paragraph may be waived only upon stipulation by all parties.

1. The written decision must include findings of fact and conclusions of law. Based on these findings and conclusions, the decisionmaker may affirm or reject the AAA's intended award.

2. If the decisionmaker rejects the AAA's intended award, the AAA must award the designation of lead agency to the next highest scoring party.

3. If the decisionmaker finds that the procurement was flawed only by scoring errors, the AAA must correct such errors.

4. If the decisionmaker finds that the entire procurement was fundamentally flawed and that no intent to award is appropriate, the AAA must reject all bids and begin the procurement process again.

(d) The decisionmaker must permit all parties the opportunity to submit findings of fact, conclusions of law, draft orders and memoranda on the issues within a time designated by the decisionmaker.

(e) A default must be entered against a party who:

1. Fails to appear at a hearing as directed by the decisionmaker, unless at least one of the following conditions exists:

a. Illness of a party, witness or attorney that would prevent attendance at the hearing;

b. An act of God that would prevent attendance at the hearing.

c. A designated threat to public safety that would prevent attendance at the hearing; or

d. Any other circumstance in the opinion of the decisionmaker that would warrant a continuance of the hearing.

2. Fails to comply with discovery after being granted a continuance as provided in subparagraph (b)5. of this subsection.

(f) An entry of default against a party is deemed the final decision of the decisionmaker and is not subject to the provision of subsection (7) of this rule.

(7) REVIEW OF DECISION.

(a) Pursuant to Section 430.203(9)(a), F.S. in the event a party requests a review of the decision by the decisionmaker, the party must utilize one of the entities referenced in subparagraphs 1. and 2. of this paragraph for this review:

1. An arbitrator with the American Arbitration Association. The arbitrator must have experience with government contracts. Contact information for the association is American Arbitration Association, Bank of America Tower at International Place, 100 S.E. 2nd Street, Suite 2300, Miami, FL 33131, telephone number (305)358-7712.

2. A circuit court civil mediator certified by the Florida Supreme Court, who has experience with government contracts. Contact information for the Florida Supreme Court Dispute Resolution Center is [http://199.242.69.70/pls/drc/drc\\_main\\_screen](http://199.242.69.70/pls/drc/drc_main_screen).

(b) This action must be taken within 10 calendar days after the date of the decision from the decisionmaker.

(c) The review shall not be a de novo proceeding, but only a review of the decision based on the record from the hearing.

(d) The written decision of the reviewer must be made within 30 calendar days after the request for review, unless the 30th day falls on a weekend or state holiday, in which case the deadline shall be the next business day. The decision shall be binding upon all parties.

Rulemaking Authority 430.203(9)(a) FS. Law Implemented 430.203(9)(a) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary

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

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

**DEPARTMENT OF ELDER AFFAIRS**

**Long-Term Care Ombudsman Program**

RULE NOS.:	RULE TITLES:
58L-1.001	Confidentiality and Disclosure
58L-1.0011	Definitions
58L-1.005	Access
58L-1.006	Conflict of Interest
58L-1.007	Complaint Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to clarify language; incorporate conflict of interest language into this rule chapter, which is currently included in Rule Chapter 58L-2, F.A.C.; and develop two new rules for definitions and complaint procedures, including a complaint investigation form incorporated by reference.

SUMMARY: The proposed rule amendments and new rules address confidentiality and disclosure of information, access to information, conflict of interest, definitions and complaint procedures, including a complaint investigation form incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This proposed rule will not have an impact on small employers as defined in Section 288.703, F.S.; therefore a statement of estimated regulatory costs has not been prepared. This proposed rule will not have an impact on small cities or counties as defined in Section 120.52, F.S.; therefore a statement of estimated regulatory costs has not been 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: 400.0070, 400.0071, 400.0077(5), 400.0081(2) FS.

LAW IMPLEMENTED: 400.0070, 400.0071, 400.0073, 400.0075, 400.0077, 400.0081 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: November 10, 2009, 2:00 p.m. – 3:30 p.m. EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: [crochetj@elderaffairs.org](mailto:crochetj@elderaffairs.org)

THE TEXT OF THE PROPOSED RULE IS ALSO AVAILABLE ON THE WEBSITE LISTED BELOW, ALONG WITH THE COMPLAINT INVESTIGATION FORM INCORPORATED BY REFERENCE (DOEA FORM LTCOP-001), UNDER THE HEADING ENTITLED “LONG-TERM CARE OMBUDSMAN PROGRAM, RULE CHAPTER 58L-1, F.A.C. <http://elderaffairs.state.fl.us/english/rulemaking.php>

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 58L-1.001 follows. See Florida Administrative Code for present text.)

58L-1.001 Confidentiality and Disclosure.

(1) APPLICABILITY.

The confidentiality and disclosure of information requirement applies to the complaint files maintained by the entities below, which are established under Chapter 400, Part I, F.S.:

(a) Staff members of the Office of the State Long-Term Care Ombudsman;

(b) Members of the State Long-Term Care Ombudsman Council; and

(c) Members of the district long-term care ombudsman councils.

(2) REQUIREMENTS.

(a) Individuals specified in subsection (1) of this rule must follow the requirements in this subsection regarding the confidentiality and disclosure of information involving complaint files in the performance of their duties:

1. Section 400.0077, F.S.; and

2. Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(d).

(b) Complaint case files cannot be released by the program until the case is closed as defined in Rule 58L-1.0011, F.A.C.

Rulemaking Specific Authority 400.0077(5) FS. Law Implemented 400.0077 FS. History--New 7-25-95, Amended \_\_\_\_\_.

#### 58L-1.0011 Definitions:

In addition to the terms defined in Chapter 400, Part I, F.S., the following terms are defined in this rule chapter:

#### (1) COMPLAINT INVESTIGATION DEFINITIONS.

(a) CASE: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident, or group of residents, involving one or more complaints, which requires opening a case and includes ombudsman investigation, strategy to resolve and follow-up.

(b) CASE CLOSED: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code. For purposes of this rule, each complaint must be reviewed and approved by the long-term care district ombudsman manager, or designee, before it meets this definition.

(c) COMPLAINT: A concern brought to, or initiated by, the ombudsman for investigation and action by, or on behalf, of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. One or more complaints constitute a case.

(d) COMPLAINANT: An individual or a party who files one or more complaints made by, or on behalf of, residents with the ombudsman program.

#### (2) COMPLAINT INVESTIGATION DISPOSITION CODES.

(a) NO ACTION NEEDED: The complaint/problem required no action.

(b) NOT RESOLVED: The complaint/problem was not addressed to the satisfaction of the resident or complainant.

(c) PARTIALLY RESOLVED: The complaint/problem has been addressed to some degree to the satisfaction of the resident or complainant, but not completely.

(d) REFERRED, AGENCY DID NOT SUBSTANTIATE: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but the complaint/problem was not substantiated.

(e) REFERRED, AGENCY FAILED TO ACT: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but the agency failed to act.

(f) REFERRED, NO REPORT: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but no report of final outcome by the agency was obtained.

(g) REQUIRES GOVERNMENT POLICY, REGULATORY OR LEGISLATIVE CHANGE TO RESOLVE: The complaint/ problem may be resolved only by governmental order or enactment of changes in law, regulation or policy.

(h) RESOLVED: The complaint/problem was addressed to the satisfaction of the resident or complainant.

(i) WITHDRAWN: The complaint was withdrawn by the complainant or resident, the case was discontinued at the option of the ombudsman, or the resident or complainant died before final disposition of the complaint investigation.

#### (3) COMPLAINT INVESTIGATION VERIFICATION CODES.

(a) NOT VERIFIED: It is determined after work (interviews, record inspection, and observation, etc.) that the circumstances described in the complaint are not accurate.

(b) VERIFIED: It is determined after work (interviews, record inspection, and observation, etc.) that the circumstances described in the complaint are accurate.

#### (4) CONFLICT OF INTEREST DEFINITIONS.

(a) CONFLICT OF INTEREST: A conflict of interest is a competing interest, obligation or duty which compromises, influences, interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, the activities or the conduct of the program's representatives, including the State Long-Term Care Ombudsman, in faithfully and effectively fulfilling his or her official duties. Types of conflicts include:

1. Conflicts of loyalty, which involve issues of judgment and objectivity, including, but not limited to, financial incentives that shape an individual's judgment or behavior in such a way that is contrary to residents' interests.

2. Conflicts of commitment, which involve issues of time and attention that direct an individual's time and attention away from the residents' interests.

3. Conflicts of control, which involve issues of independence, including limitations or restrictions that effectively prevent an individual's ability to advocate for residents' interests.

(b) IMMEDIATE FAMILY: Father, mother, husband, wife, son, daughter, brother, sister, or any other individual residing in the household.

(c) INDIRECT REMUNERATION: Receiving remuneration from a company providing a service to a long-term care facility, such as a consulting pharmacist.

(d) LONG-TERM CARE SERVICES: Services provided by a long-term care facility, home health agency, adult day care center, hospice, intermediate care facility, home for special services or transitional living facility as those terms are defined in Chapters 400 and 429, F.S. Long-term care services also include services provided to residents by non-immediate family members who are geriatric care managers, guardians or representative payees.

(3) OTHER DEFINITIONS:

(a) DISTRICT: A geographic area in which the ombudsman program is administered and services are delivered.

(b) DOM: Abbreviation for the Long-Term Care Program's district ombudsman manager.

(c) PROGRAM: The Office of the State Long-Term Care Ombudsman, its representatives and employees, the State Long-Term Care Ombudsman Council, and the district long-term care ombudsman councils as established in Chapter 400, Part I, F.S.

Rulemaking Authority 400.0070, 400.0071 FS. Law Implemented 400.0070, 400.0071, 400.0073, 400.0075 FS. History—New \_\_\_\_\_.

(Substantial rewording of Rule 58L-1.005 follows. See Florida Administrative Code for present text.)

58L-1.005 Access.

(1) Long-term care facilities must follow the provisions below regarding an ombudsman's access to the facility, residents and records:

(a) Section 400.0081, F.S.; and

(b) Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(b).

(2) Upon entering a long-term care facility, the ombudsman must identify himself or herself to the administrator or designee prior to conducting any ombudsman activities.

(3) In the event that a facility should deny an ombudsman access as outlined in subsection (1) of this rule, the ombudsman must report the incident to the DOM. The DOM must contact the Office of the Long-Term Care Ombudsman.

Rulemaking Specific Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History—New 7-31-95, Formerly 58L-3.001, Amended \_\_\_\_\_.

58L-1.006 Conflict of Interest.

(1) PROHIBITIONS.

(a) In addition to the conflict of interest prohibitions set forth in Section 400.0070(1), F.S., and Title VII, Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(f), the following situations constitute prohibited conflicts of interest involving an ombudsman: an ombudsman's immediate family member; an officer, employee

or representative of the Office of State Long-Term Care Ombudsman or of the state or district long-term care ombudsman councils:

1. Having, or an immediate family member having, an ownership or investment interest, represented by equity, debt or other financial relationship, in a long-term care facility or long-term care service as defined in Rule 58L-1.0011, F.A.C.;

2. Providing, or having an immediate family member providing, long-term care services, including the provision of personnel for long-term care facilities or the operation of programs which control access to, or services for, long-term care facilities;

3. Participating, or having an immediate family member participating, in the management of a long-term care facility or serving as the medical director of a long-term care facility;

4. Being involved, or having an immediate family member involved, in the regulation of a long-term care facility or provision of a long-term care service to a facility or its residents;

5. Receiving, or having an immediate family member receiving, direct or indirect remuneration under a compensation arrangement with an owner or operator of a long-term care facility;

6. Accepting, or having an immediate family member accepting, substantial or consequential gifts or gratuities from a long-term care facility, facility owner, administrator, resident or resident's representative;

7. Performing ombudsman duties in a facility in which an immediate family member resides;

8. Standing to gain financially through an action or potential action brought on behalf of residents by ombudsman services;

9. Participating in activities which compromise the ability of the Long-Term Care Ombudsman Program to serve residents or are likely to create an appearance that the Long-Term Care Ombudsman Program's primary interest is other than as a resident advocate.

(b) Past employment in a long-term care facility or being related to a long-term care facility resident shall not, in an of itself, be construed as an impermissible conflict of interest.

(2) PROCEDURES.

(a) Upon approval, employment or affiliation with the program, each appointee, officer, employee or representative shall sign and date a conflict of interest statement that includes the following:

1. Acknowledgement that the individual has reviewed Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(f), Section 400.0070(1), F.S., and this rule;

2. Acknowledgement that the individual understands the prohibitions contained in subsection (1) of this rule; and

3. A statement that the individual has no conflict of interest as defined in this rule.

(b) All acknowledgements referenced in this subsection must be submitted to the Office of the State Long-Term Care Ombudsman at the following address: Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The Office of the State Long-Term Care Ombudsman must keep the statements on file.

(c) The State Long-Term Care Ombudsman shall receive and review all allegations of conflict of interest and, if appropriate, shall request that the individual remove the conflict of interest.

(d) If the individual does not remove the conflict of interest, the State Long-Term Care Ombudsman shall de-designate the representative from performing any authorized ombudsman duty or responsibility, or shall terminate for cause any such employee.

(e) Deliberate failure to disclose any conflict of interest, or the violation of any prohibition set forth in this rule, shall be considered sufficient grounds for de-designating the representative from performing any authorized ombudsman duty or responsibility, or terminating for cause such an employee.

Rulemaking Authority 400.0070 FS. Law Implemented 400.0070 FS. History--New \_\_\_\_\_.

#### 58L-1.007 Complaint Procedures.

This rule outlines the procedures for receiving and conducting complaint investigations on behalf of residents in long-term care facilities.

#### (1) RECEIVING COMPLAINTS.

(a) Any person may make a written or verbal complaint to the Office of State Long-Term Care Ombudsman or its representatives. A complaint may be anonymous.

(b) The receipt of a complaint by the DOM, or designee, triggers the opening of a case as defined in Rule 58L-1.0011, F.A.C.

1. The DOM, or designee, must code complaints based on the requirements of the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

2. The DOM, or designee, must complete and provide DOEA Form LTCOP-001 to the ombudsman conducting the investigation. DOEA Form LTCOP-001, Case Investigation, 2009, is hereby incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained at the following Web site: <http://elderaffairs.state.fl.us/english/ruleform/LTCOP-001.doc>.

#### (2) INVESTIGATIVE PROTOCOL.

(a) An investigation is initiated when an ombudsman makes contact with the complainant or resident. The investigation must be initiated no later than 7 calendar days after the district ombudsman manager receives the complaint.

(b) To the extent possible, the ombudsman must make every effort to visit the resident, or representative or immediate family member on whose behalf the complaint was filed. If unable to do so, the ombudsman must document the reason why he or she was unable to visit the resident, or representative or immediate family member.

(c) The complaint investigation must focus on the rights, health, safety and welfare of the resident or residents and may include direct observation, interviews with residents and other individuals, and record reviews, as permitted in 42 U.S.C., Section 3058g(b), and Section 400.0081, F.S.

(d) Investigations must be closed within 90 calendar days after receiving the complaint unless additional time is requested by the ombudsman and granted by the DOM, or designee. The DOM, or designee, may grant an extension of the 90-calendar day period when the ombudsman is unable to complete the investigation due to circumstances beyond his or her control. Such circumstances may be:

1. The investigation is undergoing legal or administrative proceedings;

2. One of the parties is ill and cannot participate in the investigation;

3. There is an act of God or a designated threat to public safety that warrants an extension; or

4. Any other circumstance that warrants an extension in the opinion of the DOM, or designee.

(e) At the conclusion of a case investigation, the ombudsman must:

1. Complete DOEA Form LTCOP-0001, using disposition codes referenced in subparagraph (1)(b)1. of this rule.

2. Contact the resident, or representative, to inform him or her of the preliminary disposition, pending the review and final approval of the DOM, or designee, pursuant to paragraph (f) of this subsection.

3. Conduct an exit interview with the facility administrator, or designee, to discuss preliminary complaint findings, if any; agree upon preliminary remedial action to be taken, if any; agree upon preliminary target dates for the remedial action to be corrected, if warranted; and provide an opportunity for the administrator, or designee, to submit written comments within 3 calendar days after the exit interview in order to be part of the complaint record.

4. Inform the administrator, or designee, that an official report of the findings will be submitted after review and final approval by the DOM, or designee, pursuant to paragraph (f) of this subsection.

5. Submit the complaint investigation form and documentation to the DOM, or designee, within 14 calendar days after the exit interview.

(f) The DOM, or designee, must review and approve the complaint investigation.

1. Within 14 calendar days after case closure as defined in Rule 58L-1.0011, F.A.C., the DOM, or designee, must submit a written summary of the case disposition to the resident or representative, and the facility. The summary must include any changes to the preliminary agreed upon complaint findings, remedial actions to be taken and target dates.

2. The facility may submit written comments regarding the summary to the DOM, or designee, within 7 calendar days from the date on the summary letter in order to be considered as part of the complaint record.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0073, 400.0075 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Crochet  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

**DEPARTMENT OF ELDER AFFAIRS**

**Long-Term Care Ombudsman Program**

RULE NOS.:	RULE TITLES:
58L-2.001	Definitions
58L-2.003	Purpose
58L-2.005	Prohibitions
58L-2.007	Procedures

PURPOSE AND EFFECT: The purpose of the proposed repeal of the rules under this rule chapter, regarding conflict of interest for individuals participating in the ombudsman program, is to incorporate the language under Rule Chapter 58L-1, F.A.C., Long-Term Care Ombudsman Program, F.A.C. The effect is to consolidate all ombudsman rules under one rule chapter.

SUMMARY: These rules are being repealed, as conflict of interest language is included in Rule Chapter 58L-1, F.A.C., Long-Term Care Ombudsman Program, F.A.C., under Rule 58L-1.006, F.A.C., Conflict of Interest.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule repeal will not have an impact on small business as defined in Section 288.703, F.S. It will also not have an impact on small cities or counties as defined in Section 120.52, F.S. Therefore a statement of estimated regulatory costs has not been 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: 400.0065, 400.0067, 400.0069, 400.0087, 400.0087 FS.

LAW IMPLEMENTED: 400.0065, 400.0067, 400.0069, 400.0087, 400.0091 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: November 10, 2009, 2:00 p.m. – 3:30 p.m. EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

Pursuant to the provisions of 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone (850)414-2113; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone (850)414-2113; Email address: crochethj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58L-2.001 Definitions.

Rulemaking Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1) FS. Law Implemented 400.0065(1)(a), (3), 400.0067(4), 400.0069(4), (10), 400.0087(1), (3) FS. History—New 6-27-94, Amended 10-20-03, Repealed \_\_\_\_\_.

58L-2.003 Purpose.

Rulemaking Specific Authority 400.0087(3) FS. Law Implemented 400.0065(3), 400.0067(5), 400.0069(10), 400.0087(1), (3) FS. History—New 6-27-94, Repealed \_\_\_\_\_.

58L-2.005 Prohibitions.

Rulemaking Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1), (3) FS. Law Implemented 400.0065(3), 400.0067(4), 400.0069(4), (10), 400.0087(1), (3) FS. History—New 6-27-94, Amended 10-20-03, Repealed \_\_\_\_\_.

58L-2.007 Procedures.

Rulemaking Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1) FS. Law Implemented 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1), 400.0091 FS. History--New 6-27-94, Amended 10-20-03, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Crochet  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: RULE TITLE:

61G3-21.009 Citations

PURPOSE AND EFFECT: The proposed rule amendment implements penalties for failure to comply with this rule.

SUMMARY: The proposed rule amendment implements penalties for failure to comply with this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. The Board has determined that barbers, restricted barbers, and barber assistants will likely be impacted by the rule amendment. If a licensee does not comply with the rule amendment after receiving a Notice of Non-Compliance, a case opened against the licensee, and it is referred to the Department of Business and Professional Regulations, General Counsel's Office for prosecution. If the licensee is found again to be Non-Complaint, a citation will be issued, pursuant to this rule.

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

RULEMAKING AUTHORITY: 455.224, 476.064(4), 476.204(2), 477.0265 FS.

LAW IMPLEMENTED: 455.224, 477.0265 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-21.009 Citations.  
(1) through (3)(i) No change.

(j) Failure to laminat and display current license or picture on license, in violation of Rule 61G3-19.009, F.A.C., shall result in a fine of \$50 for the first offense, and a fine of \$100 for each subsequent offense;

(k) through (7) No change.

Rulemaking Specific Authority 455.224, 476.064(4), 476.204(2), 477.0265 FS. Law Implemented 455.224, 477.0265 FS. History--New 1-19-92, Amended 3-22-92, 2-18-93, Formerly 21C-21.009, Amended 6-16-94, 9-22-94, 8-21-95, 2-14-96, 11-6-97, 5-13-01, 9-20-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-204.800 Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through June 30, 2009 the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 52, 53, 58, 60, 63, 65, 75, and 89.

RULEMAKING AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

## 62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 C.F.R. Part 50, §§ 50.1 through 50.12, revised as of July 1, 2006; amended November 12, 2008, at 73 FR 66963; § 50.13, promulgated October 17, 2006, at 71 FR 61143; § 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; amended October 6, 2008, at 73 FR 58042; amended November 12, 2008, at 73 FR 66963; amended May 19, 2009, at 74 FR 23307; and § 50.15 promulgated, March 27, 2008, at 73 FR 16435; and § 50.16, promulgated November 12, 2008, at 73 FR 66963; are adopted and incorporated by reference.

(b) The following appendices of 40 C.F.R. Part 50, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. through 6. No change.

7. 40 C.F.R. Part 50, Appendix G, Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air; amended November 12, 2008, at 73 FR 66963.

8. through 15. No change.

16. 40 C.F.R. Part 50, Appendix Q, Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected From Ambient Air, promulgated November 12, 2008, at 73 FR 66963.

17. 40 C.F.R. Part 50, Appendix R, Interpretation of the National Ambient Air Quality Standards for Lead, promulgated November 12, 2008, at 73 FR 66963.

(2) Title 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 C.F.R. Part 51, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 51, Subpart F, Procedural Requirements; amended January 18, 2007, at 72 FR 2193, amended July 16, 2007, at 72 FR 38787; amended March 24, 2008, at 73 FR 15603; amended January 21, 2009, at 74 FR 3437; amended June 23, 2009, at 74 FR 29595.

2. through 5. No change.

(b) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 C.F.R. Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 C.F.R. Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743; amended October 12, 2007, at 72 FR 58016; amended September 16, 2008, at 73 FR 53378; amended June 1, 2009, at 74 FR 26103.

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods. The following subparts of 40 C.F.R. Part 53, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

(a) through (b) No change.

(c) 40 C.F.R. Part 53, Subpart C, Procedures for Determining Comparability Between Candidate Methods and Reference Methods; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

(d) through (f) No change.

(5) No change.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 C.F.R. Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 58, Subpart B, Monitoring Network, amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

3. No change.

4. 40 C.F.R. Part 58, Subpart D, Comparability of Ambient Data to NAAQS; amended October 17, 2006, at 71 FR 61235; amended November 12, 2008, at 73 FR 66963.

5. through 6. No change.

(b) The following appendices of 40 C.F.R. Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 58, Appendix A, Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

2. 40 C.F.R. Part 58, Appendix C, Ambient Air Quality Monitoring Methodology; amended October 17, 2006, at 71 FR 61235; amended November 12, 2008, at 73 FR 66963.

3. 40 C.F.R. Part 58, Appendix D, Network Design Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

4. No change.

5. 40 C.F.R. Part 58, Appendix G, Uniform Air Quality Index (AQI) and Daily Reporting; amended March 27, 2008, at 73 FR 16435; amended June 26, 2009, at 74 FR 30469.

(7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 C.F.R. Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071.

2. 40 C.F.R. Part 60, Subpart Da, Electric Utility Steam Generators for Which Construction Is Commenced After September 18, 1978; amended August 14, 2001, at 66 FR 42608; amended May 18, 2005, at 70 FR 28605; amended August 30, 2005, at 70 FR 51266; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.47a.

3. 40 C.F.R. Part 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.44b(f) and (g) and 40 C.F.R. § 60.49b(a)(4).

4. 40 C.F.R. Part 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071; except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 60.48c(a)(4).

5. through 12. No change.

13. 40 C.F.R. Part 60, Subpart J, Petroleum Refineries; amended June 24, 2008, at 73 FR 35837; except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 60.109(b).

14. 40 C.F.R. Part 60, Subpart Ja, Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007; promulgated June 24, 2008, at 73 FR 35837; amended December 22, 2008, at 73 FR 78549; except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 60.109a(b).

14. through 65. renumbered 15. through 66. No change.

~~67.66.~~ 40 C.F.R. Part 60, Subpart OOO, Nonmetallic Mineral Processing Plants; amended April 28, 2009, at 74 FR 19293.

67. through 79. renumbered 68. through 80. No change.

~~81.80.~~ 40 C.F.R. Part 60, Subpart KKKK, Standards for Stationary Combustion Turbines; promulgated July 6, 2006, at 71 FR 38481; amended March 20, 2009, at 74 FR 11858.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 C.F.R. Part 60, Subpart A, revised as of July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; amended November 16, 2007, at 72 FR 64859; amended January 18, 2008, at 73 FR 3567; amended June 24, 2008, at 73 FR 35837; amended December 22, 2008, at 73 FR 78199; amended January 28, 2009, at 74 FR 5071; are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.4, 40 C.F.R. § 60.8(b)(2) and (3), 40 C.F.R. § 60.11(e)(7) and (8), 40 C.F.R. § 60.13(g), (i) and (j)(2), and 40 C.F.R. § 60.16.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691; amended May 29, 2009, at 74 FR 25666.

3. No change.

4. 40 C.F.R. Part 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691; amended May 29, 2009, at 74 FR 25666.

5. through 6. No change.

7. 40 C.F.R. Part 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended May 22, 2008, at 73 FR 29691; amended March 25, 2009, at 74 FR 12575; except that in Method 23, the toluene rinse concentrate

may be added to the acetone and methylene chloride concentrate, the filter, and the resin in the Soxhlet apparatus specified at section 5.1.4 of the method prior to analysis, in lieu of separate analysis of the toluene rinse extract pursuant to section 5.1.6 of the method.

8. No change.

9. 40 C.F.R. Part 60, Appendix B, Performance Specifications, amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119; amended June 13, 2007, at 72 FR 32709; amended September 7, 2007, at 72 FR 51493; amended March 25, 2009, at 74 FR 12575; amended April 23, 2009, at 74 FR 18474.

10. through 11. No change.

12. 40 C.F.R. Part 60, Appendix F, Quality Assurance Procedures, amended January 12, 2004, at 69 FR 1785; amended June 13, 2007, at 72 FR 32709; amended March 25, 2009, at 74 FR 12575.

(9) through (10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 C.F.R. Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 63, Subpart G, Organic Hazardous Air Pollutants From the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; amended June 23, 2003, at 68 FR 37333; amended December 23, 2004, at 69 FR 76859; amended April 20, 2006, at 71 FR 20445; amended December 21, 2006, at 71 FR 76603; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.153(c)(1) through (4).

3. 40 C.F.R. Part 63, Subpart H, Organic Hazardous Air Pollutants for Equipment Leaks; amended June 23, 2003, at 68 FR 37333; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.183(c)(1) through (4).

4. through 10. No change.

11. 40 C.F.R. Part 63, Subpart R, Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); amended June 23, 2003, at 68 FR 37333; amended December 19, 2003, at 68 FR 70959; amended April 6, 2006, at 71 FR 17352; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.429(c)(1) through (4).

12. through 13. No change.

14. 40 C.F.R. Part 63, Subpart U, Group I Polymers and Resins; amended July 16, 2001, at 66 FR 36924; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.507(c)(1) through (4).

15. through 23. No change.

24. 40 C.F.R. Part 63, Subpart HH, Oil and Natural Gas Production Facilities; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended January 3, 2007, at 72 FR 26; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.776(c)(1) through (4).

25. through 43. No change.

44. 40 C.F.R. Part 63, Subpart GGG, Pharmaceuticals Production; amended April 2, 2002, at 67 FR 15486; amended June 23, 2003, at 68 FR 37333; amended May 13, 2005, at 70 FR 25665; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1261(c)(1) through (4).

45. 40 C.F.R. Part 63, Subpart HHH, Natural Gas Transmission and Storage Facilities; amended September 27, 2001, at 66 FR 49299; amended February 22, 2002, at 67 FR 8202; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1286(c)(1) through (4).

46. No change.

47. 40 C.F.R. Part 63, Subpart JJJ, Group IV Polymers and Resins; amended July 16, 2001, at 66 FR 36924; amended August 6, 2001, at 66 FR 40903; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1336(c)(1) through (4).

48. through 56. No change.

57. 40 C.F.R. Part 63, Subpart VVV, Publicly Owned Treatment Works; amended October 21, 2002, at 67 FR 64741; amended June 23, 2003, at 68 FR 37333; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1594(c)(1) through (4).

58. through 61. No change.

62. 40 C.F.R. Part 63, Subpart EEEE, Organic Liquids Distribution (Non-Gasoline); promulgated February 3, 2004, at 69 FR 5038; amended April 20, 2006, at 71 FR 20445; amended July 28, 2006, at 71 FR 42897; amended July 17, 2008, at 73 FR 40977; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.2402(b)(1) through (4).

63. 40 C.F.R. Part 63, Subpart FFFF, Miscellaneous Organic Chemical Manufacturing; promulgated November 10, 2003, at 68 FR 63851; amended July 1, 2005, at 70 FR 38553; amended August 30, 2005, at 70 FR 51269; amended March 1, 2006, at 71 FR 10439; amended April 20, 2006, at 71 FR 20445; amended July 14, 2006, at 71 FR 40315; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.2545(b)(1) through (4).

64. through 76. No change.

77. 40 C.F.R. Part 63, Subpart UUUU, Cellulose Products Manufacturing; promulgated June 11, 2002, at 67 FR 40043; amended June 24, 2005, at 70 FR 36523; amended August 10, 2005, at 70 FR 46683; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.5605(b)(1) through (4).

78. through 88. No change.

89. 40 C.F.R. Part 63, Subpart GGGG, Site Remediation; promulgated October 8, 2003, at 68 FR 58171; amended April 20, 2006, at 71 FR 20445; amended November 29, 2006, at 71 FR 69011; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.7956(c)(1) through (4).

90. 40 C.F.R. Part 63, Subpart HHHH, Miscellaneous Coating Manufacturing; promulgated December 11, 2003, at 68 FR 69163; amended December 29, 2003, at 68 FR 75033; amended May 13, 2005, at 70 FR 25675; amended July 6, 2005, at 70 FR 38780; amended December 21, 2005, at 70 FR 75923; amended April 20, 2006, at 71 FR 20445; amended October 4, 2006, at 71 FR 58499; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.8100(b)(1) through (4).

91. through 101. No change.

102. 40 C.F.R. Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; promulgated December 28, 2007, at 72 FR 74087; amended December 1, 2008, at 73 FR 72727; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.10691(c)(1) through (6).

103. through 116. No change.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 C.F.R. Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR

28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004, at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2007, at 72 FR 2929; amended May 16, 2007, at 72 FR 27437; amended July 16, 2007, at 72 FR 38863; amended October 29, 2007, at 72 FR 61060; amended November 16, 2007, at 72 FR 64859; amended December 26, 2007, at 72 FR 73179; amended December 28, 2007, at 72 FR 74087; amended January 2, 2008, at 73 FR 225; amended January 18, 2008, at 73 FR 3567; amended February 7, 2008, at 73 FR 7210; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 63.5(e), 40 C.F.R. § 63.5(f), 40 C.F.R. § 63.6(g), 40 C.F.R. § 63.6(h)(9), 40 C.F.R. § 63.6(j), 40 C.F.R. § 63.13, and 40 C.F.R. § 63.14.

2. through 5. No change.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Test Methods; amended March 25, 2009, at 74 FR 12575; amended April 23, 2009, at 74 FR 18474.

2. through 5. No change.

(12) No change.

(13) Title 40, Code of Federal Regulations, Part 65, Consolidated Federal Air Rule. The following subparts of 40 C.F.R. Part 65, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 C.F.R. Part 65, Subpart A, General Provisions; amended April 20, 2006, at 71 FR 20445; amended August 27, 2007, at 72 FR 48938; amended December 28, 2007, at 72 FR 73625; amended December 22, 2008, at 73 FR 78199.

(b) through (g) No change.

(14) through (18) No change.

(19) Title 40, Code of Federal Regulations, Part 75, Continuous Emission Monitoring.

(a) The following subparts of 40 C.F.R. Part 75, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference:

1. through 5. No change.

6. 40 C.F.R. Part 75, Subpart F, Recordkeeping Requirements; amended January 24, 2008, at 73 FR 4311; amended September 7, 2007, at 72 FR 51493.

7. through 8. No change.

9. 40 C.F.R. Part 75, Subpart I, Hg Mass Emission Provisions; amended January 24, 2008, at 73 FR 4311; amended September 7, 2007, at 72 FR 51493.

(b) The following appendices of 40 C.F.R. Part 75, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Specifications and Test Procedures; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311; amended November 4, 2008, at 73 FR 65554.

2. Appendix B, Quality Assurance and Quality Control Procedures; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311.

3. through 10. No change.

11. Appendix K, Quality Assurance and Operating Procedures for Sorbent Trap Monitoring Systems; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311.

(20) through (24) No change.

(25) Title 40, Code of Federal Regulations, Part 89, Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines. The following subparts of 40 C.F.R. Part 89, revised as of July 1, 2007, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 C.F.R. Part 89, Subpart A, General; amended February 24, 2009, at 74 FR 8309.

(b) No change.

(26) through (27) No change.

PROPOSED EFFECTIVE DATE NOVEMBER 18, 2009.

Rulemaking Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08; 11-18-09.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-602.720  
 RULE TITLE: Inactive Status of License; Reactivation Procedures

PURPOSE AND EFFECT: Modifying existing rule language to align with that of Section 403.874, F.S.

SUMMARY: This rule makes minor changes to procedures for individuals with null and void licenses to reapply to the Department to reacquire their license.

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: 403.869 FS.

LAW IMPLEMENTED: 403.874 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 9, 2009, 9:00 a.m.

PLACE: Room 609 of Department of Environmental Protection Bob Martinez Center, 2600 Blair Stone Rd., 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 5 days before the workshop/meeting by contacting: Mr. Ronald McCulley, Bureau of Water Facilities Funding, MS 3506, Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400; (850)245-8384 or email Ronald.mcculley@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Ronald McCulley, Bureau of Water Facilities Funding, MS 3506, Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400; (850)245-8384 or email: Ronald.mcculley@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-602.720 Inactive Status of License; Reactivation Procedures.

(1) through (3) No change.

(4) The license of an inactive licensee that does not achieve active status within two years following the end of the most recent licensing period shall be expired (null and void), and subsequent licensure will require meeting all the requirements for the type, and class or level of license sought initial licensure at or below the class or level which he/she was licensed.

Specific Authority 403.869 FS. Law Implemented 403.1832, 403.8533, 403.874 FS. History—New 12-30-99, Amended 10-15-07,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mimi Drew  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Michael W. Sole  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 9, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-606.100	Scope, Intent, Purpose, and Applicability
62-606.200	Definitions
62-606.300	General Requirements
62-606.400	Registration and Verification Requirements and Fees
62-606.500	Notification of Releases into Coastal Waters
62-606.600	Waterfront-landing Facilities

PURPOSE AND EFFECT: The purpose of this chapter is to implement the provisions of Section 376.25, F.S., requiring registration and reporting for gambling vessels and their berth locations.

SUMMARY: This chapter implements Section 376.25, F.S., requiring certain gambling vessels to register with the Department and to report any releases of waste into Florida coastal waters. Chapter 62-606, F.A.C., also requires owners of berths that are registered by gambling vessels to provide certain waste services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Three entities are identified as likely to be affected by Chapter 62-606, F.A.C.: (1) gambling vessels (their owners or operators); (2) waterfront landing facilities and berth locations (deepwater ports and marinas); and (3) the Department. The Department estimates that the major cost associated with Chapter 62-606, F.A.C., is the annual fees paid by the gambling vessels. This is estimated at \$75,000 for the entire fleet. The aggregate fees to the gambling vessel fleet will be prorated per vessel based on each individual vessel's "Total Persons Allowed" (maximum number of passengers and crew permitted onboard at one time, as reported by the U.S. Coast Guard).

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: 376.25 FS.

LAW IMPLEMENTED: 376.25 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: November 12, 2009, 10:00 a.m. – 5:00 p.m. (local time)

PLACE: Florida Departmentt of Environmental Protection, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

Pursuant to the provisions of 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: Gregory M. Brown, P.E., Florida Department of Environmental Protection, Division of Water Res. Mgmt., Water Reuse/Wastewater Wetlands, MS 3540/Room 196 G, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Voice: (850)245-8617, Fax: (850)245-8621, greg.brown@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory M. Brown, P.E., Florida Department of Environmental Protection, Division of Water Res. Mgmt., Water Reuse/Wastewater Wetlands, MS 3540/Room 196 G, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Voice: (850)245-8617, Fax: (850)245-8621, greg.brown@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-606.100 Scope, Purpose, and Applicability.

(1) The purpose of this chapter is to implement the provisions of Section 376.25, F.S. This section requires certain gambling vessels to register with the Department and to report to the Department any release of waste into Florida coastal waters. This section also requires owners of berths that are registered by gambling vessels to provide certain waste services and requires the Department to maintain on its website an estimate of the minimum waste-service demand for each berth.

(2) Applicability. Requirements in this chapter:

(a) Apply to gambling vessels as defined in Section 376.25(2)(e), F.S., and in subsection 62-606.200(4), F.A.C.:

(b) Apply to owners of waterfront-landing facilities that are registered by gambling vessels as a berth location;

(c) Are intended to supplement and not to conflict with federal law;

(d) Do not authorize violation of a valid NPDES permit governing releases from a gambling vessel. As used in this subparagraph, the term "NPDES permit" means an activity subject to regulation by the United States Environmental Protection Agency under s. 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.; and

(e) Do not apply to cruise ships as defined in 33 CFR 101.105, hereby adopted and incorporated by reference.

Rulemaking Authority 376.25 FS. Law Implemented 376.25 FS. History-New \_\_\_\_\_.

62-606.200 Definitions.

The meaning of any term not defined in Section 376.25(2), F.S., or below, shall be taken from definitions in other rules of the Department, unless the context clearly indicates otherwise.

(1) "Agent for Service of Process" means an individual resident of the State, a domestic corporation, or a foreign corporation having a place of business in and authorized to do business in the State.

(2) "Berth" means a site in the state where a gambling vessel, or other vessel used to transport passengers to or from a gambling vessel, moors to embark or disembark its passengers.

(3) "Designated representative" means an individual that has been duly designated by the owner or operator of a gambling vessel or by the owner of a waterfront landing facility, as applicable. The designated representative shall be an individual or a position having overall responsibility for the operation of the gambling vessel or the waterfront landing facility, as applicable, such as the position of captain, officer, administrator, manager, or a position of equivalent responsibility. An individual is a duly designated representative only if the authorization is made in writing by the owner or operator of the gambling vessel or by the owner of the waterfront landing facility, as applicable, and the written authorization is submitted to the Department.

(4) "Gambling vessel" means a boat, ship, casino boat, watercraft, or barge that is kept, operated, or maintained for the purpose of gambling and that carries or operates gambling devices for the use of its passengers or otherwise provides facilities for the purpose of gambling whether within or without the jurisdiction of this state; whether the vessel is at berth, lying to, or navigating; and whether the sailing, voyaging, or cruising, or any segment of the sailing, voyaging, or cruising, begins and ends within this state. The term does not include a cruise ship as defined in 33 CFR 101.105.

(5) "Minimum waste-service demand" means the volume of waste that is reasonably expected to be released at a waterfront-landing facility over a calendar year from gambling vessels with registered berths at the facility. For each facility that provides berths for registered gambling vessels, the Department shall estimate the facility's minimum waste-service demand by considering the registered capacity of the gambling vessel's systems for treating, holding, or disposing of waste and other information, including, but not limited to, other information provided during registration of the gambling vessel.

(6) "Oily bilge water" means liquid from the bilge of a gambling vessel which contains used lubrication oils, oil sludge and slops, fuel and oil sludge, used oil, used fuel and fuel filters, and other oily waste. Oily bilge water does not include routine discharges of raw water used for engine cooling.

(7) "Total persons allowed" means the value reported to the United States Coast Guard in either the gambling vessel's current Certificate of Inspection for total persons allowed or Certificate of Compliance for maximum total allowable persons, as applicable. Total persons allowed refers to the total persons allowed on the vessel at any one time.

Rulemaking Authority 376.25 FS. Law Implemented 376.25 FS. History–New \_\_\_\_\_.

62-606.300 General Requirements.

(1) The owner or operator of a gambling vessel registered under Rule 62-606.400, F.A.C., shall designate and continuously maintain an agent for service of process as required by Sections 376.25 and 607.0505, F.S.

(2) Hazardous waste will be managed in accordance with Chapter 62-730, F.A.C.

Rulemaking Authority 376.25 FS. Law Implemented 376.25 FS. History–New \_\_\_\_\_.

62-606.400 Registration and Verification Requirements and Fees.

(1) For each calendar year in which the owner or operator of a gambling vessel intends to operate, or cause or allow to be operated, a gambling vessel in coastal waters, the owner or operator of the gambling vessel shall register with the Department, except as provided in subsection 62-606.400(2), F.A.C. The owner or operator shall register with the Department by submitting DEP Form 62-606.400(4)(a), Gambling Vessel Registration Form, effective date XX-XX-XXXX, hereby adopted and incorporated by reference, with the registration fee established in subsection 62-606.400(5), F.A.C. The form shall be submitted in accordance with the schedule provided in subsection 62-606.400(3), F.A.C.

(2) Any gambling vessel that annually verifies to the Department that the gambling vessel operates a marine waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that eliminates the need to pump out or dump wastes is exempt from registering in accordance with subsection 62-606.400(1), F.A.C. To verify the adequacy of the marine waste treatment system, the gambling vessel shall submit Form 62-606.400(4)(b), Verification of Marine Waste Treatment System, effective date XX-XX-XXXX, hereby adopted and incorporated by reference, to the Department. A marine waste treatment system shall be determined to meet the above criteria if it meets all primary and secondary drinking water standards in Chapter 62-550, F.A.C., and the following:

(a) The marine waste treatment system does not generate any solid waste as described in Chapter 62-730, F.A.C.;

(b) No waste is pumped out or dumped in Florida coastal waters or at waterfront landing facilities in Florida; and

(c) All hazardous waste is managed in accordance with Chapter 62-730, F.A.C.

(3) The annual forms and fees required by subsections 62-606.400(1) and (2), F.A.C., shall be submitted on or before December 1 of the year prior to the calendar year in which the owner intends to operate a gambling vessel except as provided below.

(a) For the calendar year beginning on January 1, 2009, the form and fees shall be submitted within 60 days after the effective date of this rule.

(b) For gambling vessels beginning operations in the state after the effective date of this rule, the forms and fees shall be submitted at least 30 days prior to the vessel entering coastal waters or within 60 days after the effective date of this rule, whichever is later.

(4) The forms used by the Department for vessel registration or verification of the vessel's marine waste treatment system are listed in paragraphs 62-606.400(4)(a) and (b), F.A.C. Copies of the forms and instructions may be obtained by writing to the Bureau of Water Facilities Regulation, Mail Station 3535, Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. These forms are also available at <http://www.dep.state.fl.us/legal/Forms/forms.htm>. The Department adopts and incorporates by reference in this section the following forms:

(a) Gambling Vessel Registration Form, Form 62-606.400(4)(a), effective XX-XX-XXXX.

(b) Verification of Marine Waste Treatment System Form 62-606.400(4)(b), effective XX-XX-XXXX.

(5) An annual registration fee shall be paid by each gambling vessel required to register in accordance with subsection 62-606.400(1), F.A.C. The annual fee for each gambling vessel shall be \$17.35 times the total persons allowed as defined in subsection 62-606.200(6), F.A.C. The registration fee shall be submitted with Form 62-606.400(4)(a).

(6) During the period that a registration is valid, the owner or operator of a registered gambling vessel shall advise the Department within 15 days of any change in the information provided in Form 62-606.400(4)(a), by submitting a revised form. No additional registration fee is required for revising an existing form.

Rulemaking Authority 376.25 FS. Law Implemented 376.25 FS. History--New \_\_\_\_\_.

#### 62-606.500 Notification of Releases into Coastal Waters.

(1) Except as provided in subsection 62-606.500(2), F.A.C., if a gambling vessel releases any waste into coastal waters, the owner or operator shall immediately, but no later than 24 hours after the release, notify the Department of the release. Notification shall be provided to the Department by

calling the STATE WARNING POINT TOLL FREE NUMBER (800)320-0519 and shall include the following information:

(a) Name/call sign of gambling vessel;

(b) Hull identification number;

(c) Name, address, and telephone number of person reporting.

(d) Name, address, and telephone number of owner or operator of the gambling vessel;

(e) Date of the release;

(f) Time of the release;

(g) Location of the release using a geographic coordinate system reporting latitude and longitude referenced to the World Geodetic System of 1984 (WGS 1984) datum;

(h) Volume of the release;

(i) Source and cause of the release; and

(j) Remedial actions taken to prevent future releases.

(2) Releases made for the purpose of securing the safety of the gambling vessel or saving life at sea, and if all reasonable precautions have been taken for the purpose of preventing or minimizing the release, shall be documented and reported to the STATE WARNING POINT TOLL FREE NUMBER (800)320-0519, within three (3) days following the release. Documentation shall include all items in paragraphs 62-606.500(1)(a) through (i), F.A.C.

(3) Gambling vessels required to report a release in accordance with subsection 62-606.500(1) or (2), F.A.C., shall submit a written report containing the information in paragraphs 62-606.500(1)(a) through (j), F.A.C., within three (3) days of the release. The report shall be submitted to the Bureau of Water Facilities Regulation, Mail Station 3535, Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Rulemaking Authority 376.25 FS. Law Implemented 376.25 FS. History--New \_\_\_\_\_.

#### 62-606.600 Waterfront-landing Facilities.

The owner of each waterfront-landing facility that is registered as a gambling vessel's berth location shall:

(1) Establish procedures for the release of waste from gambling vessels at the facility and, upon request, provide the procedures to the Department;

(2) Make available a waste-management service that has the capability, at minimum, of handling and disposing of the facility's minimum waste-service demand. Upon request, the waterfront-landing facility shall provide documentation to the Department of the level of waste-service demand available; and

(3) Not collect fees that exceed the direct and indirect costs associated with making waste-management services available.

Rulemaking Authority 376.25 FS. Law Implemented 376.25 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mimi Drew

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-13.008                      RULE TITLE: Retired Status License

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the examination and delete the reference to Rule 64B2-11.001, F.A.C.

SUMMARY: The examination will be updated; the reference to Rule 64B2-11.001, F.A.C., will be deleted.

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: 456.036(10), 460.405 FS.

LAW IMPLEMENTED: 456.036(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.008 Retired Status License.

(1) No change.

(2) A retired status licensee may change to active status provided:

(a) The licensee must meet the continuing education requirements of Rules 64B2-13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 5 years, the licensee must take and pass the SPEC examination ~~as set forth in Rule 64B2-11.001, F.A.C.~~, and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Rulemaking Specific Authority 456.036(10), 460.405 FS. Law Implemented 456.036(10) FS. History–New 2-6-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.204                      RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new application and to clarify CE requirements.

SUMMARY: A new application will be incorporated into the rule; CE requirements will be clarified.

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

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

RULEMAKING AUTHORITY: 456.033, 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.204 Licensure by Endorsement.

An applicant for licensure by endorsement must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education.

(1) All applications for licensure by endorsement shall be made on board approved form DH-MQA 100 effective September 2009, DOH/MQA/PH100 (Rev. 01/2009). ~~The instructions and application form, entitled Florida Pharmacist Licensure by Endorsement Application and Instructions (U.S. and Puerto Rico), which is hereby incorporated by reference, can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850)488-0595 to request a form or download the form from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application must~~ and shall be accompanied with a non-refundable endorsement application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit satisfactory proof that one of the following requirements has been met:

(a) Two (2) years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding five (5) years. If the applicant meets the requirements of this section, proof of completion of 30 hours of Florida Board of Pharmacy, ACPE, or other state board of pharmacy approved continuing education obtained in the two calendar years immediately preceding application, must also be submitted.

(b) Successful completion of an internship meeting the requirements of Section 465.007(1)(c), F.S., within the immediately preceding two (2) years.

(3) Completion of a Board approved course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety. For applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention, and patient safety as evidenced by a letter attesting to subject matter covered from the Dean of the University. The applicant must submit satisfactory proof of completion of the following: A course of no less than two (2) hours on medication errors covering the subjects set forth in Rule 64B16-26.103, F.A.C. The course shall be completed no earlier than 12 months prior to application.

(4) through (8) No change.

Rulemaking Authority 456.033, 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History—New 11-8-01, Amended 1-11-05, 2-18-08, 5-26-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE NO.: 64B23-2.001  
RULE TITLE: Documentation for Licensure  
PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUMMARY: The application for licensure incorporated in the rule by reference is expanded to include additional questions related to certain felonies and for terminations for cause from Federal and state Medicaid and Medicare programs.

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

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

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

LAW IMPLEMENTED: 456.013, 483.901(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-2.001 Documentation for Licensure.

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

(1) through (4) No change.

Rulemaking Authority 456.004, 456.013, 483.901(6)(b) FS. Law Implemented 456.013, 483.901(6)(b) FS. History—New 6-10-99, Amended 8-21-02, 5-10-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Vicki Grant  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 5, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 28, 2009

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Vicki Grant  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 5, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 28, 2009

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE NO.: 64B23-7.001  
RULE TITLE: Application for Physicist-in-Training  
PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUMMARY: The application for licensure incorporated in the rule by reference is expanded to include additional questions related to certain felonies and for terminations for cause from Federal and state Medicaid and Medicare programs.

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: 483.901(6)(j) FS.

LAW IMPLEMENTED: 483.901(6)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(1) Each applicant for physicist-in-training must fill out incorporated by reference Form #DH 1279 (effective 10/1/2009 ~~4/1/2009~~), Application for Certification as a Medical Physicist-in-Training, which is available from the department at [www.FLHealthSource.com](http://www.FLHealthSource.com) or by calling (850)245-4910, and pay the fee specified in Rule 64B23-3.007, F.A.C.

(2) through (3) No change.

Rulemaking Authority 483.901(6)(j) FS. Law Implemented 483.901(6)(j) FS. History—New 6-10-99, Amended 5-10-09, \_\_\_\_\_.

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.002	Informal Conference Procedures
12D-9.003	Definitions
12D-9.004	Composition of the Value Adjustment Board
12D-9.005	Duties of the Board
12D-9.006	Clerk of the Value Adjustment Board
12D-9.007	Role of the Clerk of the Value Adjustment Board
12D-9.008	Appointment of Legal Counsel to the Value Adjustment Board
12D-9.009	Role of Legal Counsel to the Board
12D-9.010	Appointment of Special Magistrates to the Value Adjustment Board
12D-9.011	Role of Special Magistrates to the Value Adjustment Board
12D-9.012	Training of Special Magistrates, Value Adjustment Board Members and Legal Counsel
12D-9.013	Organizational Meeting of the Value Adjustment Board
12D-9.014	Prehearing Checklist
12D-9.015	Petition; Form and Filing Fee
12D-9.016	Filing and Service
12D-9.017	Ex Parte Communication Prohibition
12D-9.018	Representation of the Taxpayer
12D-9.019	Scheduling and Notice of a Hearing
12D-9.020	Exchange of Evidence
12D-9.021	Withdrawn or Settled Petitions;
12D-9.022	Petitions Acknowledged as Correct Disqualification or Recusal of Special Magistrates or Board Members
12D-9.023	Hearings Before Board or Special Magistrates

12D-9.024	Procedures for Commencement of a Hearing
12D-9.025	Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses
12D-9.026	Procedures for Conducting a Hearing by Electronic Media
12D-9.027	Process of Administrative Review
12D-9.028	Petitions on Transfer of "Portability" Assessment Difference
12D-9.029	Procedures for Remanding Just Value or Classified Use Value Assessments
12D-9.030	Recommended Decisions
12D-9.031	Consideration and Adoption of Recommended Decisions of Special Final Decisions
12D-9.032	Further Judicial Proceedings
12D-9.033	Record of the Proceeding
12D-9.034	Duty of Clerk to Prepare and Transmit Record
12D-9.035	Procedures for Petitions on Denials of Tax Deferrals
12D-9.036	Certification of Assessment Rolls
12D-9.037	Public Notice of Findings and Results of Value Adjustment Board

**NOTICE OF PUBLIC HEARING**

The Department of Revenue announces a change of hearing regarding the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 Florida Administrative Weekly.

DATE AND TIME: A second hearing was originally scheduled for October 19, 2009. This second hearing has been postponed and will be rescheduled for a later date. The rescheduled date has not been determined. Notice of when this hearing is being rescheduled will be published in the Florida Administrative weekly, posted on the Property Tax Oversight Program's Internet site, and emailed to the Program's interested parties list.

PLACE: The place at which this rescheduled second hearing will be held has not been determined. Notice of where this rescheduled hearing will be held will be published in the Florida Administrative Weekly, and will be posted on the Property Tax Oversight Program's Internet site, and will be emailed to the Program's interested parties list.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The property tax value adjustment board process.

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.:	RULE TITLE:
12D-16.002	Index to Forms

**NOTICE OF PUBLIC HEARING**

The Department of Revenue announces a change of hearing regarding the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 Florida Administrative Weekly.

DATE AND TIME: A second hearing was originally scheduled for October 19, 2009. This second hearing has been postponed and will be rescheduled for a later date. The rescheduled date has not been determined. Notice of when this hearing is being rescheduled will be published in the Florida Administrative Weekly, posted on the Property Tax Oversight Program's Internet site, and emailed to the Program's interested parties list.

PLACE: The place at which this rescheduled second hearing will be held has not been determined. Notice of where this rescheduled hearing will be held will be published in the Florida Administrative Weekly, and will be posted on the Property Tax Oversight Program's Internet site, and will be emailed to the Program's interested parties list.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The forms associated with the property tax value adjustment board process.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.:	RULE TITLE:
14-85.010	Permits

**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. 35, September 4, 2009 issue of the Florida Administrative Weekly.

A change is being made to include the revision date for Form 575-070-34, Florida Logo Sign Application," and to withdraw the language on the form that reads "Permit fees (both new and renewals) are \$1,000.00 annually." The new language will read "Permit fees are set forth in subsection 14-85.010(2), F.A.C." Information on how to obtain the application from the Program Administrator is also provided. A technical change to subsection 14-85.007(4), F.A.C., to correct the spelling of "diesel."

The rule shall read as follows:

14-85.010 Permits.

(1) through (2) No change.

(3) Initial Permit Application. A business applying to display a business logo must submit a completed Logo Sign Permit Application on Form 575-070-34, Rev. 07/08, incorporated by reference, to the Program Administrator. A Logo Sign Permit Application may be obtained at <http://www.dot.state.fl.us/rightofway/Documents.shtm>. ~~A Logo Sign Application may be obtained from the Program Administrator.~~

(4) through (8) No change.

Rulemaking Authority 334.044(2), 479.261(1), 479.261(7) FS. Law Implemented 479.261(3), 479.261(4), 479.261(5) FS. History—New\_\_\_\_\_.

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

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
40D-1.607                      Permit Processing Fee  
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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) through (11) No change.

(12) The District will use the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08,\_\_\_\_\_.

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NO.:                      RULE TITLE:  
55A-5.008                      Form of Certification

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.:                      RULE TITLE:  
61G3-16.010                      Supervised Practice Exception

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.:                      RULE TITLE:  
61H1-20.007                      Generally Accepted Accounting Principles

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.007 Generally Accepted Accounting Principles.

(1) 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 CodificationTM, 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/>. A certified public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure from any such principle which has a material effect on the statements taken as a whole, unless he/she can demonstrate that due to unusual circumstances that financial statements would otherwise have been misleading. In such cases his/her report must describe the departure, the

approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

(2) 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. A certified public accountant shall not permit his/her name to be associated with financial statements of units of government unless he/she has complied with these standards and departure from such standards must be justified by those who do not follow them.

Rulemaking 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.008  
RULE TITLE: Generally Accepted Auditing Standards

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.008 Generally Accepted Accounting 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 who 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)) generally accepted auditing standards shall be deemed and construed to mean auditing standards generally accepted in the United States of America in effect as of June 30, 2009, 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), available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at 1(888)777-7077). A certified public accountant shall not permit his/her name to be associated with financial statements in such a manner as to imply that he/she is acting as an independent certified public accountant unless he/she has complied with the applicable generally accepted auditing standards and departures from such standards must be justified by those who do not follow them. 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. 781), or that is required to file reports under section 15(d) (15 U.S.C. 780(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 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.009  
RULE TITLE: Standards for Accounting and Review Services

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

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, available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at 1(888)777-7077). Certified public accountants performing accounting services in connection with a review or compilation of financial statements shall comply with the Standards for Accounting and Review Services and departures from such standards must be justified by those who do not follow them.

Rulemaking 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0092  
 RULE TITLE: Government Auditing Standards

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

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. (Entitled Government Auditing Standards, July 2007 Revision (GAO-07-731G), 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>. A certified public accountant shall not permit his/her name to be associated with financial statements of units of government

unless he/she has complied with these standards and departure from such standards must be justified by those who do not follow them.

Rulemaking 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0093  
 RULE TITLE: Rules of the Auditor General

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0093 Rules of the Auditor General.

(1) “Rules of the Auditor General” shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida in effect as follows:

Chapter	Title
10.550	Local Governmental Entity Audits, effective 9/30/2009
10.650	Florida Single Audits Non-profit and For-profit Organizations, effective 9/30/2009
10.700	Audits of Certain Nonprofit Organizations, effective 6/30/2009
10.800	Audits of District School Board, effective 6/30/2009
10.850	Audits of Charter Schools and Similar Entities, effective 6/30/2009

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

(2) Certified public accountants performing accounting services in connection with Local Governmental Entity Audits required to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Rule

Chapter 10.550-10.559, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(3) Certified public accountants performing accounting services in connection with Standards for Florida Single Audit Act Audits for Nonprofit and For-Profit Organizations required by Section 215.97, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.650, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(4) Certified public accountants performing accounting services in connection with Standards for Audits of Certain Nonprofit Organizations required by Section 215.981(1), 1001.453(4), 1004.28(5), or 1004.70(6), Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.700, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(5) Certified public accountants performing accounting services in connection with Standards for Audits of District School Boards required by Section 11.45 or 218.39, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.800, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(6) Certified public accountants performing accounting services in connection with Standards for Audits of Charter Schools and Similar Entities required by Section 218.39 or 1002.37, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.850, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

Rulemaking 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0095  
 RULE TITLE: Standards for Consulting Services

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

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 published by the AICPA, 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 1(888)777-7077.

Rulemaking 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0096  
 RULE TITLE: Services for Tax Practice

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0096 Services for Tax Practice.

“Standards for Tax Services” shall be deemed and construed to mean Statements on Standards for Tax Services, 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. A certified public accountant shall not

perform tax services unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

Rulemaking 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,\_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0097  
 RULE TITLE: Standards for Personal Financial Planning

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

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, available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at 1(888)777-7077. A certified public accountant shall not perform personal financial planning unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0099  
 RULE TITLE: Standards for Attestation Engagements

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

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, dated December 2006, available from the AICPA’s Resource Online at [www.cpa2biz.com](http://www.cpa2biz.com) or by telephonic request at 1(888)777-7077. A certified public accountant shall not permit his/her name to be used in conjunction with any applicable attestation engagement unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-21.001  
 RULE TITLE: Independence

**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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2) shall now read as follows:

(2) In order to delineate the standards against which a certified public accountant’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 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. 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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-24.001  
 RULE TITLE: Advertising  
 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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The changes are as follows:

- 1. Subsection (2) shall now read as follows:  
 (2) “Advertising” shall mean:

2. The changes made to (2)(a) and (b) will remain as noticed. 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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-4.010  
 RULE TITLE: Supervision and Training of Registered Trainee Appraisers  
 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. 17, May 1, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (2)(d) shall now read as follows:

(d) Registering the appraiser trainee with Department through use of DBPR form RE-2060, effective September 14, 2009, hereby incorporated by reference and available at <http://www.myflorida.com/dbpr/re/documents/RE-2060ReqforChngofStatusRTA1107.pdf>.

2. Subsection (6) shall now read as follows:

(6) Separate appraiser logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser through use of DBPR form RE-2300-1, effective May, 2008, hereby incorporated by reference and available at <http://www.myfloridalicense.com/dbpr/re/documents/re-2300a-1Rev0508.pdf>.

3. For subsection (6)(a) through (i) will be removed from the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas W. O’Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-17.510	General
62-17.520	Definitions
62-17.535	Notification of Construction of Transmission Lines Not Subject to the Act
62-17.540	Application for Corridor Certification, Amendments, Modifications
62-17.543	Alternate or Multiple Corridor Information
62-17.545	Fees, Disbursement of Funds, Contracts
62-17.570	Insufficiency of Application, Resolution Procedures
62-17.580	Conduct of Studies
62-17.590	Agency Reports, Compiled Agencies' Report with Summaries
62-17.600	Conditions of Certification; Delegated Modifications
62-17.610	Proprietary Interest in State-owned Lands
62-17.625	Criteria for Rejection of an Alternate Corridor
62-17.660	Post-Certification Monitoring and Reporting

62-17.665	Dredging and Filling, Water Quality; Post-Certification Review
62-17.680	Modification of Certification
62-17.695	Emergency Replacement
62-17.700	Revocation or Suspension of Certification
62-17.710	Termination of Certification
62-17.750	Public Notice
62-17.760	Evidence of Notice, Additional Notice

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly. The date that the Notice of Proposed Rule Development was published in the FAW was incorrectly listed as September 25, 2009. The Notice of Proposed Rule Development was published in the FAW on January 23, 2009.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
62-204.800	Federal Regulations Adopted by Reference

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 36, September 11, 2009, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B16-26.204	Licensure by Endorsement

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B18-14.012	Address of Record

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 4, January 30, 2009 issue of the Florida Administrative Weekly.

The change outlines the procedure regarding how a licensee may update their address with the Board. The changes are as follows:

64B18-14.012 Address of Record.

It shall be the duty of each licensee to provide to the Department of Health written notification of the licensee's current mailing address and place of practice within fifteen (15) business days upon change thereof. Such written notification may be provided by United States mail, or alternatively, a licensee may update his or her address at the Board's website [[http://www.doh.state.fl.us/mqa/podiatry/po\\_maintain.html](http://www.doh.state.fl.us/mqa/podiatry/po_maintain.html)]. If a licensee chooses to update his or her mailing address or place of practice via the Board's website, it shall be the responsibility of the licensee to confirm that such information has been accurately updated. The term "place of practice" means the address(es) of the physical location(s) where the licensee practices podiatric medicine.

Rulemaking Authority 456.035, 461.005 FS. Law Implemented 456.035 FS. History—New\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
65A-1.900	Overpayment and Benefit Recovery

**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.

(1) Administrative Definitions Applicable to Overpayment and Benefit Recovery.

(b) Intentional Program Violation: Intentional Program Violation (IPV) or fraud is defined pursuant to Section 414.39 (1)-(2) and (4), F.S., 7 C.F.R. §273.16 (c); and 45 C.F.R. §235.110 (a)(2) and Section 414.14, F.S.

(f) Notification: Notification, for purposes of this section, is any correspondence from the Department that advises an individual of the status of an overpayment. Any notification will be in compliance with 7 C.F.R. §273.18 (e)(3), ~~45 C.F.R. §235.110 and Section 414.14, F.S.~~

(2) Individuals Responsible for Repayment of Overpayment.

(b) Food stamp overpayments will be recovered from an individual as specified in 7 C.F.R. §273.18 (a)(4) (2009), incorporated by reference ~~(2009)~~.

(3) Monthly Repayment Amounts.

(b) Monthly repayment amounts of all food stamp overpayments will be determined in accordance with 7 C.F.R. §273.18 (c) (2009), incorporated by reference ~~(2009)~~.

(4) Method of Repayment.

1. As specified in 45 C.F.R. §233.20(a)(13) (2008), incorporated by reference (2008); or

(b) The method of repayment of all food stamp overpayment will be as specified in 7 C.F.R. §273.18 (f)-(g) (2009), incorporated by reference (2009).

(6) Compromising Food Stamp Claims. Effective August 1, 2001, a food stamp claim or any portion of a food stamp claim may be compromised with the exception of court ordered restitution or IPV's. The Department reserves the right to approve or not approve the compromise.

(a) Individuals with an overpayment claim in the Food Stamp Program may request a compromise of their claim at any time after they are notified of the claim.

(b) For purposes of a compromise request made pursuant to this rule, the Department will determine the economic household circumstances reasonably demonstrate the overpayment claim will not be paid within three years of being notified of the overpayment claim and will compromise to zero dollars when at least one of the following is present: The Department will only consider such claims for individuals liable on the overpayment claim being considered or someone duly authorized to do so on behalf of the liable individual(s):

1. The death or prognosis of death of any liable individual within three years of being notified;

2. Pending litigation in a court, including a bankruptcy court, that involves any liable individual's obligation to repay the overpayment within three years of being notified;

3. Any liable individual is sentenced to a period of incarceration that will expire after the three-year period the overpayment is expected to be paid; or

4. The liable individual(s) sole household's income is based only on either age or disability projecting a fixed, limited economic potential to repay the overpayment within three years.

(c) The Department requires verification of subparagraphs 1. through 4. above. When a decision is made concerning the compromise request, the Department will provide written notice of the decision including information about hearing appeal rights. For purposes of a compromise request made pursuant to this rule, the Department will determine that an individual's economic household circumstances reasonably demonstrate the overpayment claim or debt will not be paid within three years of the debtor being notified of the overpayment claim or debt only when the information or materials permitted by paragraph (d) below also include or involve at least one of the following:

1. The death of the debtor or liable individual(s);

2. The probability of an impending death of the debtor or liable individual(s);

3. Pending litigation in a court, including a bankruptcy court, that involves the debtor or liable individual's obligation to repay the overpayment or debt;

~~4. The debtor or liable individual(s) are sentenced to a period of incarceration in a city, county, state or federal correctional institution that will exceed the three-year period by which the overpayment or debt is expected to be paid; or~~

~~5. The debtor or other liable individual(s) sole household's income is based on either age or disability projecting a fixed, limited economic potential to repay the overpayment or debt within three years.~~

(d) For purposes of evaluating a compromise request, in addition to the information or materials required by paragraph (c) above, individuals liable for an overpayment claim or debt may submit to the Department any other information or written materials related to their household's economic circumstances. Expenses taken into account include food, shelter, medical, transportation, clothing and personal and household incidentals, child or adult care and court ordered child support payments as described in subparagraphs (1)(g)1. through 7. Any items paid by someone outside the household are not used. The Department requires verification if it considers reported items excessive. The information or materials must state how the overpayment claim or debt will not be paid within the three year period. When a decision is made concerning the compromise request, the Department will give the individual making the request a written notice of the decision including information about hearing appeal rights.

1. The overpayment or debt will be compromised to zero for situations indicated in subparagraphs 1. through 4. above.

2. The overpayment or debt will be compromised to no less than \$5.00 per month for situations indicated in subparagraph 5. above.

(8) Notification of Overpayment. The Department must notify the individuals responsible for repayment of overpayment in writing that overpayment exists and that they are required, by law, to repay the entire amount pursuant to Section 414.41 (1), F.S., or that they may seek compromise of a food stamp overpayment pursuant to 7 C.F.R. §273.18(e)(3), (7) (2009), incorporated by reference (2009).

(10) Determination of Intentional Program Violation.

(a) Pursuant to Sections 414.33, 414.36 and 414.39 and 414.41, F.S., when the Department has information that an individual has committed fraud, it will refer the case to the Florida Department of Law Enforcement, Public Assistance Fraud (PAF) Unit for investigation. In cases where PAF the Department determines that an individual has committed fraud in the cash assistance or Food Stamp Programs, it will pursue a determination of IPV through either court action, administrative disqualification hearing, or both, where permitted by 7 C.F.R. §273.16 (a) (2009), incorporated by reference (2009), or 45 C.F.R. §235.110 (2008), incorporated by reference (2008) and Section 414.41, F.S. The PAF Unit will pursue a determination of IPV through court action in instances where it determines that an individual has committed fraud in the Medicaid Program.

(b) Individuals found by an administrative hearing officer or court to have committed an act of IPV while receiving, or attempting to receive, food stamp, cash assistance, or food stamp and cash assistance benefits will be disqualified from participation in the program(s) under which that act was committed or attempted in accordance with 7 C.F.R. §273.16 (b) (2009), incorporated by reference (2009), ~~45 C.F.R. §235.110 or Section 414.41, F.S. Section 414.14, F.S.~~

(11) Treasury Offset Program.

(a) The Department will refer individuals who owe past-due, legally enforceable federal food stamp overpayment debts to the U.S. Department of the Treasury for purposes of collection of such debt through offset against federal payments pursuant to 26 U.S.C. §6402 (d)(1)-(2), (f) 26 U.S.C. 6402 (d)(1)-(2), (f). Referral of individuals owing such debt will be completed in accordance with procedures and criteria contained in 26 C.F.R. §301.6402-6 26 C.F.R. Part 301-§301.6402-6 and 31 C.F.R. Part 5 Subpart C et. seq., as provided for in 7 C.F.R. §3.46 7 C.F.R. Part 3 Subpart D §3.46.

(b) A past-due, legally enforceable debt exists when an individual in receipt of overpayment as defined in Section 414.41(1), F.S. and paragraph (1)(a) (1)(b) of this rule is at least 180 days delinquent in repayment of the overpayment, and the overpayment has not been discharged through administrative or legal action.

(c) The Department must make a reasonable attempt as defined in 26 C.F.R. §301.6402-6(d) 26 C.F.R. Part 301-§301.6402-6(d), to notify individuals owing such debt that:

(12) The following forms, incorporated by reference, are used by the Department in the process of establishing and recovering overpayment: Information Concerning Administrative Disqualification Hearings, CF-ES 3057, 09/2009 09/2006; Request for Additional Information, CF-ES 3400, 09/2009 02/2006; Waiver of Administrative Disqualification Hearing With a Program Loss, CF-ES 3410, 09/2006; Waiver of Administrative Disqualification Hearing Without a Program Loss, CF-ES 3410A, 09/2006; Disqualification Consent Agreement, CF-ES 3414, 11/2007; and Notice of Compromise Decision, CF-ES 3110, 09/2009 03/2009. Copies of the forms and materials incorporated by reference are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department’s web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Authority 409.919, 414.41, 414.45 FS. Law Implemented 414.31, 414.36, 414.41 FS. History—New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-2-00, 2-26-02, 3-18-03, 7-21-05, 1-19-09, \_\_\_\_\_.

IF REQUESTED WITHIN 7 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: October 29, 2009, 2:00 p.m.  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, (850)410-3291, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy\_keil@dcf.state.fl.us.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-3.012  
 RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

**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. 28, July 17, 2009 issue of the Florida Administrative Weekly.

(6) Notice required for structures with light-frame truss-type construction.

Purpose: The purpose of this rule is to require the placement of an identifying symbol on structures constructed with a light-frame weight truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(a) Definitions.

1. through 2. No change.

3. “Townhouse” means a single family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof with open space on at least two sides.

(b) Any commercial, industrial, or any multiunit residential structure of three units or more ~~(excluding townhouses)~~, which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Townhouses are not multiunit residential structures and therefore not subject to this rule. Each approved symbol shall include within the center circle one of the following designations:

(c) through (e) No change.

(7) through (11) No change.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.008  
 RULE TITLE: Notice required for buildings with light-frame truss-type construction

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. 28, July 17, 2009 issue of the Florida Administrative Weekly.

(2) Definitions

(a) through (b) No change.

(c) ~~“Townhouse” means a single family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with open space on at least two sides.~~

(3) Any commercial, industrial, or multiunit residential structure of three units or more, ~~(excluding townhouses)~~ which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Townhouses are not multiunit residential structures and therefore not subject to this rule. Each approved symbol shall include within the center circle one of the following designations:

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

Section IV  
Emergency Rules

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

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

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER09-47  
RULE TITLE: Instant Game Number 1038, HOLIDAY CASH

SUMMARY: This emergency rule describes Instant Game Number 1038, “HOLIDAY CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

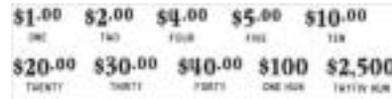
53ER09-47 Instant Game Number 1038, HOLIDAY CASH.

(1) Name of Game. Instant Game Number 1038, “HOLIDAY CASH.”

(2) Price. HOLIDAY CASH lottery tickets sell for \$1.00 per ticket.

(3) HOLIDAY CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOLIDAY CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The prize symbols and prize symbol captions are as follows:



(5) Determination of Prizewinners.

A ticket having three like prize amounts and corresponding prize amount captions in the play area shall entitle the claimant to a prize of that amount. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100 and \$2,500.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 1038 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS
			PER POOL
\$1	\$1	10.71	1,120,000
\$2	\$2	15.00	800,000
\$4	\$4	42.86	280,000
\$5	\$5	150.00	80,000
\$10	\$10	100.00	120,000
\$20	\$20	300.00	40,000
\$30	\$30	1,500.00	8,000
\$40	\$40	2,000.00	6,000
\$100	\$100	2,400.00	5,000
\$2,500	\$2,500	120,000.00	100

(7) The estimated overall odds of winning some prize in Instant Game Number 1038 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 1038, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) Payment of prizes for HOLIDAY CASH lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-2-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 2, 2009

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER09-48  
 RULE TITLE: Instant Game Number 1039, HOLIDAY TRIPLER

SUMMARY: This emergency rule describes Instant Game Number 1039, “HOLIDAY TRIPLER,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-48 Instant Game Number 1039, HOLIDAY TRIPLER.

(1) Name of Game. Instant Game Number 1039, “HOLIDAY TRIPLER.”

(2) Price. HOLIDAY TRIPLER lottery tickets sell for \$2.00 per ticket.

(3) HOLIDAY TRIPLER lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOLIDAY TRIPLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

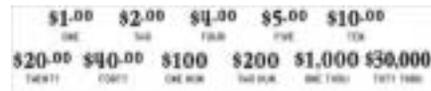
(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “DOUBLE” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to double the prize shown for that symbol. A ticket having a

“TRIPLE” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to triple the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$200, \$1,000 and \$30,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1039 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.71	840,000
\$1 + \$1 (3X)	\$4	50.00	180,000
\$1 (2X) + \$2	\$4	75.00	120,000
\$2 (2X)	\$4	50.00	180,000
\$4	\$4	50.00	180,000
\$1 x 5	\$5	375.00	24,000
\$1 (3X) + \$2	\$5	375.00	24,000
\$2 (2X) + \$1	\$5	375.00	24,000
\$1 + \$4	\$5	375.00	24,000
\$5	\$5	375.00	24,000
\$1 x 10	\$10	250.00	36,000
\$2 (2X) + \$2 (3X)	\$10	250.00	36,000
\$2 (3X) + \$4	\$10	250.00	36,000
\$5 (2X)	\$10	250.00	36,000
\$10	\$10	250.00	36,000
\$2 x 10	\$20	750.00	12,000
\$5 + \$5 (3X)	\$20	750.00	12,000
\$4 (2X) + \$4 (3X)	\$20	750.00	12,000
\$10 (2X)	\$20	750.00	12,000
\$20	\$20	750.00	12,000
\$4 x 10	\$40	720.00	12,500

\$5 (2X) + \$10 (3X)	\$40	720.00	12,500
\$10 (2X) + \$20	\$40	720.00	12,500
\$20 (2X)	\$40	900.00	10,000
\$40	\$40	900.00	10,000
\$10 x 10	\$100	3,600.00	2,500
\$20 (3X) + \$40	\$100	3,600.00	2,500
\$20 (2X) + \$20 (3X)	\$100	3,600.00	2,500
\$20 + \$40 (2X)	\$100	3,600.00	2,500
\$100	\$100	3,600.00	2,500
\$20 x 10	\$200	30,000.00	300
\$10 (2X) + \$20 (3X) + \$40 (3X)	\$200	22,500.00	400
(\$20 x 6) + \$40 (2X)	\$200	22,500.00	400
\$100 (2X)	\$200	22,500.00	400
\$200	\$20	30,000.00	300
\$100 x 10	\$1,000	90,000.00	100
\$200 (2X) + \$200 (3X)	\$1,000	90,000.00	100
\$10 (2X) + \$40 (2X) + \$100 (3X) + \$200 (3X)	\$1,000	180,000.00	50
\$100 (2X) + \$100 (2X) + \$200 (3X)	\$1,000	180,000.00	50
\$1,000	\$1,000	180,000.00	50
\$30,000	\$30,000	750,000.00	12

(10) The estimated overall odds of winning some prize in Instant Game Number 1039 are 1 in 4.66. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1039, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for HOLIDAY TRIPLER lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-2-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 2, 2009

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER09-49  
 RULE TITLE: Instant Game Number 1040, MERRY MILLIONAIRE

SUMMARY: This emergency rule describes Instant Game Number 1040, "MERRY MILLIONAIRE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

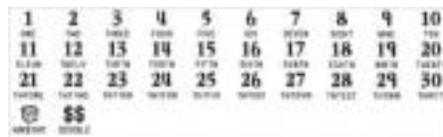
53ER09-49 Instant Game Number 1040, MERRY MILLIONAIRE.

(1) Name of Game. Instant Game Number 1040, "MERRY MILLIONAIRE."

(2) Price. MERRY MILLIONAIRE lottery tickets sell for \$10.00 per ticket.

(3) MERRY MILLIONAIRE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MERRY MILLIONAIRE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

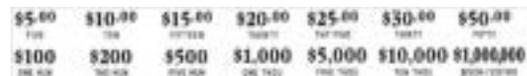
(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "MERRY NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:

MERRY NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption

in the "MERRY NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a "MERRY NUMBERS" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to

\$100. A ticket having a "MERRY NUMBERS" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000.

(9) \$1,000,000 Prize Payment Options.

(a) A winner of a \$1 million prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" or "Annual Payment." At the time the \$1,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner files a claim and exercises the winner's chosen option, the election of that option shall be final.

(b) Cash Option prizes will be paid in one (1) lump sum cash payment of \$650,000, less applicable withholding taxes.

(c) Annual Payment prizes will be paid in twenty (20) equal annual installments of \$50,000 each, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1040 are as follows:

GAME PLAY	VALUE	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 30 POOLS OF PER POOL
\$5 x 2	\$10	30.00	120,000
\$5 (\$\$)	\$10	30.00	120,000
\$10	\$10	30.00	120,000
\$5 x 3	\$15	60.00	60,000
\$5 + \$10	\$15	60.00	60,000
\$15	\$15	60.00	60,000
\$5 x 4	\$20	60.00	60,000
(\$5 x 2) + \$10	\$20	60.00	60,000
\$10 x 2	\$20	60.00	60,000
\$10 (\$\$)	\$20	60.00	60,000
\$20	\$20	60.00	60,000
\$5 x 5	\$25	300.00	12,000
(\$5 x 3) + \$10	\$25	300.00	12,000
\$5 + (\$10 x 2)	\$25	300.00	12,000
\$5 (\$\$) + \$15	\$25	300.00	12,000

\$25	\$25	300.00	12,000
\$5 x 6	\$30	500.00	7,200
(\$5 x 2) + (\$10 x 2)	\$30	500.00	7,200
\$10 x 3	\$30	500.00	7,200
\$15 (\$\$)	\$30	500.00	7,200
\$30	\$30	500.00	7,200
\$5 x 10	\$50	600.00	6,000
\$10 x 5	\$50	600.00	6,000
\$10 + \$20 (\$\$)	\$50	600.00	6,000
\$10 (\$\$) + \$15 (\$\$)	\$50	600.00	6,000
\$50	\$50	600.00	6,000
(\$5 x 10) + (\$10 x 5)	\$100	600.00	6,000
\$10 x 10	\$100	600.00	6,000
\$20 (\$\$) + \$30 (\$\$)	\$100	600.00	6,000
\$50 (\$\$)	\$100	600.00	6,000
\$100 (GIFT)	\$100	600.00	6,000
\$100	\$100	600.00	6,000
(\$10 x 10) + (\$20 x 5)	\$200	2,400.00	1,500
\$20 x 10	\$200	1,200.00	3,000
(\$25 x 4) + \$100 (GIFT)	\$200	1,200.00	3,000
\$25 (\$\$) + \$50 + \$100 (GIFT)	\$200	1,200.00	3,000
\$200	\$200	2,400.00	1,500
(\$25 x 10) + (\$50 x 5)	\$500	7,500.00	480
\$50 x 10	\$500	8,000.00	450
\$50 (\$\$) x 5	\$500	10,000.00	360
\$200 (\$\$) + \$100	\$500	10,000.00	360
\$500	\$500	10,000.00	360
(\$50 x 10) + (\$100 x 5)	\$1,000	15,000.00	240
\$100 x 10	\$1,000	15,000.00	240
(\$50 x 10) + \$100 (GIFT) + \$200 (\$\$)	\$1,000	15,000.00	240
\$200 x 5	\$1,000	15,000.00	240
\$1,000,000 (\$50K/yr/20yrs)	TOP PRIZE	1,200,000.00	3

(11) The estimated overall odds of winning some prize in Instant Game Number 1040 are 1 in 3.54. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1040, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for MERRY MILLIONAIRE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-2-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 2, 2009

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER09-50  
 RULE TITLE: Instant Game Number 1044, \$250,000 TREASURE TREE

SUMMARY: This emergency rule describes Instant Game Number 1044, “\$250,000 TREASURE TREE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-50 Instant Game Number 1044, \$250,000 TREASURE TREE.

(1) Name of Game. Instant Game Number 1044, “\$250,000 TREASURE TREE.”

(2) Price. \$250,000 TREASURE TREE lottery tickets sell for \$5.00 per ticket.

(3) \$250,000 TREASURE TREE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$250,000 TREASURE TREE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) Determination of Prizewinners.

(a) A ticket having a “” symbol and corresponding caption in the play area shall entitle the claimant to the prize shown for that symbol. A ticket having a “” symbol and corresponding caption in the play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$1,000, \$5,000, \$10,000 and \$250,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 1044 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 63 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	12.00	630,000
\$5 (\$\$)	\$10	20.00	378,000
\$5 x 2	\$10	30.00	252,000
\$10	\$10	30.00	252,000
\$2 x 10	\$20	300.00	25,200
\$5 (\$\$) + (\$5 x 2)	\$20	300.00	25,200
\$5 x 4	\$20	300.00	25,200
\$10 (\$\$)	\$20	300.00	25,200
\$20	\$20	300.00	25,200
(\$2 x 10) + \$5 (\$\$)	\$30	600.00	12,600
(\$2 x 10) + (\$5 x 2)	\$30	600.00	12,600
\$5 (\$\$) + \$10 (\$\$)	\$3	600.00	12,600
\$10 + \$20	\$30	600.00	12,600
\$30	\$30	800.00	9,450
(\$2 x 10) + \$10 + \$20	\$50	1,200.00	6,300
(\$2 x 10) + \$5 (\$\$) + \$20	\$50	1,200.00	6,300
\$5 (\$\$) + \$20 (\$\$)	\$50	1,200.00	6,300
\$10 (\$\$) + \$30	\$50	1,200.00	6,300
\$50	\$50	1,200.00	6,300
(\$5 x 6) + (\$10 x 5) + \$20	\$100	1,200.00	6,300
(\$10 x 3) + \$20 + \$50	\$100	1,200.00	6,300
\$10 x 10	\$100	1,200.00	6,300
\$20 (\$\$) + \$30 (\$\$)	\$100	1,500.00	5,040
\$50 (\$\$)	\$100	1,500.00	5,040
\$100	\$100	1,500.00	5,040
\$20 x 10	\$20	6,000.00	1,260
(\$10 x 10) + (\$50 x 2)	\$200	6,000.00	1,260
\$100 (\$\$)	\$200	6,000.00	1,260
\$100 x 2	\$200	6,000.00	1,260
\$200	\$200	6,000.00	1,260
\$100 x 10	\$1,000	60,000.00	126
(\$50 x 10) + \$100 + \$200 (\$\$)	\$1,000	60,000.00	126
(\$50 x 4) + \$200 (\$\$) + \$200 (\$\$)	\$1,000	40,000.00	189

<u>(\$100 x 4) + \$100</u>	<u>\$1,000</u>	<u>40,000.00</u>	<u>189</u>
<u>(\$5) + \$200 (\$5)</u>			
<u>\$1,000</u>	<u>\$1,000</u>	<u>60,000.00</u>	<u>126</u>
<u>\$5,000</u>	<u>\$5,000</u>	<u>60,000.00</u>	<u>126</u>
<u>\$10,000</u>	<u>\$10,000</u>	<u>120,000.00</u>	<u>63</u>
<u>\$250,000</u>	<u>\$250,000</u>	<u>945,000.00</u>	<u>8</u>

(8) The estimated overall odds of winning some prize in Instant Game Number 1044 are 1 in 4.27. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 1044, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for \$250,000 TREASURE TREE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-2-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 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."

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Progress Energy Florida, Inc.'s Petition for Waiver of subsection 25-17.250(1) and paragraph (2)(a), F.A.C. was approved by Commission Order No. PSC-09-0643-FOF-EI.

DOCKET NO.: 080501-EI – Petition for Waiver of subsection 25-17.250(1) and paragraph (2)(a), F.A.C., which requires Progress Energy Florida to have a standard offer contract open until a request for proposal is issued for same avoided unit in standard offer contract.

Progress Energy Florida, Inc.'s (Progress) petition for a waiver of subsection 25-17.250(1) and paragraph (2)(a), Florida Administrative Code, was filed July 15, 2008. The rule provides that each investor-owned utility shall, by April 1 of each year, file with the Commission a Standard offer contract or contracts for the purchase of firm capacity and energy from renewable generating facilities and small qualifying facilities with a design capacity of 100 kW or less. A separate standard offer contract shall be based on the next avoidable fossil fueled generating unit of technology type identified in the utility's Ten-Year Site Plan. Notice of the petition was published in the F.A.W. on August 8, 2008.

The petition was approved as a proposed agency action at the Commission's September 29, 2008, Agenda Conference. It was approved as the utility demonstrated that the purpose of the underlying statute could be approved by other means and that the application of the rule would create a substantial hardship. The Commission also approved Progress's standard offer contract at that time. Commission Order No. PSC-08-0706-TRF-EI issued October 23, 2008, memorialized the decision. On November 13, 2008, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs timely filed a petition for formal hearing, but did not challenge the waiver of rule. The formal hearing was held April 16, 2009. Following the hearing, the Commission issued Order No. PSC-09-0643-FOF-EI, on September 22, 2009, which approved the standard offer contract and consummated the grant of the waiver of the rule.

A copy of the Commission's orders may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on April 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Robert Spear, Lake Worth Towers, Lake Worth, FL, to not comply with Rules 8.11.2.1.1(c) and 8.11.2.1.4(b), ASME A17.1, 2005 edition until April 15, 2010 (VW 2009-007).

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

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NOTICE IS HEREBY GIVEN THAT on April 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Board of Directors, Windward Point Condominium, Ft. Myers Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until April 15, 2011 (VW 2009-008).

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

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NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Robert Driscoll, Emerald Point Condominium Association, Inc., Punta Gorda, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until April 20, 2012 (VW 2009-012).

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

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NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Margaret DeCorso, Longboat Harbour Towers Condominium, Inc., Longboat Key, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until April 20, 2011 (VW 2009-014).

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

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NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Patricia Serley, Otis Elevator Company on behalf of Hotel Indigo, Pensacola Beach, FL, to not comply with Rules 2.20.1, 2.20.9 and 2.24.2, ASME A17.1, 2004 edition to allow the installation of an Otis Gen2™ elevator systems at the above project (VW 2009-016).

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

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NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jean Ravenscroft, Surf Song Condominium, Fort Myers Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2009 (VW 2009-025).

A copy of the Order 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 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jack Blake, Hickory Harbor Condominium Association, Inc., Bonita Springs, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 31, 2009 (VW 2009-029).

A copy of the Order 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 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Paul Komie, Harbor Village Condominium Association, North Palm Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until March 5, 2013 (VW 2009-038).

A copy of the Order 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 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Sam Modi, Days Inn Tampa Bay, Tampa, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until May 29, 2010 (VW 2009-039).

A copy of the Order 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 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Chad Van Tilburg, CAM, Schooner Bay Condominium Association, North Fort Myers, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until May 1, 2012 (VW 2009-040).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Chad Van Tilburg, CAM, North Shore Place #1 & 2, North Fort Myers, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until May 1, 2012 (VW 2009-041).

A copy of the Order 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 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jan Konigsberg, The Atrium, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until May 29, 2012 (VW 2009-045).

A copy of the Order 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 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rich Levy, Ocean at the Jupiter Bluffs, Jupiter, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2009 (VW 2009-050).

A copy of the Order 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 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Andree Achim, High Point Group Seven, Naples, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until June 30, 2011 (VW 2009-052).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jon M. Surprise, Cascades Condominium Association, Fort Myers, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 1, 2009 (VW 2009-053).

A copy of the Order 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 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Andrew Dietz, Regions Financial Tower, West Palm Beach, FL, to not comply with Rules 3.11.3, 3.10.5, 3.6.1, 3.3.2 and 2.7.4, ASME A17.3, 1996 edition until June 30, 2013 (VW 2009-059).

A copy of the Order 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 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Christopher Conventry, Orlando Health, Orlando, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until November 1, 2009 (VW 2009-063).

A copy of the Order 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 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to John Lapi, Sutton Place, Palm Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until June 30, 2011 (VW 2009-064).

A copy of the Order 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 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William E. Hardman, Pompano Owners Association, Inc., Sarasota, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 1, 2009 (VW 2009-068).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Joel Sainer, Belmont Park Apts., Bradenton, FL, to not comply with Rules 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-069).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Scott Woddard, Ocean Sound Condominiums, Tequesta, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 1, 2010 (VW 2009-070).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to W. Lee Mikell, Federal Trust Bank, Sanford, FL, to not comply with Rules 3.11.3, 7.2.6 and 2.7.4, ASME A17.3, 1996 edition until June 31, 2011 (VW 2009-071).

A copy of the Order 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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Anne Harrington, Good Samaritan Society, Daytona Beach, FL, to not comply with Rules 3.11.3, 2.7.3, 3.11.1(a)(2), 3.4.4(a), 3.10.4(t), 3.11.1(a)(1), 3.4.3(c), 3.9.2, 3.4.5(d)(1), 3.3.2, 3.4.1(a) and 2.7.4, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-072).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Adrian M. Pfeffer, Steamboat Bend East Condominium Association, Fort Myers, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2009 (VW 2009-073).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to J. Peter Schmidt, South Seas North Condominium Association, Marco Island, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until May 1, 2011 (VW 2009-074).

A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Karen Koelemij, Managing Agent, Casa Calderon, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-076).

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A copy of the Order 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 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Minor Hart, ThyssenKrupp Elevator Service, 410 Wilma Condo Association, Riviera Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 31, 2009 (VW 2009-078).

A copy of the Order 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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Clearwater Point 7 Condominium Association, Clearwater, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 31, 2011 (VW 2009-085).

A copy of the Order 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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Patricia Brier, 200 Ocean Rd., Condo, Vero Beach, FL, to not comply with Rules 3.11.3, 2.3.1(a) and 2.7.4, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-086).

A copy of the Order 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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Noel Wildman, Blue Surd Condominium Management Association Inc., Daytona Beach Shores, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-087).

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A copy of the Order 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 Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Therese A. Wagner, Gulf Towers Condo. Association, Inc., Naples, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-088).

A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, 50 Harbor View Lane Condominium, Belleair Bluffs, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until July 31, 2011 (VW 2009-089).

A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Elizabeth Rumbarger, White Sands Condominium Association, Inc., Sanibel, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 1, 2009 (VW 2009-091).

A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rhonda Gross, Willow Wood Mid-Rise Consominium II Association, Boca Raton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2009 for the door restrictors, and December 31, 2011 for the fire fighter service (VW 2009-094).

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A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rhonda Gross, Willow Wood Mid-Rise Condominium III Association, Boca Raton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2009 for the door restrictors, and December 31, 2011 for the fire fighter service (VW 2009-095). A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Irmagard Engleson, Excelsior Beach to Bay Owners Association, Inc., Sarasota, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-097).

A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rosalyn Smith, Watersedge Bldg. D, Delray Beach, FL, to not comply with Rules 3.11.3 and 3.11.1(a)(2), ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-098).

A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Andy Schmitt, Town & Country Professional Center, Tampa, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until July 10, 2012 (VW 2009-101).

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A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Charles DiCroce, The Landfall Condominium Association Inc., Jupiter Island, FL, to not comply with Rules 3.11.3 and 3.11.3, ASME A17.3, 1996 edition until July 10, 2012 (VW 2009-102).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Martin Cole, Red Roof Inn, Clearwater, FL, to not comply with Rule 2.2.5, ASME A17.3, 1996 edition and allow a water pipe not directly connected with the elevator operation in the machine room to conform (VW 2009-105).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lisa Gerard, Holiday Towers, Holiday, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until March 1, 2010 (VW 2009-106).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Debra Spruell, Sunbow Bay Association, Inc., Holmes Beach, FL, to not comply with Rules 2.7.4, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-107).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Debra Spruell, Sunbow Bay Association, Inc., Holmes Beach, FL, to not comply with Rules 3.10.4(t) and 2.7.4, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-108).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Debra Spruell, Sunbow Bay Association, Inc., Holmes Beach, FL, to not comply with Rules 2.7.4, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-109).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lisa Gerard, Holiday Towers, Holiday, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and allow the minimum travel distance of 25 feet 9 inches to conform with code (VW 2009-111).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Richard H. Jones, Whispering Sands Condominium Association, Sarasota, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-112).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Namsions by the Sea Condominiums, Treasure Island, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 31, 2011 (VW 2009-113).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Tricia Sexton, Esq., Florida Automotive Distributing (formally Montgomery Wards Building), St. Petersburg, FL, to not comply with Rules 8.6.5.8, ASME A17.1, 2004 edition with 2005 Addenda until November 1, 2009 (VW 2009-114).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dr. Ray Smith, Arbomar Apartments, Longboat Key, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until October 31, 2011 (VW 2009-116).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Stacia Scofero, Action Association Management on behalf of Ironwood Twelfth Condominium Association, Inc., Sarasota, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 31, 2010 (VW 2009-117).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Harbour Hill Condominium Association, St. Petersburg, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until July 31, 2011 (VW 2009-118).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carole Bowden, Holmes Beach Property Management LLC. on behalf of Ironwood Seventh Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-119).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Duane Knecht, Stetson University – Presser Hall, Deland, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until January 1, 2010 (VW 2009-120).

A copy of the Order 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 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Sheron Nichols, 736 Island Way Condo Association, Clearwater, FL, to not comply with Rules 3.11.1, 3.10.4(t) and 2.7.4, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-121).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carole Bowden, Holmes Beach Property Management LLC. on behalf of Ironwood Sixth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-122).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carole Bowden, Holmes Beach Property Management LLC. on behalf of Ironwood Fourth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-123).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carole Bowden, CAM, Holmes Beach Property Management LLC. on behalf of Ironwood Fifth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-124).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carole Bowden, Holmes Beach Property Management LLC. on behalf of Ironwood Ninth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-125).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carole Bowden, Holmes Beach Property Management LLC. on behalf of Ironwood Fourteenth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-126).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Patricia J. Serley, Otis Elevator Company on behalf of Sacred Heart Cancer Center, Pensacola, FL, to not comply with Rules 2.20.1, 2.20.9 and 2.24.2, ASME A17.1, 2004 edition to allow the installation of an Otis Gen2™ elevator systems at the above project (VW 2009-131).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dave Palmer, Winter Park Memorial Hospital, Winter Park, FL, to not comply with Rules 3.11.3, 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until January 1, 2010 for elevators with license numbers 26272 and 30991 and January 1, 2011 for elevators with license numbers 26273 and 24468 (VW 2009-134).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Richard Dolson, Otis Elevator Company on behalf of All Children's Hospital Medical Office Building, St. Petersburg, FL, to not comply with Rules 2.20.1,

2.20.9 and 2.24.2, ASME A17.1, 2004 edition to allow the installation of an Otis Gen2™ elevator systems at the above project (VW 2009-135).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to B. J. Miller, Sarasota County West Wing Jail, Sarasota, FL, to not comply with Rules 3.11.1(a)(2) and 3.4.5(d)(1), ASME A17.3, 1996 edition until December 1, 2009 (VW 2009-137).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Larry E. Williams, Garden Gate Bldg., Winter Park, FL, to not comply with Rules 3.11.1(a)(2), 2.7.2.1, 3.4.5(d)(1) and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-138).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David Winters, LCAM, Seawatch at Jupiter Island Condominium, Jupiter, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 1, 2010 (VW 2009-139).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, 6/10 Corporation, Winter Haven, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-140).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Boedicker, Louttit Manor, Orlando, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until June 1, 2010 (VW 2009-142).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-143).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-144).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-145).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-146).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-147).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-148).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-149).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-150).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-151).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-152).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-153).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-154).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wanda Daberko, University of Central Florida, Orlando, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-155).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to James B. Rukin, President of Park Towers Condominium, Inc., Lake Worth, FL, to not comply with Rules 3.11.3, 3.11.1(a)(2), 3.10.4(t) and 2.7.4, ASME A17.3, 1996 edition until August 1, 2011 (VW 2009-156).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Stacia Scofero, The Greens at Pinebrook, Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 1, 2010 (VW 2009-163).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Rigby, Halifax Medical Center, Daytona, FL, to not comply with Rule 2.7.2.1, ASME A17.1, 2005 addenda edition to allow installation of a access ladder and a hatch in the elevator machine room at the above project (VW 2009-164).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Anne Harrington, Good Samaritan Society, Daytona Beach, FL, to not comply with Rules 3.11.3, 2.8.1, 2.2.2, 2.2.3, 3.11.1, 3.10.5, 3.10.6, 3.10.4(t), 3.11.1(a)(1), 3.11.2, 3.12.2, 2.1.1, 3.4.5, 3.3.2, 2.3.1 and 2.7.4, ASME A17.3, 1996 edition until August 14, 2012 (VW 2009-166).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Paul McCoy, Castel Del Mare Condominium Association, Inc., Sarasota, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 31, 2010 (VW 2009-170).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Wayne Johnson, The Surfside Club South, Ormond Beach, FL, to not comply with Rules 3.11.3, 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until December 1, 2011 (VW 2009-171).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Raymond Henney, Imperial Cove Building VIII, Clearwater, FL, to not comply with Rules 3.11.3, 3.10.4(t), 3.9.1, and 3.3.2, ASME A17.3, 1996 edition and Rule 106.1e, ASME A17.1, 1955 edition until August 14, 2012 (VW 2009-172).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Bruce Peterson, Pointe Santo de Sanibel Condominium Association, Sanibel, FL, to not comply with Rules 3.11.3, 3.11.1(a)(2), 3.3.2 and 2.7.4, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-173).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Peggy L. Rice, Oceans Two Condominium Association, Daytona Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2010 (VW 2009-174).

A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Rigby, Ringling Square, Sarasota, FL, to not comply with Rule 2.20.4, and 8.7.2.27.4 ASME A17.1, 2005 addenda and allow a smaller 8mm diameter rope size and an alternate code date for controller installation (VW 2009-186).

A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Cynthia Campfield, Association Manager, Le Chateau Royal, South Palm Beach, FL, to not comply with Rules 3.11.3, 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until September 1, 2011 (VW 2009-188).

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A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Colleen Ansell, Otis Elevator Company on behalf of Health Village Medical Office Building, Florida Hospital, Orlando, FL, to not comply with Rules 2.20.1, 2.20.9 and 2.24.2, ASME A17.1, 2004 edition to allow the installation of an Otis Gen2™ elevator systems at the above project (VW 2009-192).

A copy of the Order 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 September 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jonnie Mac Warner, 2400 Maitland Center Parkway, Maitland, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 1, 2012 (VW 2009-193).

A copy of the Order 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 September 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jonnie Mae Warner, 500 Winderley Place, Maitland, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 1, 2012 (VW 2009-194).

A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Ted Ricketts, All Children's Hospital, St. Petersburg, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-196).

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A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Sea Island South Condominium Association, Clearwater, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until May 1, 2011 (VW 2009-198).

A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Terry Carpenter, Lakewood Nursing Center, Crescent City, FL, to not comply with Rules 3.11.3, 3.11.1, 3.4.5, 2.2.2, 2.2.4, 2.2.5 and 2.7.4, ASME A17.3, 1996 edition, Rule 301.7, ASME A17.1, 1996 edition and Rule 61C-5.0051, Florida Administrative Code, until May 12, 2010 (VW 2009-199).

A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Mary K. Sittman, Chipola Apartments, Marianna, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 10, 2012 (VW 2009-201).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Wedlake, Capeway Condominium Association, Cape Coral, FL, to not comply with Rules 3.11.3, 3.11.1, 2.7.4, 3.10.4(q), 3.10.4(u), 3.4.5(d)(1) and 3.3.2, ASME A17.3, 1996 edition and Rule 110.11e(2), ASME A17.1, 1973 edition until September 1, 2010 (VW 2009-206).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dave Gibson, Oceans Five Condo Association, Daytona, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 10, 2011 (VW 2009-207).

A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David Miller, St. Joseph's Hospital, Tampa, FL, to not comply with Rule 3.11.3 ASME A17.3, 1996 edition until June 30, 2010 (VW 2009-208).

A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David Miller, St. Joseph's Hospital, Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until June 30, 2010 (VW 2009-209).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Brian Schauer, Citadel I Limited Partnership and Citadel II Limited Partnership, Orlando, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 1, 2012 (VW 2009-212).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Tim Cleckner, The Van Lee Condo, Ormond Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 10, 2012 (VW 2009-214).

A copy of the Order 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 September 16, 2009, the Department of Business And Professional Regulation, Division of Hotels and Restaurants has issued an order.

That order granted a variance to Tim Cleckner, Oceans Four, Daytona Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 10, 2012 (VW 2009-215).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Colleen Ansell, Otis Elevator Company, 618 East South Street, Orlando, FL, to not comply with Rules 2.20.1, 2.20.9 and 2.24.2, ASME A17.1, 2005 edition to allow the installation of an Otis Gen2™ elevator systems at the above project (VW 2009-217).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order was denied as the department is not authorized to grant variance for Section 399.15, Florida Statutes, to Robert E. Bertics, Edgewater Arms Third, Inc., Dunedin, FL, as specified in Section 120.542(1), Florida Statutes, titled Petition for Variances and Waivers. (VW 2009-218).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Ron Williams, Firefighters' Training Building, Tavares, FL, to not comply with Rules 110.10b, 211.1(a)(2), 211.3b and 204.1e, ASME A17.1, 1996 edition with 1997 Addenda to allow limited use in a secure setting by fire personnel for training purposes only (VW 2009-219).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jeffrey Estis, Pelican Bay Apartments, Lantana, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until March 31, 2011 (VW 2009-221).

A copy of the Order 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 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Gay N. Sells, Forestbrook I Association, Inc., Largo, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until June 30, 2012 (VW 2009-222).

A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Torr, Marco Towers, Naples, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition and Rule 8.6.5.8, ASME A17.1, 2004 edition with 2005 Addenda until January 1, 2010 (VW 2009-223).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Mark Singletary, Gulfside Place, Sanibel, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 10, 2013 (VW 2009-224). A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Leigh Terssler, Casa Del Mar II Condominium Association, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2010 (VW 2009-227).

A copy of the Order 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 September 24, 2009, the Department Of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Kathleen M. Huldrum, Sundial, Sanibel Island, FL, to not comply with Rules 3.11.3, 3.3.2 and 2.7.4, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-228).

A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Alan Pierce, Franklin County Courthouse, Apalachicola, FL, to not comply with Rules 3.11.3, 3.9.1, 3.4.6 and 2.7.4, ASME A17.3, 1996 edition until October 1, 2010 (VW 2009-229).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Ralph Metzger III, Clarendon Condo Assn., Highland Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 10, 2010 (VW 2009-230).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Harvey Landress, Madeira Towers, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2014 (VW 2009-233).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Daniel DeRussy, Ranger Condominium Association, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2013 (VW 2009-234).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Westcott, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-235 and VW 2009-309).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Diffenbaugh, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-237 and VW 2009-313).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Housewright, Tallahassee, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-238 and VW 2009-307).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Love Building, Tallahassee, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-239 and VW 2009-311).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan of Florida State University – Old FHP, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-240 and VW 2009-306).

A copy of the Order 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 September 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable time as submitted by Thomas Shewan, Richards UPL (FSU), Tallahassee, FL, as specified in Section 120.542, Florida Statutes (VW 2009-241).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Rogers Hall, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-242 and VW 2009-310).

A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jennifer Warren, Siesta Harbor Condominium Association, Sarasota, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 31, 2010 (VW 2009-243).

A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Randy Moody, Park Central Towers, St. Petersburg, FL, to not comply with Rules 3.11.1(a)(2), 3.4.6 and 2.7.4, ASME A17.3, 1996 edition and Chapters 3002.3 and 3008.1, Florida Building Code until January 1, 2010 (VW 2009-246).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Richard Dolson, Otis Elevator Company, on behalf of Salvador Dali Museum, St. Petersburg, FL, to not comply with Rules 2.20.1, 2.20.9 and 2.24.2.2, ASME A17.1, 2005 edition to allow the installation of an Otis Gen2(TM) elevator systems at the above project (VW 2009-247).

A copy of the Order 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 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Kyle Hubler, CAM, Moorings Point Condominium Association, Inc., Fort Myers, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until July 1, 2012 (VW 2009-249).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Carolyn Gullett, The Promenade at Boca Pointe, Boca Raton, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 10, 2014 (VW 2009-250).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Pat Bell, Boca Entrada Condominium, Boca Raton, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 10, 2012 (VW 2009-251).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Shores Library, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-253 and VW 2009-314).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Duxbury Hall, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until December 31, 2012 (VW 2009-254 and VW 2009-308).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Achim A. Fuhr, Palms of Bay Beach, Ft. Myers, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until March 1, 2011 (VW 2009-255).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Achim A. Fuhr, Palms of Bay Beach, Fort Myers, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until September 1, 2010 (VW 2009-256).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Kenny Thomas, Renaissance Orlando Resort, Orlando, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 30, 2011 (VW 2009-257).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Trista Sue Youngquist, Bayfront Inn, Naples, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 10, 2012 (VW 2009-259).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Ryan J. Futch, SilberCrested Management, LLC. on behalf of Marinatown Apartments – One, North Fort Myers, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-260).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rick Cassata, Chalet, San Marco, Marco Island, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until March 31, 2011 (VW 2009-261).

A copy of the Order 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 August 7, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Laura E. Melton, Angler's Cove Condominium Association, Inc., Marco Island, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition and subsection 61C-5.001(1), Florida Administrative Code, until June 1, 2011 (VW 2009-263 and VW 2009-302).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Meghan Panek, 400 Cleveland Street, Clearwater, FL, to not comply with Rules 3.11.3 ASME A17.3, 1996 edition until June 1, 2012. (VW 2009-264 and VW 2009-270).

A copy of the Order 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 August 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Sharon Surless, Kress Building, Orlando, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until March 1, 2010 (VW 2009-278).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Roger Brooks, Bridgeport Center, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-282).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Jack Korsan, Lender Processing Services, Inc., Building IV, Jacksonville, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-297).

A copy of the Order 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 August 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Rochelle B. Murray, One Capital Center, St. Petersburg, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-300).

A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Martha Hulgán, MMH & Associates LLC., Largo, FL, to not comply with Rules 2.7.4, ASME A17.3, 1996 edition until April 30, 2010 (VW 2009-301).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Thomas Shewan, Florida State University – Strozier Annex, Tallahassee, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2012 (VW 2009-312 and VW 2009-236).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Brad Barnhill, Westshore Hotel, Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 1, 2012 (VW 2009-317).

A copy of the Order 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 August 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Danica Suarez, One Barbados Condominium Association, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-324).

A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David Matthews, Blake Medical Center, Bradenton, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-379).

A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to David Matthews, Blake Medical Center, Bradenton, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-380).

A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to James O'Grady, Ocean Sands Condo, Indialantic, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until November 1, 2010 (VW 2009-383).

A copy of the Order 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 September 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Nelson Guagliardo, Team Staff Building, Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-384).

A copy of the Order 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 September 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Rigby, Florida A&M University (Housing), Tallahassee, FL, to not comply with Rules 3.11.3, 3.3.2, 3.4.5(d)(1), 3.11.1, 3.10.4(q), 3.10.4(u) and 2.7.4, ASME A17.3, 1996 edition and Rule 8.6.5.8, ASME A17.1, 2005 edition until August 31, 2013 (VW 2009-390).

A copy of the Order 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 September 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Kevin Gazia, Holiday Inn, Panama City, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 31, 2012 (VW 2009-403).

A copy of the Order 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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Rigby, Florida A&M University, Tallahassee, FL, to not comply with Rules 3.11.3, 3.11.3, 3.3.2, 3.10.4(q), 3.10.4(u) and 2.7.4, ASME A17.3, 1996 edition and Rule 8.6.5.8, ASME A17.1, 2005 edition until August 31, 2011 (VW 2009-407).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lee Rigby, Florida A&M University (Group 2), Tallahassee, FL, to not comply with Rules 2.7.4, 3.3.2, 3.11.3 and 3.10.4(q), ASME A17.3, 1996 edition until August 11, 2013 (VW 2009-408).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Joseph Elhabr, The Place At Summerlin, Fort Myers, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until July 21, 2012 (VW 2009-410).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Marlin Swikert, Tampa Electric Co., Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-411).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Marlin Swikert, Tampa Electric Co., Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-412).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Marlin Swinkert, Tampa Electric Co., Tampa, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2011 (VW 2009-413).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Stephen Dilluvio, Island Winds, Ft. Myers Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 31, 2012 (VW 2009-415).

A copy of the Order 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 September 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Lisa Heide, Boca Bayou Condo Association, Boca Raton, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 13, 2010 (VW 2009-424 and VW 2009-393).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Hardaway, Point Brittany Rutland House, St. Petersburg, FL, to not comply with Rules 3.11.3 and 3.10.4(u), ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-426).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Robert Morin, Morse Life, West Palm Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 10, 2012 (VW 2009-431).

A copy of the Order 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 September 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Audry Krois, Emeralds House, Lantana, FL, to not comply with Rule 3.11.3 ASME A17.3, 1996 edition until September 10, 2010 (VW 2009-434).

A copy of the Order 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 September 14, 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 Blair Newton on behalf of Sky Harbour, St. Petersburg, FL, License Number 10834 and 10835 (VW 2009-478).

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 September 22, 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 Joseph Kuharcik on behalf of Bermuda Cay Condominium Association, Inc., Boynton Beach, FL (VW 2009-496).

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 September 22, 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 Virginia Wistner on behalf of Regency Condominium Association, St. Petersburg, FL (VW 2009-497).

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 September 23, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency 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 James Schenck on behalf of Advent Christian Village – Dowling House, License Number 20483 (VW 2009-498).

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 September 24, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Horizon House of Naples, FL, and location of the Serial Numbers 9008 and 9127, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James T. Childers, Branch Manager, Otis Elevator Company (VW 2009-505).

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 September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from A17.3, Sections 3.11.3, 3.11.1, 2.7.4 and 2.27.3 (or an unspecified Section of A17.3), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, BBW, Inc. of Ormond Beach, FL, and location of the Serial Numbers 23218 and 23219, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Ann Burt, Partner (VW 2009-532).

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 September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3 and 1.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Pinellas County, Public Works Department of Clearwater, FL, and location of the Serial Numbers 21220 and 21221, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder (VW 2009-533).

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 September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Sections 3.11.3, 3.10.4 and 1.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Pinellas County, Clearwater Courthouse of Clearwater, FL, and location of the Serial Number 07115, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder (VW 2009-534).

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 September 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from specified sections of A17.3 and A17.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Dalton Place Condominium Association, Inc., Highland Beach, FL, and location of the License Number 28255, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Linda Leopard, Manager (VW 2009-535).

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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#### **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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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the Board of Chiropractic Medicine, received a petition for Marc H. Feldman, D.C., seeking a variance or waiver of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education, including at least

three (3) hours in risk management, six (6) hours in record keeping/documentation and coding; and two (2) hours in the area of ethics and boundaries.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

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The Board of Clinical Laboratory Personnel hereby gives notice that it has received an emergency petition for variance or waiver filed on September 30, 2009, from Ivan Marc E. De Los Reyes, who seeks a variance from the training experience requirement set forth in subsection 64B3-5.003(3), Florida Administrative Code, for medical technologists. Petitioner also seeks a variance or waiver from subsection 64B3-2.003(9), F.A.C., which provides the definition of an accredited program as a clinical laboratory personnel training program that is accredited by the Committee on Allied Health Education and Accreditation (CAHEA), National Accrediting Agency for Clinical Laboratory Sciences (NAACLS), Council on Accreditation of Allied Health Education Programs (CAAHEP), or Accrediting Bureau of Health Education Schools (ABHES).

Comments on the petition should be filed with: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 5 days of publication of this notice. Copies of the petition may be obtained by written request from: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, at the above address.

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The Department of Health hereby provides this correction to a Notice of receipt by the Department of a Petition for Temporary Variance from paragraph 64E-16.005(1)(b), F.A.C., from Teri L. Donaldson, on behalf of Stericycle, Inc., published in the September 18, 2009 issue of the Florida Administrative Weekly, Vol. 35 No. 37. The previously published notice inadvertently stated that on August 27, 2009, the Petitioner was seeking a variance from paragraph 64E-16.005(1)(b), F.A.C. The Notice should have stated that on August 27, 2009, the Department of Health received a Petition for Temporary Variance from subsection 64E-16.005(1), F.A.C., and subsequently on September 2, 2009, the Department received an amended Petition for Temporary Variance from paragraph 64E-16.005(1)(b), F.A.C., from the Petitioner.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Children and Families, received a petition for waiver of Rule 65C-13.030, F.A.C., from Florida Baptist Children’s Homes and Terrance & Kaiwana Maxwell, assigned Case No. 09-034W. Rule 65C-13.030, F.A.C., states there should be no more than five children in a licensed home, including the family’s own children.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on September 28, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-14.024(2), F.A.C., from Seamark Ranch, assigned Case No. 09-033W. Subsection 65C-14.024(2), F.A.C., states the facility shall have adequate staff coverage at all times to provide the services identified in the agency’s statement of purpose.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN THAT on September 3, 2009, the Florida Fish and Wildlife Conservation Commission (FWC) has issued an order.

The Order denies a petition submitted by American Airboat Tours for a temporary 3-year variance from a portion of the Collier County manatee protection rule (Rule 68C-22.023, Florida Administrative Code). The petition sought authorization for two airboats to be operated at speeds up to 20 MPH while conducting guided tours through the Slow Speed zone in Goodland Bay. The FWC received the petition on April 27, 2009, and a notice of petition was published in the Florida Administrative Weekly, May 22, 2009. Three interested parties submitted comments on the petition. The petition was denied because issuance of the variance would not meet the purposes of the underlying statute, Section 379.2431(2), Florida Statutes.

A copy of the Order may be obtained by contacting: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (Mail Station #6A), 620 South Meridian Street, Tallahassee, FL 32399-1600.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
- Office of Insurance Regulation
- Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of

certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The Agency for Enterprise Information Technology will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also

review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The Department of Environmental Protection will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

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## DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following full Council meeting and telephone conference meetings which all persons are invited to attend.

Executive Committee

DATE AND TIME: November 9, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5591694127#

Socioeconomic and Educational Outcomes Committee

DATE AND TIME: November 9, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5591694127#

Foster Care and Family Issues and Health Status Committee

DATE AND TIME: November 12, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5591694127#

Council on the Social Status of Black Men and Boys

DATE AND TIME: November 19, 2009, 12:00 Noon – 5:00 p.m.

PLACE: Rosen Shingle Creek Hotel, St. John Conference Room 22, 9939 Universal Blvd., Orlando, FL 32819

Meeting will be followed by a public forum from 5:30 p.m. – 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact: Fredrica Doctor at (850)414-3300.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council** (AITC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2009, 9:00 a.m. – 12:00 Noon  
PLACE: Conference Call: 1(888)808-6959, Conference Code: 4100956#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Animal Industry Technical Council (AITC) teleconference. All interested parties are invited.

A copy of the agenda may be obtained by contacting: Anne Vuxton at (850)410-0914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Anne Vuxton at (850)410-0914. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF EDUCATION

The Florida **Department of Education, Charter School Appeal Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2009, 9:00 a.m. – completion

PLACE: Florida Department of Education, 325 West Gaines Street, Conference Room 1721/25, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the charter terminations of Taylor Peace Academy vs. The Hillsborough County School Board and Imagine Schools at North Indian River County, LLC. vs. The Indian River County School Board.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

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The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, October 22, 2009, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, October 23, 2009, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Florida Covering Kids and Families Coalition** at the **University of South Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 27, 2009, 10:00 a.m. – 2:00 p.m.

PLACE: The Lawton and Rhea Chiles Center for Healthy Mothers and Babies, University of South Florida, Bilirakis Room, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Membership
2. Florida KidCare Program Updates
3. Committee Activities and Reports
4. Strategic Plan
5. Budget

A copy of the agenda may be obtained by contacting: Jodi A. Ray at jray@health.usf.edu.

**DEPARTMENT OF LAW ENFORCEMENT**

The **Violent Crime and Drug Control Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 26, 2009, 2:00 p.m. (EST)

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7096

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council will hold a telephone conference call to discuss issues relating to violent crime and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by contacting: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Office of Field Services, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7096.

**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation** announces a workshop to which all persons are invited.

DATE AND TIME: November 2, 2009, 9:00 a.m.

PLACE: Department of Transportation, Haydon Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop will be held to discuss the proposed amendments to Rule Chapter 14-10, F.A.C., Outdoor Advertising Sign Regulation and Highway Beautification. The public will be given an opportunity to comment or state concerns they may have in regards to these proposed amendments.

A copy of the agenda may be obtained by contacting: Lynn Holschuh, Outdoor Advertising and Logo Administrator, Department of Transportation, 605 Suwannee Street, Mail Stop #22, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, Mail Station #58, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, Mail Station #58, Tallahassee, Florida 32399.

The **Department of Transportation**, District One in cooperation with Lee County announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, November 10, 2009, Open House, 6:00 p.m.; Formal Hearing, 7:00 p.m.

PLACE: Gulf Coast Church of Christ Gymnasium, 9550 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, 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 proposed improvements to Ben C. Pratt Six Mile Cypress Parkway from north of Daniels Parkway to Colonial Boulevard, a distance of about 3.1 miles. Ben C. Pratt Six Mile Cypress Parkway will be widened to a four-lane divided roadway within existing right-of-way from north of Daniels Parkway to Heritage Palms Boulevard. Ben C. Pratt Six Mile Cypress Parkway is a four-lane roadway between Heritage Palms Boulevard and Colonial Boulevard.

Financial Project ID: 427352-1-58-01; Federal Project ID: ARRA 544 B.

A copy of the agenda may be obtained by contacting Chris Piazza, P.E., Project Manager, Florida Department of Transportation, P. O. Box 1249, Bartow, FL 33831, (863)519-2293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing or translation services (free of charge) is asked to advise the agency at least 7 days before the hearing by contacting: Mr. Piazza. The hearing is being developed in compliance with Title VI of the Civil Rights Act of 1964 and Related Statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. If you are 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. Piazza at the address or phone number listed above.

The Florida **Department of Transportation**, District Four announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, November 12, 2009, 5:30 p.m. – 7:30 p.m.

PLACE: Innovation Office Center, 15430 Endeavor Drive, Jupiter, FL 33478

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This Workshop is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design; and social, economic, and environmental effects of the proposed widening of SR-710 (Beeline Highway) from One Mile East of SR-76 (Kanner Highway) to SR-708 (Blue Heron Boulevard) in Martin and Palm Beach Counties, Florida, a distance of approximately 27 miles. Financial Project Identification (FPID) number's 419348-1-22-01 and 419348-2-22-01.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Beatriz Caicedo-Maddison, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309 or by email: beatriz.caicedo@dot.state.fl.us.

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

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

#### **FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, November 4, 2009; November 18, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Parole Commission at [ada@fpc.state.fl.us](mailto:ada@fpc.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, November 12, 2009, 1:00 p.m.

PLACE: Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Ave., Suite 200, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 080366-GU – Petition for rate increase by Florida Public Utilities Company.

The purpose of this Service Hearing is to give customers and other interested persons an opportunity to offer comments regarding the service the utility provides, the proposed rate increase (gas), and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Service Hearing. All persons who wish to comment are urged to be present at the beginning of the Service Hearing, because the Service Hearing may be adjourned early if no customers are present.

EMERGENCY CANCELLATION OF CUSTOMER SERVICE HEARING(S): If a named storm or other disaster requires cancellation of any Service Hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the Service Hearing(s) will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak 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.

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The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, November 13, 2009, 11:00 a.m.

PLACE: City of Deltona, City Commission Chambers, City Hall, 2345 Providence Blvd., Deltona, FL 32725

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 080366-GU – Petition for rate increase by Florida Public Utilities Company.

The purpose of this Service Hearing is to give customers and other interested persons an opportunity to offer comments regarding the service the utility provides, the proposed rate increase (gas), and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Service Hearing. All persons who wish to comment are urged to be present at the beginning of the Service Hearing, because the Service Hearing may be adjourned early if no customers are present.

EMERGENCY CANCELLATION OF CUSTOMER SERVICE HEARING(S): If a named storm or other disaster requires cancellation of any Service Hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the Service Hearing(s) will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak 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.

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### **REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, November 5, 2009, Planning and Growth Management Committee, 8:30 a.m.; Personnel, Budget and Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting. Please check our website for any changes in meeting times

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or [sforde@necfr.org](mailto:sforde@necfr.org).

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 16, 2009, 10:00 a.m.

PLACE: East Central Florida Regional Planning Council Office, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Tuesday Brunsonbyrd-Bowden, East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701.

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 **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 21, 2009, 10:00 a.m.

PLACE: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701 (Visit [www.ecfrpc.org](http://www.ecfrpc.org) for map and directions)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tuesday Brunsonbyrd-Bowden at (407)262-7772 or [tbyrd@ecfrpc.org](mailto:tbyrd@ecfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 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.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 2, 2009, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting. Any proposed Local Government Comprehensive Plan received prior to the meeting. Any adopted Local Government Comprehensive Plan received prior to the meeting. Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to

the meeting. Proposed Local Government Comprehensive Plan Amendment for Florida City, Wilton Manors and Deerfield Beach; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting. Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting. Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting. Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m., at the above location. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (954)985-4416.

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The **Jackson County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 2, 2009, 10:00 a.m. (Central Time)

PLACE: JTrans Office, 2988 Old Cottdale Road, Marianna, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are 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 **Calhoun County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 2, 2009, 2:00 p.m. (Central Time)

PLACE: Calhoun County Senior Citizens Center, 16859 N. E. Cayson Street, Blountstown, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are 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 **Wakulla County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 10:00 a.m. (Eastern Time)

PLACE: Wakulla County Public Library, 4330 Crawfordville Highway, Crawfordville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Liberty County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 2:00 p.m. (Eastern Time)

PLACE: Veterans Memorial Park Civic Center, 10405 N. W. Theo Jacobs Way, Bristol, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are 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 **Franklin County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 4, 2009, 10:00 a.m. (Eastern Time)

PLACE: Franklin County Courthouse Annex Courtroom, 33 Market Street, Apalachicola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are 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 **Gulf County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 4, 2009, 2:00 p.m. (Eastern Time)

PLACE: Gulf County Transportation Office, 122 Water Plant Road, Port St. Joe, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are 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 **Jefferson County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 10:00 a.m. (Eastern Time)

PLACE: Jefferson County Health Department, 1255 West Washington Street, Monticello, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are 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 **Gadsden County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 2:00 p.m. (Eastern Time)

PLACE: William A. McGill Library, 732 Pat Thomas Parkway, Quincy, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual coordinator evaluation and the 2010 meeting schedule.

A copy of the agenda may be obtained by contacting: Vanita Anderson, Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424.

Pursuant to the provisions of 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: ARPC at (850)674-4571. If you are hearing or

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

#### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 27, 2009, 10:00 a.m. – 12:00 Noon

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director, or his designee, will conduct a public meeting to receive public comment on pending applications for individual consumptive use permits and individual environmental resource permits. An agenda will be available at least 7 days before the meeting; the agenda will identify those permit applications for which the District will receive public testimony or information.

A copy of the agenda may be obtained by contacting: RIM (Division of Regulatory Information Management), St. Johns River Water Management District, Attention: Vicki Young, 4049 Reid Street, Palatka, FL 32177, (386)329-4523, or by visiting the District's web site: [www.sjrwmd.com](http://www.sjrwmd.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).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 21, 2009, 9:00 a.m.

PLACE: Turner Agri-Civic Center, 2250 N. E. Roan Street, Arcadia, FL 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peace River Basin Board Meeting: Consider Basin business, including the amendment of the Peace River Basin fiscal year (FY) 2010 budget to include unanticipated revenue from the Water Protection and Sustainability Trust Fund (WPSTF) for the Charlotte County Regional Reclaimed Water Expansion project. The proposed amendment will result in a \$121,830 increase in the FY2010 budget of the Peace River Basin from \$11,307,353 to \$11,429,183 to reflect the additional revenue from the WPSTF, with no impact on Basin ad valorem taxes. This is a reduction from the amount published October 9, 2009 (Ad Order 55970).

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 **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 3:00 p.m.

PLACE: Peace River Facility, 8998 S. W. County Road 769, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Peace River/Manasota Regional Water Supply Authority's Water Treatment Plant and Reservoir (Ad Order 55970).

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 **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, October 29, 2009, 10:00 a.m., Workshop; Governing Board Meeting, 1:00 p.m. (This is a change from the published calendar.)

PLACE: Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board and Peace River Manasota Regional Water Supply Authority Workshop followed by Governing Board Committee meetings, Board meeting, and public hearing. There will be an opportunity for public input on the intention to amend the District's fiscal year (FY) 2010 budget as follows: Increase the FY2010 Peace River Basin budget by \$121,830 from \$11,307,353 to \$11,429,183 to include unanticipated revenue from the Water Protection and Sustainability Trust Fund for the Charlotte County Regional Reclaimed Water Expansion project. Increase the FY2010 General Fund budget by \$121,830 from \$152,825,395 to \$152,947,225 to include unanticipated revenue from the Water Protection and Sustainability Trust Fund for the Charlotte County Regional Reclaimed Water Expansion project. The proposed budget amendment will increase the District's FY2010 combined budget by \$243,660 from \$298,887,497 to \$299,131,157, and will not impact the District or Basin millage or ad valorem property taxes (Ad Order 55970).

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.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 31, 2009, 10:00 a.m.

PLACE: Polk's Nature Discovery Center, 4399 Winter Lake Road, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: WATER, WINGS & WILD THINGS – Polk Naturefest 2009: Provide an opportunity to learn about local natural resources and nature-based recreation opportunities (Ad Order 55970).

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@swfwdm.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.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Lake Belt Mitigation Committee, December 11, 2009, 9:00 a.m.

PLACE: SFWMD, Building B-1, 2nd Floor, 2B, Bridge Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting: Susan Brown at (561)682-2743, <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>. Teleconference information: Local SWFWMD at (561)682-6700, Nationwide Toll Free: 1(866)433-6299, Meeting ID #: 3615.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

#### **COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 4, 2009, 6:00 p.m. – until completion

PLACE: Safety Harbor Resort and Spa, 105 North Bayshore Drive, Safety Harbor, FL 34695, (727)726-1161

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments from the public concerning the Transportation Disadvantaged Program.

A copy of the agenda may be obtained by contacting: Amy Priest, 605 Suwannee Street, MS #49, Tallahassee, FL 32399, (850)410-5700.

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 9:30 a.m. – until completion

PLACE: Safety Harbor Resort and Spa, 105 North Bayshore Drive, Safety Harbor, FL 34695, (727)726-1161

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

A copy of the agenda may be obtained by contacting: Amy Priest, 605 Suwannee Street, MS #49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting. If you are 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: Amy Priest, 605 Suwannee Street, MS #49, Tallahassee, Florida 32399, (850)410-5700.

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### REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** and **Southwest Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, October 29, 2009, 10:00 a.m.

PLACE: Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss water issues of mutual interest. Members of the Authority Board and Southwest Florida Water Management District Governing Board and other Basin Boards members and local government elected officials may be in attendance.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of 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: (941)316-1776. If you are 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: (941)316-1776.

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### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Communities for a Lifetime** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 29, 2009, 10:00 a.m. – 12:00 Noon (EDT)

PLACE: Mary L. Singleton Senior Center, 150 East First Street, Jacksonville, Florida 32206

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panelist will discuss Economic Crime and Consumer Fraud.

A copy of the agenda may be obtained by contacting: Janine R. Harris, Community Relations Manager, Department of Elder Affairs, Communities for a Lifetime, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, harrisj@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Janine R. Harris, Community Relations Manager, Department of Elder Affairs, Communities for a Lifetime, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, harrisj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janine R. Harris, Community Relations Manager, Department of Elder Affairs, Communities for a Lifetime, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2373, harrisj@elderaffairs.org.

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The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2009, 9:30 a.m. – 11:00 a.m. (CST)

PLACE: 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Michael Phillips, Department of Elder Affairs, 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561, (850)916-6720 or email: phillipsm@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Michael Phillips, Department of Elder Affairs, 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561, (850)916-6720 or email: phillipsm@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Michael Phillips, Department of Elder Affairs, 1101 Gulf Breeze Parkway, Gulf Breeze, FL 32561, (850)916-6720 or email: phillipsm@elderaffairs.org.

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The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2009, 12:30 p.m. – 2:15 p.m. (EST)

PLACE: Lake Panasoffkee Parks and Recreation Community Center, 1582 County Road 459, Lake Panasoffkee, FL 33538

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, FL 34470, (352)620-3088 or email: andersonm@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, FL 34470, (352)620-3088 or email: andersonm@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marilyn Anderson, Department of Elder Affairs, 1515 Silver Springs Blvd., #203, Ocala, FL 34470, (352)620-3088 or email: andersonm@elderaffairs.org.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration, Division of Medicaid** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 27, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration Building, Fort Knox Complex, 2727 Mahan Dr., Building 3, Conference Room B & C, Tallahassee, FL 32308. Conference Call: 1(877)327-2643, Conference ID #: 34684946

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Medical Home Task Force will assist the Agency in developing a plan to implement a Medical Home Pilot as authorized in Section 409.91207(5), F.S. All interested parties are encouraged to attend.

A copy of the agenda may be obtained by contacting: Tiffany Williams, Agency for Health Care Administration, Division of Medicaid, 2727 Mahan Dr., MS #48, Tallahassee, FL 32308. Agendas can also be requested via e-mail: williamt@ahca.myflorida.com or by calling (850)922-7312.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Williams at (850)922-7312. If you are hearing

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

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The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 1:30 p.m. – 3:30 p.m. (Eastern)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 59G-4,200, Nursing Facility Services, F.A.C. The 2009 Florida Legislature, in the General Appropriations Act, created specific proviso language effective July 1, 2009 (Section 3, line 219) which authorizes the Agency for Health Care Administration to transfer nursing home line item funds to certain Medicaid waiver programs for the purpose of transitioning appropriate individuals to the community. The primary purpose of this public meeting is to educate stakeholders and interested parties about the nursing home transition initiative, provide an overview of the program and present an opportunity for public comment.

A copy of the agenda may be obtained by contacting: G. P. Mendie, 2727 Mahan Drive, Mail Stop #20, Tallahassee, FL 32308, (850)922-5188, e-mail: mendieg@ahca.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: G. P. Mendie, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)922-5188, e-mail: mendieg@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Health Care Administration, Division of Medicaid Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, Conference Call: 1(888)808-6959, Conference Code: 7556753#

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Organ Transplant Advisory Council to review the bone marrow transplant application for Medicaid designation from Florida Hospital, finalize site visit criteria for transplant programs, discuss out-of-state transplant referrals, and to conduct general business of the council.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308, (850)922-7322 or kumart@ahca.myflorida.com.

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 19, 2009, 2:00 p.m.

PLACE: Kirkman Building, Conference Room A436, 2900 Apalachee Parkway, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Plan and organize for SSRC Board of Trustees' Customer Service Sub-Committee. SSRC Board Members Nelson Munn and Kevin Patten will be meeting to begin planning for the on-going operation, organization and function of the standing committee for Customer Service.

A copy of the agenda may be obtained by contacting: There is no formal agenda for this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell, rick.mitchell@ssrc.myflorida.com, (850)488-9895. If you are 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, rick.mitchell@ssrc.myflorida.com, (850)488-9895.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces a public meeting to which all persons are invited.

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

PLACE: Hutchinson Island Marriott Beach Resort & Marina, 555 N. E. Ocean Boulevard, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Pilotage Rate Review Board, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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.

The **Pilotage Rate Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2009, 10:00 a.m., site visit for the Port of Ft. Pierce

PLACE: St. Lucie County Historical Museum, 414 Seaway Drive, Ft. Pierce, FL 34950

DATE AND TIME: December 11, 2009, 9:00 a.m.

PLACE: Hutchinson Island Marriott Beach Resort & Marina, 555 N. E. Ocean Boulevard, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: A petition for a change in the rates of pilotage charged by the licensed state pilots and certified deputy pilots at Fort Pierce Pilots Association has been filed with the Pilotage Rate Review Board, pursuant to Section 310.151, Florida Statutes, and Chapter 61E13, Florida Administrative Code.

The last rate change (increase) granted to the Port of Fort Pierce was 1980. The board intends to consider the following requested rate change (increase) for the Port of Fort Pierce.

Effective, after the hearing, for the first year:

Draft Charge increase from \$12.50 to \$26.60, minimum of 10 feet.

Tonnage Charge increase from \$0.0150 minimum 1667 Gross Tonnage (GT) to \$0.0600 minimum 2000GT.

Docking/Undocking fee eliminated.

Towed Barge Charge from GT and draft charges minimum 1667 GT and 10 feet to \$0.0300 GT charge only with no minimum.

Shifting (same slip) increase from \$100.00 to \$250.00.

Shifting (different slip) from GT, draft and docking fees to minimum vessel fee (\$386.00.)

Detention increase from \$100.00/hour, maximum 2 hours to \$200.00/hour, maximum 2 hours.

Pilot carried away increase from \$100.00/day plus transportation to \$500.00/day plus transportation.

Effective, after the hearing, for the second year:

Draft Charge increase from \$26.60 to \$30.25, minimum of 10 feet.

Tonnage Charge increase from \$0.0600 minimum 2000GT to \$0.0685.

Towed Barge Charge from \$0.0300 GT charge only with no minimum to \$0.0343.

Shifting (same slip) increase from \$250.00 to \$300.00.

Shifting (different slip) from minimum vessel fee (\$386.00.) to minimum vessel fee (\$439.50.)

Effective, after the hearing, for the third year:  
 Draft Charge increase from \$30.25 to \$35.20.  
 Tonnage Charge increase from \$0.0685 to \$0.0800.  
 Towed Barge Charge from \$0.0343 GT charge only to \$0.0400.  
 Shifting (same slip) increase from \$300.00 to \$350.00.  
 Shifting (different slip) from minimum vessel fee (\$439.50) to minimum vessel fee (\$512.00).  
 Effective, after the hearing, for the fourth year:  
 Draft Charge increase from \$35.20 to \$41.20.  
 Tonnage Charge increase from \$0.0800 to \$0.0980.  
 Towed Barge Charge from \$0.0400 GT charge only to \$0.0490.  
 Shifting (same slip) increase from \$350.00 to \$400.00.  
 Shifting (different slip) from minimum vessel (\$512.00) to minimum vessel fee (\$608.00).

A copy of the agenda may be obtained by contacting: Pilotage Rate Review Board, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 27, 2009, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of

the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **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, January 20, 2010, 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 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 public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 17, 2010, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business 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, March 17, 2010, 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 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 **Board of Landscape Architecture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 27, 2009, 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9218690#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 2, 2009, 9:00 a.m. or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 5, 2009, 2:00 p.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, 1(888)862-7010.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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The **Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

DATE AND TIME: October 28, 2009, 7:00 p.m.

PLACE: Martin County Administrative Center, Commission Chambers, 2401 S. E. Monterey Road, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed erosion control project known as Bathtub Beach Restoration, and the establishment of an Erosion Control Line (ECL) for said project. This workshop is the public's opportunity to ask questions about, comment on, speak in support of, and object to the proposed beach restoration project and the proposed ECL. The proposed ECL lies along Bathtub

Beach fronting the Atlantic Ocean at the line of mean high water. The ECL lies in Section 8, Township 38 South, Range 42 East. If approved by the Board of Trustees the ECL will be recorded in the County's Book of Plats and will become the boundary between private uplands and sovereign submerged lands owned by the state.

A copy of the agenda may be obtained by contacting: Kathy Fitzpatrick, Coastal Engineer, Martin County Engineering Department, 2401 S. E. Monterey Road, Stuart, Florida 34996, (772)288-5795 or by e-mail: [kfitzpat@martin.fl.us](mailto:kfitzpat@martin.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: Kathy Fitzpatrick (see above). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Bureau of Beaches and Coastal Systems** announces a hearing to which all persons are invited.

DATE AND TIME: October 28, 2009, immediately following the workshop held at 7:00 p.m.

PLACE: Martin County Administrative Center, Commission Chambers, 2401 S. E. Monterey Road, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed establishment of an Erosion Control Line (ECL), pursuant to Section 161.161, Florida Statutes. This hearing will consider evidence bearing on the location of a proposed ECL for the beach erosion control project known as Bathtub Beach Restoration. This hearing is the public's opportunity to comment on, speak in support of, object to, and submit for consideration materials relevant to the methodology used for locating the proposed ECL and the location of the proposed ECL. The proposed ECL lies along Bathtub Beach fronting the Atlantic Ocean at the line of mean high water. The ECL lies in Section 8, Township 38 South, Range 42 East. After the Hearing, and if approved by the Board of Trustees the ECL will be recorded in the County's Book of Plats and will become the boundary between private uplands and sovereign submerged lands owned by the state. Written objections to, or inquires regarding, the proposed ECL should be submitted to: Richard Noyes, Environmental Specialist III, Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000, (850)488-7708, e-mail [richard.noyes@dep.state.fl.us](mailto:richard.noyes@dep.state.fl.us), prior to the date of hearing. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the ECL.

A copy of the agenda may be obtained by contacting: Richard Noyes (see above).

Pursuant to the provisions of 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: Kathy Fitzpatrick at (772)288-5795. If you are 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 **Florida Coordinating Council for the Deaf and Hard of Hearing Website Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 27, 2009, 3:30 p.m. – 5:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5221678031#. Streaming CART: <http://www.streamtext.net/text.aspx?event=FCDDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The content and direction and appearance of the Council's website to maximize the Council's mission of information, education and advocacy regarding issues important to the lives of persons who are deaf, hard of hearing, late-deafened or deaf-blind.

A copy of the agenda may be obtained by contacting: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us).

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The **Florida Coordinating Council for the Deaf and Hard of Hearing Legal Systems Accessibility Task Force** announces a workshop to which all persons are invited.

DATE AND TIME: October 28, 2009, 10:00 a.m. – 1:00 p.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5221678031#. Streaming CART: <http://www.streamtext.net/text.aspx?event=FCDDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general subject of the meeting is a discussion of a video and training manual regarding accessibility in the legal/law enforcement/court arenas in Florida for persons who are deaf, hard of hearing, late-deafened and deaf-blind.

Pursuant to the provisions of 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: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us).

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The **Florida Coordinating Council for the Deaf and Hard of Hearing Technology Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2009, 9:00 a.m. – 10:00 a.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5221678031#. Streaming CART: <http://www.streamtext.net/text.aspx?event=FCDDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subject of the meeting will be in furtherance of the Council's mission of Information, Education and Advocacy regarding current technology and innovations available to persons who are deaf, hard of hearing or deaf-blind.

A copy of the agenda may be obtained by contacting: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [marygrace\\_tavel@doh.state.fl.us](mailto:marygrace_tavel@doh.state.fl.us).

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The **Florida Coordinating Council for the Deaf and Hard of Hearing Budget Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 6, 2009, 9:00 a.m. – 10:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5221678031#. Streaming CART: <http://www.streamtext.net/text.aspx?event=FCDDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Expenditure of funds for Fiscal Year 2009-2010.

A copy of the agenda may be obtained by contacting: [MaryGrace\\_Tavel@doh.state.fl.us](mailto:MaryGrace_Tavel@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [MaryGrace\\_Tavel@doh.state.fl.us](mailto:MaryGrace_Tavel@doh.state.fl.us). If you are

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

For more information, you may contact: MaryGrace\_Tavel@doh.state.fl.us.

The **Board of Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 6, 2009, 8:30 a.m., which maybe held by telephone conference call if necessary

PLACE: Renaissance Ft. Lauderdale Hotel, 1617 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)626-1700

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.

NOTICE OF CHANGE – The **Board of Hearing Aid Specialists** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 13, 2009, 9:00 a.m. (General Business)

PLACE: \*\*Notice of CHANGE from Face to Face to Telephone Conference Call\*\* (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to meeting date.

The Florida **Board of Massage Therapy** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 1:00 p.m. or shortly thereafter

PLACE: Hyatt Regency Orlando, International Airport, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of regular board business and Rules 64B7-28.009, 64B7-30.002, 64B7-30.004, 64B7-32.001, 64B7-32.003, F.A.C.

A copy of any item on the agenda may be obtained by writing: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Paula Mask, (850)245-4586, at least five calendar days prior to the meeting. Persons, who are hearing or speech impaired, can contact Paula Mask using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, November 4, 2009, 12:00 Noon (EST)

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the general business of the Board.

This meeting may be cancelled prior to the meeting date. Any cancellations will be posted on the Board Web Site at: [www.Floridashealth.com](http://www.Floridashealth.com).

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or [www.Gwyn\\_Willis@doh.state.fl.us](mailto:www.Gwyn_Willis@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or [www.Gwyn\\_Willis@doh.state.fl.us](mailto:www.Gwyn_Willis@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, Expert Witness Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, November 4, 2009, immediately following the Board of Medicine Telephone Conference Call scheduled to begin at 12:00 Noon (EST). If the Board of Medicine Telephone Conference Call meeting is cancelled, the Expert Witness Committee meeting will begin at 12:00 Noon (EST)

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Medicine Expert Witness Committee.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us) for more 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 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131 or [Gwyn\\_Willis@doh.state.fl.us](mailto:Gwyn_Willis@doh.state.fl.us) for more information. If you are 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 Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 13, 2009, 2:00 p.m.

PLACE: To be held via Meet-Me Number: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at [Karen\\_Miller2@doh.state.fl.us](mailto:Karen_Miller2@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email her at [Karen\\_Miller2@doh.state.fl.us](mailto:Karen_Miller2@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

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

PLACE: To be held via Meet-Me Number: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at [susan\\_chase@doh.state.fl.us](mailto:susan_chase@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email her at [susan\\_chase@doh.state.fl.us](mailto:susan_chase@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Advisory Council of Medical Physicists Probable Cause Panel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Public Meeting, Tuesday, November 3, 2009, 10:00 a.m. followed by the non-public meeting

PLACE: 4042 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Cases that was heard by the Probable Cause Panel members will be reconsidered.

A copy of the agenda may be obtained by contacting: Vicki R. Grant, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32333.

Pursuant to the provisions of 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: Vicki R. Grant, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32333. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health**, Brain and Spinal Cord Injury Program announces a public meeting to which all persons are invited.

**DATES AND TIMES:** October 22, 2009, 8:30 a.m. – 5:00 p.m.; October 23, 2009, 8:30 a.m. – 4:15 p.m.

**PLACE:** Safety Harbor Resort and Spa, 105 North Bayshore Drive, Safety Harbor, FL 34695

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Brain and Spinal Cord Injury Advisory Council as required by Section 381.78, Florida Statutes. The council meets twice per year to provide advice and expertise to the department in preparation, implementation, and periodic review of the Brain and Spinal Cord Injury Program.

A copy of the agenda may be obtained by contacting: Suzanne Kelly, 4052 Bald Cypress Way, Bin #C-25, Tallahassee, FL 32399-1744, (850)245-4045, Suzanne\_Kelly@doh.state.fl.us.

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

For more information, you may contact: Suzanne Kelly, 4052 Bald Cypress Way, Bin #C-25, Tallahassee, FL 32399-1744, (850)245-4045, Suzanne\_Kelly@doh.state.fl.us.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, October 27, 2009, 9:30 a.m.

**PLACE:** Department of Children and Families, 1055 US Hwy. 17 N., Bartow, FL 33830

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Chapter 39, F.S., Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)619-4100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, DCF at (863)619-4100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Diane Dvorak, DCF at (863)619-4100.

The **Department of Children and Families** and Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 30, 2009, 9:00 a.m. – 12:00 Noon

**PLACE:** Hilton Miami Downtown, Symphony Ballroom I, 1601 Biscayne Blvd., Miami, FL 33132

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** First meeting of the Florida Statewide Task Force on Human Trafficking created by SB168.

A copy of the agenda may be obtained by contacting: No specific agenda is available.

For more information, you may contact: Jeannee Elswick-Morrison at (850)487-4386.

The **Family Care Council**, Highlands-Hardee Satellite Group announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 30, 2009, 10:00 a.m.

**PLACE:** Visions ADT, 155 US 27 North, Suite 2, Sebring, Florida 33872

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Monthly Meeting.

A copy of the agenda may be obtained by contacting: Sara Howerton at Sara\_Howerton@apd.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sara Howerton at Sara\_Howerton@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Sara\_Howerton@apd.state.fl.us or (863)413-3360.

The **Agency for Persons with Disabilities** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2009. 1:00 p.m.

PLACE: Jacksonville Public Library, Pablo Creek Regional Branch, 13295 Beach Blvd., Jacksonville, Florida 32246

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Persons with Disabilities will be receiving ideas, proposals, and feedback from the public regarding the 38 unused acres of APD's Hodges property in Jacksonville, Florida and will be discussing how to utilize this asset for the best benefit of persons with disabilities in Florida.

Copies of the agenda will be provided on-site the day of the meeting or by visiting: [www.apd.myflorida.com](http://www.apd.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Megan Casey, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-6789, email: [megan\\_casey@apd.state.fl.us](mailto:megan_casey@apd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Megan Casey, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)414-6789, email: [megan\\_casey@apd.state.fl.us](mailto:megan_casey@apd.state.fl.us).

#### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2009, 9:30 a.m.

PLACE: City Centre Building, Fifth Floor, Formal Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Housing Finance Corporation (the "Issuer") will conduct a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), to which all interested persons are invited.

To conduct a public hearing concerning a plan of financing (within the meaning of Section 147 (f)(2)(C) of the Code) pursuant to which the Issuer will issue its single family

mortgage revenue bonds (the "Bonds") in an amount not to exceed \$1,000,000,000 in one or more series to finance owner-occupied residences within the State of Florida (the "State"). Proceeds of the Bonds are expected to be available to finance owner-occupied residences for persons or families of low or moderate income within any county of the State, subject to the participation of lending institutions in the counties they elect to serve. If the Bonds are issued in more than one series, each issue subsequent to the initial series will be issued within three years of the date of issuance of the initial series pursuant to a common plan of finance.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the issuance of the Bonds or the purpose of the financing. Written comments should be received by the Issuer on or before November 6, 2009.

Any persons desiring to present oral comments should appear at the hearing. Any questions or comments regarding the proposed issuance of Bonds should be directed to: Mr. Steven P. Auger, Executive Director of the Issuer.

Pursuant to the provisions of 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 Light, Florida Housing Finance Corporation, by November 6, 2009 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.

#### DEPARTMENT OF FINANCIAL SERVICES

The Rules Committee of the **Board of Funeral, Cemetery, and Consumer Services** announces a public meeting to which all persons are invited.

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

PLACE: Alexander Building, 2020 Capital Circle, S. E., Tallahassee FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLATION: Please monitor the Division's webpage for any notice of cancellation or change in start time of the meeting.

A copy of the agenda may be obtained by contacting: Division of Funeral, Cemetery and Consumer Services.

The agenda for the meeting will be published on the Division's webpage, under the heading "Announcements," at least 7 days prior to each meeting. The Division's webpage is at the following web address: [www.myfloridacfo.com/FuneralCemetery/](http://www.myfloridacfo.com/FuneralCemetery/).

Pursuant to the provisions of 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: LaTonya Bryant-Parker at (850)413-3039. If you are 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: LaTonya Bryant-Parker at [LaTonya.Bryant-Parker@myfloridacfo.com](mailto:LaTonya.Bryant-Parker@myfloridacfo.com) or (850)413-3039.

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**NOTICE OF CANCELLATION** – The Committee on Preneed and Care and Maintenance Trusts – Financial Issues, of the **Board of Funeral, Cemetery, and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: November 20, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S. E., Tallahassee FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLATION: Please monitor the Division's webpage for any notice of cancellation or change in start time of the meeting.

A copy of the agenda may be obtained by contacting: Division of Funeral, Cemetery and Consumer Services.

The agenda for the meeting will be published on the Division's webpage, under the heading "Announcements," at least 7 days prior to the meeting. The Division's webpage is at the following web address: [www.myfloridacfo.com/FuneralCemetery/](http://www.myfloridacfo.com/FuneralCemetery/).

Pursuant to the provisions of 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: LaTonya Bryant-Parker at [LaTonya.Bryant-Parker@myfloridacfo.com](mailto:LaTonya.Bryant-Parker@myfloridacfo.com) or (850)413-3039. If you are 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: LaTonya Bryant-Parker at [LaTonya.Bryant-Parker@myfloridacfo.com](mailto:LaTonya.Bryant-Parker@myfloridacfo.com) or (850)413-3039.

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#### FINANCIAL SERVICES COMMISSION

The **Financial services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, October 29, 2009, 9:00 a.m.

PLACE: Senator Jim King Committee Room (401 Senate Office Building), Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Olympus Insurance Company has requested a 25.6 percent overall increase for new and renewal homeowners' insurance policies, effective December 18, 2009 for new policies and January 18, 2010 for renewal policies. The rate increases are not uniform and some areas are subject to higher rate increases. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com). The subject line of your email should read "Olympus."

A copy of the agenda may be obtained by contacting: Cindy Walden at (850)413-2616 or [cindy.walden@flor.com](mailto:cindy.walden@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 48 hours before the workshop/meeting by contacting: Cindy Walden at (850)413-2616 or [cindy.walden@flor.com](mailto:cindy.walden@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: Cindy Walden, (850)413-2616 or [cindy.walden@flor.com](mailto:cindy.walden@flor.com).

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#### FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES

The **Florida Network of Youth and Family Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 16, 2009, 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Pass Code: 9224324#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The planning conference call is for the Florida Network Selection committee, Chaired by Dominic Calabro, Board President.

Agenda: Planning meeting for the Executive Director selection process.

A copy of the agenda may be obtained by contacting: Mary D. Richter, Executive Director, Florida Network of Youth and Family Services at (850)922-4324.

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#### HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The **Hardee County Economic Development Authority** announces a workshop to which all persons are invited.

DATE AND TIME: October 20, 2009, 8:30 a.m.  
 PLACE: 412 W. Orange Street, Room 102, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Discuss amending local bill.

A copy of the agenda may be obtained by contacting: Sandy Meeks at (863)773-9430.

Pursuant to the provisions of 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: Sandy Meeks at (863)773-9430. If you are 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: Sandy Meeks at (863)773-9430.

#### **SOIL AND WATER CONSERVATION DISTRICTS**

The **Hendry Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2009, 1:00 p.m.

PLACE: 1085 Pratt Blvd., LaBelle, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Board meeting – General.

A copy of the agenda may be obtained by contacting: Barbara Tillis at (863)674-6120.

#### **SMALL BUSINESS REGULATORY ADVISORY COUNCIL**

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIME: October 23, 2009, 9:00 a.m. (Eastern); November 6, 2009, if needed

PLACE: Via Teleconference – To participate please call: 1(888)808-6959. Conference Code: 4737801#

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General council business, rule reviews and sunset reviews.

A copy of the agenda may be obtained by contacting: Vicky Baker at (850)473-7816 or vicky.baker@floridasbrac.org.

For more information, you may contact: Barbara Anderson at (850)473-7817 or barbara.anderson@floridasbrac.org.

#### **FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, MAP Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 23, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda topic is the Market Assistance Plan.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.** announces an additional agenda topic for its Board of Governors teleconference meeting announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 26, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: The additional agenda item is a committee report on the Market Assistance Program. For the previously noticed agenda topics, please refer to the September 25, 2009, Vol. 35, No. 38 issue of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

#### **FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 27, 2009, 4:00 p.m.

PLACE: Saddlebrook Resort, Tampa, FL 33543

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Claims and Underwriting Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 28, 2009, 9:00 a.m.

PLACE: Saddlebrook Resort, Tampa, FL 33543

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider quarterly reports from the Association’s Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

**ENTERPRISE FLORIDA, INC.**

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2009, 10:00 a.m. – 10:30 a.m.

PLACE: Enterprise Florida, Inc., 325 John Knox Road, Suite 201, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enterprise Florida Legislative Policy Committee.

A copy of the agenda may be obtained by contacting: Ellen Stalnaker at (407)956-5615.

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2009, 10:00 a.m. – 10:30 a.m.

PLACE: Enterprise Florida, Inc., 800 N. Magnolia Avenue, Suite 1100, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enterprise Florida Legislative Policy Committee Meeting.

A copy of the agenda may be obtained by contacting: Ellen Stalnaker at (407)956-5615.

For more information, you may contact: Ellen Stalnaker at (407)956-5615.

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation**, Grant Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 3, 2009, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4888347#. Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, Florida 32309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and recommend funding for grant applications received through October 10, 2009.

For more information, you may contact: Larry Pendleton, President/CEO, Email: info@flasport.com.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF EDUCATION**

NOTICE IS HEREBY GIVEN THAT the Department of Education has received the petition for declaratory statement from Imagine Schools Non-Profit, Inc. The petition seeks the agency’s opinion as to the applicability of Section 1002.33(12)(i), F.S., as it applies to the petitioner.

Section 1002.33(12)(i), F.S. provides in part that a charter school shall organize as or be operated by a nonprofit organization. The Petitioner is a sole member of various Florida limited liability companies (“LLCs”). The Petitioner requests that the Department enter a Declaratory Statement establishing that the LLC’s constitute nonprofit organizations within the meaning of Section 1002.33(12)(i), F.S. and the LLC’s be permitted to enter into charter contracts for operation of charter schools within the State. In addition the Petitioner requests that all charter contracts entered into prior to the date of the Declaratory Statement be declared valid and that future LLC’s constitute “nonprofit organizations” within the meaning of Section 1002.33(12)(i), F.S.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Tallahassee, Florida or lynn.abbott@fldoe.org.

Please refer all comments to: Deborah Kearney, General Counsel, Department of Education, 325 West Gaines Street, Tallahassee, Florida.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

NOTICE IS HEREBY GIVEN THAT the Florida Real Estate Commission has received the petition for declaratory statement from Clinton R. Rockwell on behalf of BuckleySandler LLP (“Petitioner”).The petition seeks the agency’s opinion as to the applicability of Section 475.01, F.S., as it applies to the petitioner.

Petitioner seeks the Commission’s interpretation of Section 475.01, F.S., to conclude that Petitioner’s limited activities are not licensable under Section 475.01, F.S., and if found licensable, Petitioner may rely on the exemption for an “attorney in fact.”

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

Please refer all comments to: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

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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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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Department of Health, Office of School Psychology, has received the petition for declaratory statement from Leigh E. Wooten, filed on October 1, 2009. The petition seeks the agency's opinion as to the applicability of Rule 64B21-502.004, Florida Administrative Code, as it applies to the petitioner.

Petitioner requests a declaratory statement in regard to whether her graduate level coursework is approved continuing education within the meaning of the rule.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Office of School Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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#### **FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT on September 29, 2009, the State of Florida Office of Financial Regulation received a petition for declaratory statement from Michelle Cuello that was filed pursuant to Section 120.565, Florida Statutes. The petition has requested a declaratory statement regarding the applicability of Sections 520.07 and 520.13, Florida Statutes, to Cuello's purchase of a car on credit from Maroone Honda which financing was disapproved after she took possession of the car. Petitioner further requested that the Office's opinion declare that (1) Maroone Honda's Bailment Agreement impermissibly attempted to negate the essential term disclosure requirements Section 520.07, Florida Statutes, (as Cuello believed this statute was required to be interpreted under TILA); and (2) the Bailment Agreement therefore also violated Section 520.13, Florida Statutes.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Office of Financial Regulation, Office of the General Counsel, 200 E. Gaines Street, Fletcher Building, Room #526, Tallahassee, Florida 32399-0379.

Requests for copies or inspection should be addressed to Mr. William Oglo, Esq., Assistant General Counsel, at the above listed address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may intervene in this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene shall conform with subsection 28-106.201(2) or Rule 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule and/or that the intervenor has substantial interests that are subject to determination or will be affected by the agency's actions during the proceedings. Original petitions and two copies must be filed at least twenty (20) days before the final hearing and shall be filed with:

Agency Clerk  
Office of Financial Regulation  
200 East Gaines Street  
Suite 526, Fletcher Building  
Tallahassee, Florida 32399-0379

**FAILURE TO FILE A TIMELY REQUEST FOR HEARING AT LEAST TWENTY (20) DAYS BEFORE THE FINAL HEARING SHALL CONSTITUTE A WAIVER OF THAT PERSON'S RIGHT TO REQUEST A HEARING ON ANY MATTER REGARDING THE PETITION FOR DECLARATORY STATEMENT AND THE OFFICE OF FINANCIAL REGULATION WILL ISSUE ITS DECLARATORY STATEMENT BASED ON THE FACTS AND CIRCUMSTANCES THAT ARE SET FORTH IN THE PETITION FOR A DECLARATORY STATEMENT.**

The following statutory chapters and rule chapters directly govern the proceedings the Office of Financial Regulation: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of any substantially affected persons, the Office of Financial Regulation will not settle or otherwise reach a final resolution of these matters until such time when thirty (30) days from the date of this publication have passed.

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### Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

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**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

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**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS:**

The University of Florida Board of Trustees announces that Professional Services in the disciplines of engineering and architecture for Total Building Commissioning will be required for the project listed below:

Project: UF-352, Florida Innovation Hub at UF (City of Gainesville, Florida)

This facility is programmed to be approximately 46,000 GSF. The major part of this facility will serve as a business incubator for the many new companies being developed around university discoveries. It will provide flexible dry and wet laboratory and office space and a number of spaces for common use. The facility will also house a UF program that brings together the many components critical to expediting new company formation in our state. The scope of services shall include design phase peer review, maintenance of the Owner's Project Requirement (OPR) document, development of the Commissioning Plan and Commissioning Specifications, and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation and all associated point connections for plumbing and fire protections, and building envelope systems and

completion of systems manual. The consultant shall also support project efforts to achieve higher-than-normal energy efficiency and attain minimum GOLD LEED certification.

Blanket professional liability insurance will be required from the applicant and ALL sub-consultants for this project in the amount of \$1,000,000.00 each.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall be limited to 10 double-sided, consecutively-numbered pages, with no hard covers, no laminated sheets, no plastic dividers, and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed Commissioning Services Proposal Form using the project-specific version available at the UF Facilities Planning and Construction website. Applications on any other form will not be considered.
3. Resumes and copies of the applicant's (each firm's) current Professional Registration Certificate(s) from the appropriate governing board, a copy of corporate charter(s) if applicable, LEED accreditation, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant 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 applicant 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.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal, including the Commissioning Services Proposal Form, Project Fact Sheet, UF Design Services Guide, UF Design and Construction Standards, FP&C non-technical specifications, standard University of Florida Owner-Commissioning Consultant agreement, and other project and process information can be found on the Facilities Planning and Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), November 13, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium / P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)273-4000; Fax: (352)273-4034  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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#### NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services are required for the project identified below:

**PROJECT NAME & NUMBER:** BT-876 Science Classroom Complex

**PROJECT LOCATION:** Modesto A. Maidique Campus (MMC), Miami, Florida

**PROJECT DESCRIPTION:** The Science Classroom Complex will provide specialized classrooms for teaching science, vivarium, BSL2 labs, flexible research space, scientific receiving and stock room, study rooms for graduate student cubicles, offices, and faculty/student gathering spaces that promote collaborative work. A Data Center will provide the technology backbone for the Academic Health Science Center (AHSC). Chem-Store, Scientific Receiving and Stock Room areas will provide regulatory compliant management of scientific materials, equipment, and chemicals (including but not limited to flammable and hazardous chemical, biological and radiological materials) serving as the transit point for the receipt, temporary storage, tracking, distribution, and/or transfer to hazardous materials haulers for the AHSC. The project consists of site development and construction of a multi-story facility sited north of the existing Chemistry-Physics Building #09. The building will connect at the fifth level via a bridge to the new College of Nursing and Health Sciences. Completion for this project is slated for May of 2012. The firm of Perkins + Will is the Architect of Record for the Project, which is currently in the Programming Phase.

The total building construction cost is approximately \$35.2 million with a total gross square footage of 121,000. Total funding is in the amount of \$50,000,000 of PECO funds.

**INSTRUCTIONS:** Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement form. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered

consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Submit seven (7) bound copies of the required proposal data and one CD copy of the complete proposal in Adobe Acrobat PDF format of the above requested data bound in the order listed. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the web-site: <http://facilities.fiu.edu/projects/BT-876.htm>. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to: Real Estate Development and Planning at (305)348-4090 or via email: [griffith@fiu.edu](mailto:griffith@fiu.edu).

**SUBMIT QUALIFICATIONS TO:** Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, 11555 S. W. 17th St., Room #142, Modesto A. Maidique Campus, Miami, Florida 33199. Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m. and 4:00 p.m. (Local Time), Friday, November 20, 2009.

Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

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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."

**DEPARTMENT OF MANAGEMENT SERVICES**

**ADVERTISEMENT FOR BIDS**

**FOR WATERPROOFING CONTRACTORS**

PROPOSALS ARE REQUESTED FROM QUALIFIED WATERPROOFING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-26005070

PROJECT NAME: Exterior Waterproofing Rohde Building

PROJECT LOCATION: Rohde Building, 401 Northwest Second Avenue, Miami, Florida 33128

MANADATORY PRE-BID MEETING: Wednesday, November 4, 2009

BID OPENING: Thursday, December 3, 2009

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$600,000.00 (Base Bid)

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details

Please visit the Department's Website listed below and click on "Search Advertisements – Division of Real Estate Development and Management" [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF INVITATION TO BID**

**BID NO. BDC 34-09/10**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered General contractors for the project listed below:

PROJECT NAME: John D. MacArthur Beach State Park – Pew Family Natural Science Education Center

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct a one story elevated building situated next to existing park buildings and to be connected by a new breezeway according to the plans and specifications.

PARK LOCATION: John D. MacArthur Beach State Park, On Singer Island (Palm Beach County).

PROJECT MANAGER: Gerry Pisciotano, District 5 Office, 13798 S. E. Federal Highway, Hobe Sound, Florida, (772)546-0900, Fax: (772)223-2591

PROJECT BUDGET: \$1,000,000.00

Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on October 16, 2009 at John D. Macarthur Beach State Park, 10900 State Road 703 A1A, North Palm Beach, Florida 33408, contact: Donald Bergeron, Park Manager at (561)624-6950, Fax: (561)624-6954.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If

you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 2:30 p.m. (ET), Tuesday, November 17, 2009, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Tuesday, November 24, 2009, unless extended by the Department for good cause.

**NOTICE OF RIGHTS:** Notice of Intent to Protest the Bid Specifications must be filed with (received by) the: Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, Fax: (850)245-2303, lea.crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

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#### BDC 39-09/10 St. Andrews State

##### Park-Municipal Sewer Connection (Phase III)

The Department of Environmental Protection hereby gives notice that the Notice of Bid/Request For Proposal for BDC 39-09/10 St. Andrews State Park-Municipal Sewer Connection (Phase III), which was published in the October 2, 2009, Vol. 35, No. 39, issue of the F.A.W., has been cancelled and has been readvertised in Vol. 35, No. 40, October 9, 2009 issue of the F.A.W.

Correction to Instruction is revised to: A Compact Disk (CD) containing the plans and specifications available on October 9, 2009.

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#### NOTICE OF INVITATION TO BID

##### BID NO. BDC 54-09/10

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Florida Keys State Parks – On Site Sewage Disposal System – Advanced Treatment Standards Improvements and Associated Work (Phase I – Upper Keys)

**SCOPE OF WORK:** The contractor shall provide the necessary labor, materials, equipment, and supervision to construct satisfactorily the On Site Sewage Disposal System – Advanced Treatment Standards Improvements and Associated Work for the existing septic tank systems as shown on the plans and described in the specifications.

**PROJECT BUDGET:** \$250,000

Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

**PARK LOCATION:** John Pennekamp Coral Reef State Park, MM 102.5 Overseas Highway, Key Largo, Florida 33073

**PROJECT MANAGER:** Fred Hand, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, FL 32309, (850)488-5372, Fax: (850)488-1141.

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on October 16, 2009 at: John Pennekamp Coral Reef State Park, MM 102.5 Overseas Highway, Key Largo, Florida 33073, Attention: Pat Wells, Park Manager, (305)451-1202, Fax: (305)853-3555.

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please

contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 2:00 p.m. (ET), Tuesday, November 10, 2009 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m. (ET), Tuesday, November 17, 2009, unless extended by the Department for good cause.

**NOTICE OF RIGHTS:** Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Qualifications

2009-05 Management Company Services

The Florida Housing Finance Corporation invites all qualified firms to provide printing, copying and reproduction services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2009-05, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, November 13, 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. To obtain a copy of the Request for Qualifications, which outlines selection criteria and applicant’s responsibilities,

please submit your request to the Attention: Sherry Green or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site: [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/AppPage\\_LegalRFQs.aspx](http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFQs.aspx). Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

**BALFOUR BEATTY CONSTRUCTION LLC**

INVITATION TO BID

Lowell Correctional Institution Phase II – Ancillary Buildings Balfour Beatty Construction LLC. (BBC) is accepting bids for the site work portion only for the above referenced project no later than Tuesday, October 27, 2009, 2:00 p.m., Keeneland Ballroom, The Hilton of Ocala, 3600 S. W. 36th Avenue, Ocala, Florida 34474. The bids will be opened immediately following the 2:00 p.m. bid close at the same location

Bids are being accepted at this time for the sitework (div. 2) scope of work only.

The Bid Package will be available @ NGI on Friday, October 2, 2009.

**SEALED BIDS AND PREQUALIFICATION FORMS RECEIVED PRIOR TO BID DAY ARE TO BE SENT TO:**

Attn: Mike Miller/Project Manager  
 Balfour Beatty Construction LLC.  
 \*11650 N. W. Gainesville Road  
 Ocala, Florida 34482  
 (352)369-6183

\*Bids will only be accepted at this address up to the day prior to bid day. All bids received on bid day must be hand delivered to the Keeneland Ballroom located in the Hilton of Ocala as listed above.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location. Estimated cost of a full set of Bidding Documents is \$50.00. CD’s with bidding documents will also be available. All bidders must follow the bidding requirements listed in the instructions to bidders available at:

NGI  
 304A S. W. Broadway St.  
 Ocala, FL 34474  
 (352)622-5039

A pre bid conference will be held at:

The Hilton of Ocala  
 3600 SW 36th Ave.  
 Ocala, FL. 34474  
 Ph: (352)854-1400  
 On October 7, 2009, 9:00 a.m.

Balfour Beatty Construction does not discriminate on the basis of race, color, religion, age, sex, national origin, marital status, handicap or other reason prohibited by law.

LICENSE CGC 05623

**INVITATION TO BID**

Lowell Correctional Institution Phase II – Ancillary Buildings  
 Construction of Food Service and Visitors Center Buildings,  
 Renovation of Security Offices.

Balfour Beatty Construction LLC. (BBC) is accepting bids for the above referenced project no later than Tuesday, November 10, 2009, 2:00 p.m., Churchill Ballroom, The Hilton of Ocala, 3600 S. W. 36th Avenue, Ocala, Florida 34474. The bids will be opened immediately following the 2:00 p.m., bid close at the same location.

Bids will be accepted for the following Bid Packages at this time:

For the following scopes contract Watson Rogers:

3A – Cast-In-Place Concrete

4A – Masonry

8A – Detention Equipment, Security Controls, Doors, Windows and Glass, and Misc. Specialties

9A – Trusses, Walls and Ceilings

15A – HVAC

15B – Plumbing & Natural Gas Piping

For the following scopes contact Mike Miller:

2B – Security Fencing and Gates

5A – Structural Steel/Misc. Metals

7A – Caulking & Sealants

7B – Roofing, Siding and Metal Panels

9E – Paint & Wall Coverings

11A – Food Service Equipment

16 A – Electrical

For the following scopes contact Marcus Niceley:

8B – Overhead Doors

9B – Carpet, Ceramic tile and Resilient Flooring

10A – Covered Walkways

12A – Millwork & Casework

13A – Metal Buildings (Alternate)

All of the above can be reached at (352)369-6183:

Bid Packages will be available at NGI, Monday, October 19, 2009.

**SEALED BIDS AND PREQUALIFICATION FORMS RECEIVED PRIOR TO BID DAY ARE TO BE SENT TO:**

Attn: Mike Miller/Project Manager  
 Balfour Beatty Construction LLC.  
 \*11650 N. W. Gainesville Road  
 Ocala, Florida 34482  
 (352)369-6183

\*Bids will only be accepted at this address up to the day prior to bid day. All bids being submitted on bid day must be hand delivered to the Churchill Ballroom, The Hilton of Ocala as listed above.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location. Estimated cost of a full set of Bidding Documents is \$300. CD's with bidding documents will also be available. All bidders must follow the bidding requirements listed in the instructions to bidders available at:

NGI

304A S. W. Broadway St.

Ocala, FL 34474

(352)622-5039

A pre bid conference will be held at:

The Hilton of Ocala

3600 S. W. 36th Ave.

Ocala, FL. 34474

Ph: (352)854-1400

On October 29, 2009, 9:00 a.m.

Balfour Beatty Construction does not discriminate on the basis of race, color, religion, age, sex, national origin, marital status, handicap or other reason prohibited by law.

LICENSE CGC 05623

**PETER R. BROWN CONSTRUCTION, INC.**

Notice of Request for Proposals

Hargrett Building Renovation, DOH #70829200

Hillsborough County

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Hillsborough County Health Department, Hargrett Building Renovation, DOH #70829200 hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

The Scope of Work for this project includes but is not limited to the following:

02B	Selective Demolition	09C	Ceramic Tile
03A	Cast-in-place Concrete	09D	Acoustical Treatments
04A	Masonry	09E	Flooring
06A	Rough Carpentry	09G	Painting & Wall Coverings
06B	Cabinets & Millwork	11C	Audio Visual Systems
08A	Doors, Frames and Hardware	15B	Plumbing Systems
08B	Glass & Glazing	15C	HVAC Systems
09B	GWB and Framing	16A	Electrical Systems

A pre-proposal meeting will be held at 10:00 a.m. (Local Time), Tuesday, October 27, 2009 at the following location:

Hillsborough County Health Department  
 Hargrett Building  
 2002 East 26th Avenue  
 Tampa, FL 33605

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., November 3, 2009. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Subcontractors must submit pre-qualification prior to 10/27/09 in order to be considered for this project. Pre-qualification information and forms can be obtained through the Peter R. Brown Construction, Inc. website ([www.peterbrownconstruction.com](http://www.peterbrownconstruction.com)) or by contacting: Peter R. Brown Construction, Inc., Clearwater Estimating Department at (727)535-6407.

Hillsborough County Health Department and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

Drawings are expected to be available October 20, 2009 on the Peter R. Brown Construction FTP site only.

Hillsborough County Health Department and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities. No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by October 28, 2009. The Owner and Architect will not accept calls regarding this project.

All future updates regarding this project will only be posted on the Peter R. Brown Construction, Inc. website ([www.peterbrownconstruction.com](http://www.peterbrownconstruction.com)).

## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-05-2009-002  
 DATE RECEIVED: October 6, 2009  
 DEVELOPMENT NAME: CITRUS SPRINGS UNITES 1-27  
 DEVELOPER/AGENT: SBA Towers/Lauralee G. Westine  
 DEVELOPMENT TYPE: 28-24.023, F.A.C.  
 LOCAL GOVERNMENT: Citrus County

### DEPARTMENT OF TRANSPORTATION

To ensure adequate time has been allowed for the public to provide comments on the concept of a Pilot Project on Interstate 75 between the Georgia State Line and the beginning of the Turnpike at Wildwood, the Department of Transportation announces an extension of the comment period to Friday, October 30, 2009. The pilot project is intended to result in a general reduction in the number of non-conforming outdoor advertising billboards in the sensitive scenic areas on the corridor. The pilot will also test a potential change in Federal regulations which currently prohibit modifications to a non-conforming sign. Under the pilot the Department will allow one-time modifications to non-conforming signs in lesser impacted areas when signs are removed from the more sensitive areas. It is anticipated that this pilot will result in a corridor with a much improved visual character, making it more attractive to motorists.

A copy of the draft pilot project document may be obtained from the Department's web site at <http://www.dot.state.fl.us/rightofway/documents/I75PILOTPROJECT10052009.pdf> by writing: Ms. Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, Mail Station #22, Tallahassee, Florida 32399-0450, or by e-mail: [Juanice.Hagan@dot.state.fl.us](mailto:Juanice.Hagan@dot.state.fl.us).

### 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 Hanma Enterprises, Inc., intends to allow the establishment of Acme Scooter, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 358 A Cypress Drive, Tequesta (Palm Beach County), Florida 33469, on or after October 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Acme Scooter, Inc. are dealer operator(s): David Wakefield, 358 Cypress Drive, Suite A, Tequesta, Florida 33469; principal investor(s): David L. Wakefield, 358-A Cypress Drive, Tequesta, Florida 33469.

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 Cobra Scooters, LLC, intends to allow the establishment of Dk Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 1333 Washington Avenue, Miami Beach (Dade County), Florida 33139, on or after October 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Dk Cycle Inc. are dealer operator(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139.

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: Robert P. Bates, Cobra Scooters LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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 Columbia Parcar Corp., intends to allow the establishment of Electric Cart Company, LLC, as a dealership for the sale of low speed vehicles manufactured by Columbia Parcar Corp. (COLB) at 5480 US Highway 98 West, Santa Rosa Beach (Walton County), Florida 32459, on or after October 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Electric Cart Company, LLC are dealer operator(s): Thomas B. Waldrop, 2432 Bay Grove Road, Freeport, Florida 32449, principal investor(s): Jonathan C. Waldrop, 332 Club House Drive East, Freeport, Florida 32439.

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 US Mail to: Scott Breckley, Columbia Parcar Corp., 1115 Commercial Avenue, Reedsburg, Wisconsin, 53959.

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 Adly Moto, LLC, intends to allow the establishment of Jab Motorsports Corp. d/b/a Motor Scooters N More, as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 188 North Federal Highway, Deerfield Beach (Broward County), Florida 33441, on or after October 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jab Motorsports Corp. are dealer operator(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441; principal investor(s): John Cao, 188 North Federal Highway, Deerfield Beach, Florida 33441.

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: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

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 Kalmar Industries USA, LLC, intends to allow the establishment of Rechtien International Trucks, Inc., as a dealership for the sale of trucks manufactured by Kalmar Industries USA, LLC (OTTA) at 7227 Northwest 74 Avenue, Miami (Dade County), Florida 33166, on or after October 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rechtien International Trucks, Inc. are dealer operator(s): Richard C. Rechten, 7227 Northwest 74th Avenue, Miami, Florida 33166; principal investor(s): Richard C. Rechten, 7227 Northwest 74th Avenue, Miami, Florida 33166.

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: Jeffrey S. McCullough, Kalmar Industries USA, LLC, 415 East Dundee Street, Ottawa, Kansas 66067.

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 Rowland Carriers, Inc., intends to allow the establishment of Rowland Carriers, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 600 Oak Street, Port Orange (Volusia County), Florida 32127, on or after October 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rowland Carriers, Inc. are dealer operator(s): Marshall B. Rowland, 4483 Chalmette Court, Port Orange, Florida 32127; principal investor(s): Marshall B. Rowland, 600 Oak Street, Building 3, Unit D, Port Orange, Florida 32127.

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: Marshall B. Rowland, Rowland Carriers Inc., 4483 Chalmette Court, Port Orange, Florida 32127.

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 Stay Safe, LLC, as a dealership for the sale of

motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 1721 1st Street, East, Bradenton (Manatee County), Florida 34208, on or after October 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Rafael L. Torres, 1721 1st Street, East, Bradenton, Florida 34208; principal investor(s): Rafael L. Torres, 1721 1st Street, East, Bradenton, Florida 34208.

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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**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 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 AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
City of Bonifay

The Florida Department of Environmental Protection has determined that the City of Bonifay’s project involving installation of a transmission line will not adversely affect the environment. The total cost of the project is estimated to be \$686,704. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8366.

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
City of Bushnell

The Florida Department of Environmental Protection has determined that the City of Bushnell’s project to construct a 750,000 gallon elevated water storage tank to replace an antiquated tank, and an associated water main extension will not adversely affect the environment. The total cost of the project is estimated to be \$2,058,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Gregg Caro, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8546.

NOTICE OF RECEIPT OF APPLICATIONS FOR PERMIT  
COVERAGE UNDER THE GENERIC PERMIT FOR  
STORMWATER DISCHARGE FROM PHASE II  
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

The Department announces the receipt of the applications listed below for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane,

Tallahassee, Florida 32301, (850)523-1449. Any comments related to the noticed applications or objections to the use of the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received September 18th – October 6, 2009

- 1. City of Tavares– FLR04E113
- 2. The Villages – FLR04E116
- 3. Lakewood Ranch CDD – FLR04E107

Comments may be mailed to the following address:

Steven Kelly  
NPDES Stormwater Program  
2600 Blair Stone Road, MS #2500  
Tallahassee, Florida 32399-2400

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON  
AN INITIAL PLAN OF EXPLORATION FOR FEDERAL  
WATERS OF THE CENTRAL GULF OF MEXICO  
PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Eni US Operating, for Lloyd Ridge Block 411, was received by the State of Florida. Proposed activities include drilling up to seven exploration wells in approximately 9,800 feet of water located approximately 189 miles south of Florida.

The plan is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS #47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by October 30, 2009. Contact: Shana Kinsey or Debby Tucker at (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us.

This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF HEALTH**

## Request For Trade Secret Protection

NOTICE IS HEREBY GIVEN THAT on August 26, 2009 the Department of Health, requested information from the Ounce of Prevention Fund of Florida, Inc., 111 N. Gadsden Street, Tallahassee, Florida, pursuant to a fiscal desk review to ensure contract compliance. On September 14, 2009 and again on September 25, 2009, The Ounce of Prevention Fund of Florida, Inc. responded to the request and indicated that the requested information regarding the salary, date of hire, and fringe benefits of their employees are trade secrets.

An administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, can be obtained by contacting: Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A02, Tallahassee, FL 32399-1703, Fax: (850)410-1448.

The Ounce of Prevention Fund of Florida, Inc.'s substantive interests are involved, therefore, they are entitled to be a party-participant in an administrative hearing.

Any person or entity who feels their substantial interests are at stake has 21 days from the date of this notice to file with the Department of Health, Agency Clerk, a request for hearing. Otherwise, a ruling will be made on the record before the Department as to whether the materials sought to be protected constitutes a "trade secret" as statutorily defined.

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On October 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Ashley E. Croy, R.N. License #RN 9271939. 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 October 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Ernest T. Gibson, C.N.A. License #CNA 188294. 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 September 30, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Angela B. Heider, R.N. License #RN 9269179. 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 October 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Donna Marie Julio, R.N. License #RN 9166407. 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 October 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kimberly Shannon King, L.P.N. License #PN 5185534. 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 October 1, 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 Robin Annette Thompson, L.P.N. License #PN 1160751. 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 October 2, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Lisa Ann Brodhead-Farris, R.R.T. License #RT 7314. 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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#### Request For Trade Secret Protection

NOTICE IS HEREBY GIVEN THAT on September 28, 2009 the Department of Health, requested information from The Edge Worldwide, Inc. 5950 Imperial Lakes Boulevard, Suite 2, Lakeland, FL 33860, regarding licensure authority for republication of electronic media for distribution in the United States. The question was in clarification of the vendor's qualification to provide its bid for Invitation To Bid (ITB) – 09-016. On September 29, 2009, The Edge Worldwide, Inc. responded to the request and provided the name of its subcontractor as TrackMaster Inc. TrackMaster, Inc. is located at 4701 N. E. 12th Ave., Oakland Park, Florida 33334. In subsequent correspondence, on or about September 30, 2009, TrackMaster, Inc. provided requested information regarding the contractor that provides TrackMaster, Inc. its duplication services for ITB 09-016. That contractor presented its attestation that it possesses a license from Philips US. TrackMaster, Inc. required the information be considered a Trade Secret pursuant to its confirmation of October 2, 2009. Pursuant to Sections 812.081 and 815.045, F.S., and the ruling in *Sepro Corporation v. Florida Department of Environmental Protection*, 839 So.2d 781, 785 (Fla. 1st DCA 2003) TrackMaster, Inc. considers the name of its supplier for the associated contract to be a "Trade Secret", of value, for use or in use of the business and of advantage to the business or providing an opportunity to obtain an advantage over those

who do not know or use it. As required, TrackMaster, Inc. in its request of October 2, 2009, to the Department has taken measures to prevent the information from being disclosed to persons other than those selected by the owner to have access thereto for limited purposes.

An administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, can be obtained by contacting: Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A02, Tallahassee, FL 32399-1703, Fax: (850)410-1448. TrackMaster, Inc.'s substantive interests are involved; therefore, they are entitled to be a party-participant in an administrative hearing.

Any person or entity who feels their substantial interests are at stake has 21 days from the date of this notice to file with: Department of Health, Agency Clerk, a request for hearing. Otherwise, a ruling will be made on the record before the Department as to whether the materials sought to be protected constitutes a "trade secret" as statutorily defined.

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#### DEPARTMENT OF FINANCIAL SERVICES

##### IN RE: THE RECEIVERSHIP OF CUMBERLAND CASUALTY & SURETY COMPANY – NOTICE REGARDING APPROVAL OF REHABILITATION PLAN AND DEADLINE FOR FILING CLAIMS

IN THE Circuit Court of Leon County, Florida ("Receivership Court"), Case No. 2004-507, Receivership of Cumberland Casualty & Surety Company ("Cumberland"). Notice to all persons having business with Cumberland. By order of the Receivership Court entered July 30, 2009 ("Order"), you are hereby notified of approval of the Plan of Rehabilitation; the cancellation of Cumberland bonds; and deadline to file claims in the receivership. All persons having claims against Cumberland shall present them to the receivership by January 26, 2010, or such claims shall be forever barred. Claims are to be submitted to: Cumberland Casualty & Surety Company in Receivership, 4311 West Waters Avenue, Suite 401, Tampa, Florida 33614. Copies of the Order, Plan of Rehabilitation, and a Proof of Claim Form may be obtained at: [www.floridainsurancereceiver.org](http://www.floridainsurancereceiver.org). You may also obtain a Proof of Claim Form by calling 1(800)723-0171.

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NOTICE TO ALL POLICYHOLDERS, CREDITORS AND CLAIMANTS HAVING BUSINESS WITH FIRST COMMERCIAL INSURANCE COMPANY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2009-CA-2668

In Re: The Receivership of FIRST COMMERCIAL INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FIRST COMMERCIAL INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 24th day of August, 2009, the Department of Financial Services of the State of Florida was appointed as Receiver of FIRST COMMERCIAL INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FIRST COMMERCIAL INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m., Tuesday, August 17, 2010, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for FIRST COMMERCIAL INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at: [www.floridainsurancereceiver.org](http://www.floridainsurancereceiver.org).

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2009-CA-2669

In Re: The Receivership of FIRST COMMERCIAL TRANSPORTATION AND PROPERTY INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FIRST COMMERCIAL TRANSPORTATION AND PROPERTY INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 24th day of August, 2009, the Department of Financial Services of the State of Florida was appointed as Receiver of FIRST COMMERCIAL TRANSPORTATION AND PROPERTY INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FIRST COMMERCIAL TRANSPORTATION AND PROPERTY INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m., Tuesday, August 17, 2010, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for FIRST COMMERCIAL TRANSPORTATION AND PROPERTY INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at: [www.floridainsurancereceiver.org](http://www.floridainsurancereceiver.org).

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 6, 2009):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Cypress Capital Group, Inc. (Cypress Trust Company) Florida

Proposed Purchasers: Dr. Krishna and Nirmala Tripuraneni, Wellington, Florida; and Dr. Javaram and Padmasree Chigurupati, Jupiter, Florida

Received: October 5, 2009

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 28, 2009  
 and October 2, 2009

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**  
**State Board of Education**

6A-1.09412	10/1/09	10/21/09	35/32	
6A-4.0012	10/1/09	10/21/09	35/32	35/34
6A-6.0981	10/1/09	10/21/09	35/32	

**Florida School for the Deaf and the Blind**

6D-7.006	9/29/09	10/19/09	35/16	
6D-8.002	9/29/09	10/19/09	35/16	
6D-8.003	9/29/09	10/19/09	35/16	

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Community Planning**

9J-5.026	9/28/09	10/18/09	35/20	
9J-11.023	9/28/09	10/18/09	35/20	

**PUBLIC SERVICE COMMISSION**

25-4.0185	10/1/09	10/21/09	35/3	35/35
25-4.066	10/1/09	10/21/09	35/3	35/35
25-4.070	10/1/09	10/21/09	35/3	35/35
25-4.073	10/1/09	10/21/09	35/3	35/35
25-4.083	10/1/09	10/21/09	35/3	
25-4.110	10/1/09	10/21/09	35/3	35/35

**DEPARTMENT OF CORRECTIONS**

33-103.019	9/29/09	10/19/09	35/32	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**COMMISSION ON ETHICS**

34-7.010	9/28/09	1/1/10	35/32	
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**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

40E-400.315	9/28/09	10/18/09	35/25	35/35
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Communications and Information Technology Services**

60FF-5.002	9/29/09	10/19/09	35/26	
60FF-5.005	9/29/09	10/19/09	35/26	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

61G3-15.019	9/29/09	10/19/09	35/34	
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**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

64J-2.019	10/2/09	10/22/09	35/34	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-42.003	9/29/09	10/19/09	35/28	
69A-42.004	9/29/09	10/19/09	35/28	
69A-42.0041	9/29/09	10/19/09	35/28	
69A-42.005	9/29/09	10/19/09	35/28	

**Finance**

69V-560.1012	9/28/09	10/18/09	35/22	35/32
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