

funding is available, the Agency shall offer waiver enrollment to individuals on the wait list in the order of the categories, category 1 being the top category. Within each category, the date the individual was determined eligible for the wait list shall ~~be determine the order for receiving waiver services documentation provided to the agency, such as, Florida Driver's License, school records, utility bill, housing lease or rental agreements, employment information.~~

(2) Determination of residency of the caregiver for 12 consecutive months shall be determined by documentation to be provided to the agency, such as Florida Driver's License, school records, utility bill, housing lease or rental agreement, or employment information.

(3) through (4) No change.

(5) Category 2 includes children who are jointly served by the Agency and the Department of Children and Family Services ("DCF", also known as the Department of Children and Families) in the Child Welfare program. A monthly data match between the two agencies identifies these individuals. DCF may bring to the attention of APD any child in need of critical services with an open case with the Department of Children and Families in the Child Welfare program, rather than wait for the data match. If the youth is still on the wait list for APD services at the age of 18 when they age-out of foster care, the youth will remain under Category 2 until they begin receiving services, unless they are deemed homeless and qualify under Category 1.

(6) Category 3 includes the following individuals:

(a) No change.

(b) Individuals who are at substantial risk of incarceration or court commitment which is defined as defined by unlawful activity by the individual that has required the intervention of local or state law enforcement even if the unlawful activity did not result in an arrest or criminal charges. Documentation is required to include a summary of incidents in which the individual has engaged in dangerous behavior, has past history of involvement with the court system or law enforcement, is currently involved with the court system or law enforcement, multiple arrests, incarceration in jail, prison, or admission to the mentally retarded defendant program.

(c) No change.

(d) Individuals whose behaviors or physical needs place them or their caregiver at risk or harm within the next 12 months, and for whom no other supports are currently available to meet their needs. ~~In such cases, the individual will provide documentation of behaviors that are causing the risk or potential harm or the physical needs that are present and the medical treatment provided to the individual or to others because of the individual's behavioral or physical issues.~~ Documentation of behaviors or physical needs that are causing the risk or potential harm and the medical treatment provided to the individual or to others because of the individual's behaviors or physical needs must be provided.

Documentation of the frequency, intensity and duration of behavioral incidents and an explanation of behavioral interventions that have used must also be provided.

(e) Individuals who are identified by the facility as ready for discharge from a state mental health hospital, intermediate care facility for the developmentally disabled, a skilled nursing facility, correctional facility, or a secure forensic facility within the next 12 twelve months. There must be evidence that without the provision of waiver-funded services, these individuals will be at risk of readmission to an institution due to a lack of available caregiver or a lack of appropriate or available services. Documentation for this category must include a discharge summary from the facility that indicates the individual is ready for discharge or no longer meets the criteria for the level of care required by the facility and the status of available caregivers for the individual. Documentation that there are no other resources or services available other than waiver services to meet the individuals needs must be provided.

(f) through (g) No change.

(7) Category 4 includes individuals whose primary caregiver is age 70 years of age or older and no other alternate caregiver is available, willing or able to provide support. Additionally, other government or community resources are not available to provide assistance for the caregiver. Documentation of the date of birth of the primary caregiver must be provided as well as documentation that the individual needs a caregiver and no other caregiver is available ~~is required~~. The Agency shall include a review of the caregiver's ability to provide the level of support the individual needs and not just consider the age of the caregiver. The health of the caregiver(s) will be considered. Additionally the age of both parents who are providing care giving shall be considered and if one is able to provide the care then the individual will not be considered for Category 4.

(8) through (10) No change.

Rulemaking Authority 393.065(7) FS. Law Implemented Section 393.065(5) FS. History--New_____.

65G-11.003 No change.

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1SER10-1

RULE TITLE:
Absentee Ballot Request Information
– Reporting

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes,

this emergency rule is a rule pertaining to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code. On May 28, 2010, House Bill 131 was signed into law and became effective immediately. See Chapter 2010-167, Laws of Florida. Section 7 of the bill amended Section 101.62, Florida Statutes. Specifically, it imposed a timeframe in which Supervisors of Elections must update and make available absentee ballot request information to those persons and entities authorized by statute and to the Department of State through electronic upload. Up until the new law, the law was silent and the timeframe for providing the absentee ballot request information was prescribed in rule. Rule 1S-2.043, F.A.C., required the information be updated daily and made available for a period to start 45 days before an election or from the time the first absentee ballots are mailed, whichever was earlier, and to end 10 days after an election. The new law requires absentee ballot request information to be made available daily for a continuous period beginning 60 days before a primary election and ending 15 days after the general election. The emergency rule is needed to ensure that the Supervisors of Elections' comply uniformly, consistently and timely with the requirements of the new law for reporting absentee ballot request information for primary and general elections. This rule is also necessary because the Supervisors of Elections are also required to provide absentee ballot request information through an electronic upload to the Florida Department of State who in turn makes it available on a statewide basis through a protected site to those persons and entities authorized under Section 101.62(3), F.S. to access this information. This emergency rule establishes the timeframe for compiling, making available and transmitting absentee ballot request information to conform with the timeframe in state law pending formal rule adoption to the existing Rule 1S-2.043, F.A.C. This will ensure that specified political entities, election officials and political candidates will be able to access information for elections and campaign purposes.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adoption of the rule. The time period for general rulemaking takes at least 60 days and will prevent the timely amendment and adoption of a rule needed to apply to upcoming elections. In the interim, the provisions of this emergency rule will ensure that interested or affected persons and entities who are entitled to access absentee ballot request information are able to fulfill their election duties or to be able to conduct their political activities or campaigns. The Department of State will be initiating rulemaking on Rule 1S-2.043, F.A.C., to incorporate the text of the emergency rule permanently.

SUMMARY: This emergency rule ensures that Supervisors of Elections make absentee ballot request information available uniformly, consistently and timely to those persons or entities entitled to receive this information to fulfill election duties and to conduct political activities or campaigns.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Maria Matthews, Assistant General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399; mimatthews@dos.state.fl.us; (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER10-1 Absentee Ballot Request Information – Reporting.

(1) Absentee ballot request information files.

(a) General application. This rule establishes file format specifications, timelines and other content requirements for the electronic compilation, transmission and reporting of absentee ballot request information. The Supervisors of Elections shall ensure that the files required under this rule transmit successfully and timely to the Division of Elections. For purposes of this rule, the term:

1. "FVRS" refers to the Florida Voter Registration System.
2. "Supervisor" refers to the county Supervisor of Elections.
3. "Division" refers to the Division of Elections.
4. "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.
5. "General election" means an election held in the first Tuesday after the first Monday in November in the even-number years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(b) Compilation. For the primary and general election, 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.

(c) File Transmission. The Supervisor shall transmit to the Division the electronic file compiled under paragraph (b) no later than noon Eastern Standard Time of the day after the day being reported. The file shall be sent daily on a continuous basis beginning 60 days before the primary election and ending 15 days after the general 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 (d).

(d) 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 registered voter’s record, the address included shall be the address to which the voter has requested the ballot to be sent. However, information shall not be included for any

voter who has requested in writing an exemption from public disclosure pursuant to Section 119.071(2)(j), (4)(d) or (5)(i), F.S.

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

<u>Data Element Name</u>		<u>TranRead</u>	<u>Data Format Rules</u>
<u>RecordType</u>	<u>AbStat</u>	<u>Y</u>	<u>“AbStat”</u>
<u>CountyId</u>	<u>County providing summary</u>		<u>Char(3)</u> <u>Use FVRS county codes</u>
<u>FVRSVoterIdNumber</u>	<u>FVRS Voter Id Number</u>	<u>Y</u>	<u>Numeric (10)</u>
<u>FVRSElectionNumber</u>	<u>FVRS Election identifier</u>	<u>Y</u>	<u>Numeric (10)</u>
<u>ElectionDate</u>	<u>Date of the election</u>	<u>Y</u>	<u>MM/DD/YYYY</u>
<u>ElectionName</u>	<u>Name of Election</u>	<u>Y</u>	<u>Char(35)</u>
<u>LastAbsRecordChangeDate</u>	<u>Date the absentee summary record was last updated</u>	<u>Y</u>	<u>MM/DD/YYYY</u>
<u>AbsenteeRequestStatus</u>		<u>Y</u>	<u>Char(1)</u> <u>C: Cancelled</u> <u>E: Voter Error</u> <u>M: Mailed</u> <u>R: Requested</u> <u>U:Returned</u> <u>Undeliverable</u> <u>V: Voted</u>
<u>AbsReqDate</u>		<u>Y</u>	<u>MM/DD/YYYY</u>
<u>AbsDelivery Date</u>			<u>MM/DD/YYYY</u>
<u>AbsReturnDate</u>			<u>MM/DD/YYYY</u>
<u>AbsReqCanceledDate</u>			<u>MM/DD/YYYY</u>
<u>AbsMilitary</u>			<u>Char(1) Y, N</u>
<u>AbsOverseasFlag</u>			<u>Char(1) Y, N</u>
<u>AbsMilitary Dependent</u>			<u>Char(1) Y, N</u>
<u>Precinct</u>			<u>Char (6)</u>
<u>Abs Party</u>			<u>Char (3)</u>
<u>Voter Name</u>			<u>Char (99)</u>
<u>AbsReqMailingAddressLine 1</u>			<u>Char (40)</u>
<u>AbsReqMailingAddressLine 2</u>			<u>Char (40)</u>
<u>AbsReqMailingAddressLine 3</u>			<u>Char (40)</u>
<u>AbsReqMailingAddress City</u>			<u>Char (40)</u>
<u>AbsReqMailingAddress State</u>			<u>Char (2)</u>
<u>AbsReqMailingAddressZip</u>			<u>Char (15)</u>
<u>AbsReqMailingAddressCountry</u>			<u>Char (40)</u>
<u>AbsReqE-mail Address</u>			<u>Char (100)</u>
<u>AbsReqFaxnumber</u>			<u>Char (20)</u>

(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. 2/10). 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 issued. An access application must be resubmitted 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.

THIS EMERGENCY RULE TAKES EFFECT ON JUNE 25, 2010.

Rulemaking Authority 20.10(3), 97.012(1), 101.62(3) FS. Law Implemented 101.62 FS. History—New 6-25-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 25, 2010

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE
 1SER10-2 Absentee Ballots – Absent Stateside
 Uniformed Services Members

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule is a rule pertaining to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code. On May 28, 2010, House Bill 131 was signed into law and became effective immediately. Parts of the bill complemented provisions in the federal Military and Overseas Voting Empowerment Act adopted in October 2009. Both state and federal law contained provisions to facilitate absentee ballot requests and tracking, and to enhance the timely delivery and return of absentee ballots from absent uniformed services members and overseas United States citizens. Specially, the law now expressly allows uniformed services members who are absent stateside due to military duty or assignment to be able to receive an absentee ballot via e-mail or fax. Unlike their overseas colleagues, they have no other option but to return their ballot by mail or have it delivered. In light of the MOVE Act and in anticipation of successful state legislation, the Department of State initiated rulemaking in April 2010. Proposed Rule 1S-2.049, F.A.C., provides the processes for absentee ballot requests, and for delivery and return of such ballot from a uniformed services member or spouse or dependent thereof who is absent from

county of residence due to the military duty or assignment. The emergency rule ensures that the Supervisors of Elections all use the same procedures, same format, and same instructions. Moreover, the Supervisors of Elections are required by federal and state law to send out absentee ballots to absent uniformed services members and overseas U.S. no later than 45 days before the primary. However, they additionally need time to send instructions and ballots to the printer beforehand and to develop or redevelop any online absentee ballot request processes to reflect required information. Until proposed Rule 1S-2.049, F.A.C., completes its rulemaking cycle, this emergency rule (which is based upon the same exact language as is in Rule 1S-2.049, F.A.C.) will provide the Supervisors the direction they need.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency’s adoption of the rule. The time period for general rulemaking takes at least 60 days and will prevent the timely amendment and adoption of a rule needed to apply to upcoming elections. In the interim, the provisions of this emergency rule will ensure that interested or affected persons will be able to comply with the requirements of law and receive the rights they are due as relates to absentee ballot voting. The Department of State will be filing a notice of proposed rule and scheduling Rule 1S-2.049, F.A.C., for public hearing to incorporate the text of the emergency rule permanently.

SUMMARY: This emergency rule is necessary to ensure that Supervisors of Elections are able to provide uniform procedures and send absentee ballots as is permitted under law to absent stateside uniformed services members.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Maria Matthews, Assistant General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399; mimatthews@dos.state.fl.us; (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER10-2 Absentee Ballots – Absent Stateside Uniformed Services Members.

(1) Application. This rule applies solely to absentee ballot requests and to the delivery and return of absentee ballots for uniformed services members who are absent stateside. Such persons are defined to include:

(a) A member of a uniformed service on active duty who, by reason of active duty, is absent (but not overseas) from the place of residence where the member is otherwise qualified to vote.

(b) A member of the Merchant Marine who, by reason of service, is absent (but not overseas) from the place of residence where the member is otherwise qualified to voter, or

(c) A spouse or dependent of a member described in paragraph (a) or (b) who, by reason of the active duty or service of the member, is also absent (but not overseas) from the place of residence where the spouse or dependent is otherwise qualified to vote.

(2) Requests.

(a) The absent stateside uniformed services voter, an immediate family member of the voter, or the legal guardian of the voter, may request an absentee ballot via:

1. Telephone.
2. Fax.
3. E-mail.
4. Any other form of written request.

(b) The request for an absentee ballot must include:

1. The name of the voter for whom the ballot is requested.
2. The voter's date of birth.
3. The voter's legal residence in Florida.
4. An indication of how the voter wants the ballot to be delivered (mail, fax, or e-mail).
5. One of the following:
 - i. An out-of-county mailing address.
 - ii. A fax machine number, and an out-of-county address (only for purposes of affirming absence from county).
 - iii. An e-mail address, and an out-of-county address (only for purposes of affirming absence from county).
 - iv. The voter's signature (written requests only other than through e-mail or through online request), or if the requester is other than the voter, the requester's name, address, driver's license number (if available), signature, and relationship to the voter.

(3) Processing requests. When a supervisor receives an absentee ballot request from an absent stateside uniformed services voter, the supervisor shall:

- (a) Verify the information provided to determine if the voter is a qualified and registered voter for the election.
- (b) Provide in the manner requested by the voter the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate.
- (c) Record the receipt date of the request, the date and manner in which the Supervisor made the absentee ballot available to the voter, and the mailing mailing address, e-mail address, or fax number provided by the voter.
- (d) Ensure that the Supervisor of Elections' office transmitting and receiving equipment is in a secure location with access limited to the Supervisor's employees and that the absentee ballot is sent directly to the mailing or e-mail address or fax number or other transmission destination made available to the absent stateside uniformed services voter.

(4) Return of voted absentee ballot. A voted ballot by an absent stateside uniformed services voter returned by e-mail or by fax shall not be accepted. An absent uniformed services voter may return a voted absentee ballot by mail, in person (if he or she returns to county of residence) or through someone else on behalf of the voter. To be accepted and counted, a voted absentee ballot must be received by the supervisor of elections no later than 7:00 p.m. on election day in the time zone for the county in which the absent uniformed services voter is registered.

(5) Voter's Certificate. The Voter's Certificate for absentee ballots being sent to absent stateside uniformed services voters shall be in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate

VOTER'S CERTIFICATE

I, _____, swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.

2. I am a U. S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and

3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U. S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document. The information on this form is true, accurate and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: _____ Date: _____
Month/Day/Year

(6) Ballot instructions. Ballot instructions in substantially the following form must be provided with each absentee ballot to an absent stateside uniformed services voter:

INSTRUCTIONS

1. In order to ensure that your absentee ballot is counted, complete and return the ballot soon as possible to the supervisor of elections of the county in which you are

registered so that the ballot is received no later than 7:00 p.m. on the election day in the time zone for the county in which you are registered.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

4. VERY IMPORTANT. In order for your ballot to be counted, you must also complete the Voter's Certificate, which must include your signature. Failure to include a signature or a date means your ballot may not be counted. Your ballot will be rejected also if the signature on the certificate does not match the signature on the voter registration record.

5. To return your voted absentee ballot and voter's certificate:

a. Place your marked ballot in a secrecy envelope or sleeve, as provided to you or in an unmarked envelope (if the ballot was faxed or e-mailed to you).

b. Insert the secrecy envelope or sleeve, or unmarked envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and complete the Voter's Certificate on the back. If the ballot was faxed or e-mailed to you, place the secrecy envelope or sleeve or unmarked envelope and the completed Voter's Certificate in another envelope for mailing. Do not enclose the Voter's Certificate in the secrecy envelope or sleeve, or unmarked envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed."

6. You may mail, deliver or have delivered by someone else your absentee ballot to the supervisor of elections. Faxed or e-mailed voted ballots will not be accepted. To mail your ballot free of postage, use the template provided at <http://fvap.gov/resources/media/returnenvelope.pdf> to print directly onto the mailing envelope or otherwise affix to the mailing envelope. Otherwise, clearly mark the mailing envelope "Absentee Ballot Enclosed" and provide sufficient postage.

7. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any circumstances making your ballot false or fraudulent.

(7) Processing returned absentee ballots.

(a) The supervisor shall record the date the voted absentee ballot is received from the absent stateside uniformed services voter.

(b) If an absent stateside uniformed services voters returns the voted ballot to the supervisor in an envelope other than an absentee ballot mailing envelope provided by the supervisor, the canvassing board is authorized to open the mailing

envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the envelope or sleeve containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the Voter's Certificate shall be reviewed.

(c) If the canvassing board determines that the voter is eligible to vote, the ballot shall be processed as other absentee ballots. If the returned absentee ballot was originally faxed or e-mailed or accessed electronically by some other means, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

THIS EMERGENCY RULE TAKES EFFECT ON July 1, 2010.

Rulemaking Authority 20.10(3), 97.012(1), 97.012(1), 101.697 FS. Law Implemented 101.62, 101.64, 101.65, 101.697 FS. History—New 7-1-10.

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: July 1, 2010

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.:

RULE TITLE:

5BER10-2

Fruit Fly Eradication

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Mediterranean fruit fly, commonly referred to as Medfly, is one of the most destructive pests of citrus and other known fruits and is the most important and widespread pest in the fruit fly group. Medfly attacks more than 260 different fruits and vegetables. In Florida, the pest has been eradicated eleven times, including four major outbreaks. On June 2, 2010, in Boca Raton, Palm Beach County, Florida, a total of 10 Medflies were detected in two Jackson traps within 0.5 miles of one another. On June 9-10, 2010, additional Medflies were trapped in the Boca Raton area. If immediate action is not taken to eradicate Medflies from the Boca Raton area, they will continue to spread and affect agricultural production areas resulting in millions of dollars in production losses and control costs, and impacting consumers through increased prices in the marketplace. In view of these specific facts and reasons, and in accordance with the constitutional authority conferred upon the Commissioner of Agriculture by the Florida Constitution, Article IV, Section 4, and authorized by Florida Statutes, Sections 570.07(21) (to declare an emergency), and 581.031(7), the Commissioner of Agriculture does hereby find that an immediate danger to the public health,

safety and welfare exists and declares a quarantine in Florida host plants and regulated articles as set forth in the emergency rule hereby promulgated.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under this emergency because immediate action must be taken to eradicate the Mediterranean fruit fly before the infestation spreads. If immediate action is not taken, eradication costs will rise dramatically due to the increased area which then will need treatment. If the Mediterranean fruit fly continues to spread unchecked, it will cause substantial damage to fruit-bearing plants in home gardens and ultimately spread into agricultural production areas where it would cost millions of dollars in control costs, lost production and increased consumer prices in the marketplace.

SUMMARY: This emergency rule provides definitions; the criteria for establishing a quarantine area, the certification requirements for hosts or regulated articles, the criteria for establishing treatment areas, treatment procedures, mitigative measures, and the criteria for declaring a fruit fly emergency.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, phone: (352)372-3505

THE FULL TEXT OF THE EMERGENCY RULE IS:

5BER10-2 Fruit Fly Eradication.

(1) Definitions. For the purpose of this rule the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) Department. The Florida Department of Agriculture and Consumer Services.

(b) EPA. The United States Environmental Protection Agency.

(c) Fruit Fly. Any life stage of any species of tephritid fruit fly in the genera Anastrepha (except A. suspensa), Bactrocera, Ceratitis, Dacus and Tetradacus or synonyms thereof.

(d) Host. All fruit (including nuts, dates and berries), vegetables and the fruiting bodies of many wild and cultivated plants which are capable of infestation by any life stage of any species of fruit fly defined in paragraph (1)(b).

(e) Infested. Actually harboring a fruit fly in any of its life stages.

(f) Regulated articles. Any article, including soil, capable of transporting or harboring a fruit fly.

(g) USDA. United States Department of Agriculture, Animal and Plant Health Inspection Service.

(2) Purpose. The purpose of this rule is to establish procedures for conducting a program to eradicate fruit flies defined in paragraph (1)(b) upon their detection in the State of Florida. This rule designates the size of quarantine areas, as

provided for in Section 581.31(7), Florida Statutes, and the requirements for the movement and certification of hosts and regulated articles. It designates the size of treatment areas and the procedures for conducting treatments, outlines program mitigative measures and sets forth the requirements for declaring eradication.

(3) Declaration. Pursuant to Section 581.031(6), Florida Statutes, fruit flies as defined in paragraph (1)(b) are declared to be a plant pest and a public and agricultural nuisance. Their detection in the state endangers or threatens the horticultural, agricultural, environmental and public interests of the state and constitutes an emergency in accordance with Section 581.111, Florida Statutes.

(4) Quarantine area. A minimum 81 square mile area around a fruit fly detection point shall be quarantined upon finding two adults within one mile of each other and within a life cycle (approximately 30 days), one gravid female, a larva, or a pupa. The geographical boundaries of a quarantine area shall be published in a major newspaper of general distribution and through other appropriate media. It shall be unlawful to move a host of the fruit fly species detected or a regulated article within, through, or from a quarantine area unless in accordance with subsection (5) of this rule. A list of those hosts most likely to be present in a quarantine area shall be published in a major newspaper of general distribution and provided to affected industry groups. An area shall be released from quarantine following a declaration by the Department that the fruit fly has been eradicated in accordance with subsection (8).

(5) Movement or possession of hosts or other regulated articles; Conditions of certification. It shall be unlawful for any person to move hosts of the fruit fly species detected or other regulated articles within, through or outside the quarantine area or to move or possess them for commercial or distribution purposes within the quarantine area unless in compliance with these rules and certified by the department or the USDA.

(a) Hosts to be moved outside of a quarantine area for commercial or distribution purposes shall be certified based on negative trapping, post-harvest treatments or treatments applied to production areas which are approved by the department. A Certificate of Inspection must accompany the treated host or regulated article and must include the method of treatment, location of the treatment facility, and other pertinent data.

(b) Hosts offered for sale or distribution in the quarantined area shall be certified if an employee of the Department or the USDA has inspected them and determined that both of the following conditions have been met:

1. All hosts have been received from outside the quarantine area. Vendors must have proof of origin in the form of written receipts or other documentation;

2. All hosts are kept in fruit fly-proof screened enclosures or sealed containers, cold storage, or fly-proof vehicles or other enclosures to prevent infestation by a fruit fly.

(c) Hosts transiting the quarantine area must be covered by fly-proof screen or be in fly-proof vehicles and accompanied by proof of origin in the form of written receipt or other documentation.

(d) Soil and plants with soil attached.

1. Soil and plants with soil attached shall be certified for movement if an employee of the Department or the USDA has inspected them and found that they are not under the drip line of a host plant which is bearing hosts or was capable of bearing hosts within the previous 60 days.

2. Soil and plants with soil attached under the drip line of a plant which is bearing hosts or was capable of bearing hosts within the previous 60 days shall be certified provided:

a. All soil and plants are removed to an area clear of plants bearing or capable of bearing hosts for 30 days or until a life cycle of the fruit fly is complete; or

b. The soil is treated with an EPA-registered pesticide which is effective for fruit fly control. All treatments must be conducted under the supervision of an employee of the Department or the USDA.

3. Plants bearing hosts. In addition to the above, plants bearing hosts or which were capable of bearing hosts shall be certified for movement after all hosts have been removed in accordance with paragraph (6)(b) and soil treated with an EPA-registered pesticide which is effective for fruit fly control. All treatments must be conducted under the supervision of an employee of the Department or the USDA. The plants can also be moved after all hosts are removed without a soil treatment provided they have been held for 30 days or until a life cycle of the fruit fly is complete.

(e) Compliance agreements. The certification of hosts and regulated articles can be accomplished through the use of compliance agreements if the department does not require each treatment or movement to be witnessed by an employee of the Department or the USDA.

(6) Confiscation and disposal of hosts.

(a) All hosts within the regulated area offered for sale or distribution which are not in compliance with subsection (5) shall be considered infested and shall be confiscated and destroyed at the expense of the vendor or person having possession following the issuance of a stop-sale notice and hold order.

(b) All hosts to be disposed must be placed in a tightly sealed plastic bag, then placed in a puncture proof container for delivery to an approved landfill or incinerator.

(7) Treatment areas, treatment procedures and mitigative measures. Treatment areas and treatment procedures to eradicate a fruit fly infestation will be dependent on the species, life-stages and numbers of fruit flies detected and the geographical area affected. Treatment areas shall be treated under the direction of the USDA and the department. Treatments may include ground or aerial applications of EPA-registered pesticides, bait stations applied to host plants

or plants capable of harboring adult fruit flies, the removal and destruction of all hosts known or suspected to harbor any stage of the fruit fly species detected, the removal and destruction of abandoned or unwanted plants capable of bearing hosts, the placement of traps, and the release of sterile fruit flies to achieve eradication. All pesticide applications shall be applied in accordance with all applicable federal and state regulations implementing mitigative measures to reduce environmental and public impact as described in this rule.

(a) Treatment areas. The geographical boundaries of treatment areas shall be published in a major newspaper of general distribution and through other appropriate media. Areas shall be declared treatment areas as follows:

1. When a single male or unmated female fruit fly is detected, an intensified monitoring program will be implemented in a minimum 81 square mile area around the positive site, and the treatment area shall include all properties within a 56 foot radius of the positive site.

2. When two adult fruit flies are detected within one mile of each other within a life cycle (approximately 30 days), or a single mated female, larvae, or pupa are detected, an intensified monitoring program will be implemented in a minimum 81 square mile area around the positive site. The treatment area shall be a minimum nine square mile area around a positive site for pesticide treatments. The treatment area for sterile fly releases shall be a minimum 49 square mile area round the positive site.

3. If a larva is detected, in addition to subparagraph (7)(a)2. above, the soil under the drip line of all host plants on the property and each adjacent property shall be drenched with an EPA-registered pesticide and all hosts shall be removed within a 656 foot radius of the positive site by the department and the USDA.

(b) Treatment procedures. Treatments will be conducted in accordance with the following procedures upon notification of applicable federal, state, and local government agencies and officials who will be provided an opportunity for input into program procedures or mitigative measures or participation in program monitoring activities.

1. All necessary control actions will be conducted based on the species of fruit fly detected using the treatments necessary to prevent further spread and achieve eradication.

2. Hospitals and public health facilities and agencies in the treatment area will be notified of the treatment schedules and the types of pesticides used, and all accidental pesticide exposures will be reported to the appropriate local, state and federal authorities.

3. All applicable environmental laws and regulations will be followed, and an environmental monitoring program in accordance with applicable federal and state environmental laws will be implemented.

4. All pesticides will be applied under the supervision of certified applicators in accordance with label instructions, applicable quarantine or emergency exemptions, USDA Environmental Impact Statements, site specific Environmental Assessments, and state licensing requirement.

5. All program personnel will be trained on the proper use and storage of materials and instructed on emergency procedures in the event of accidental chemical exposure.

6. All necessary safety and cleaning equipment, protective clothing, and Material Safety Data Sheets will be provided to program personnel.

(c) Program Mitigative Measures. The following mitigative measures will be taken to reduce public and environmental impact:

1. Residents in treatment areas shall be contacted individually or if too numerous shall be notified by publication in a major newspaper of general distribution at least 24 hours in advance of the date and time of planned pesticide treatments. Notifications will be in English or other languages as necessary, based on the ethnic structure of the community. The notification shall include basic information about the program, the geographical boundaries of the treatment area, treatment procedures, and measures to be taken to avoid exposure and reduce damage.

2. Residents in the treatment area on the Registry of Persons Requiring Prior Notification of the Application of Pesticides shall be notified 24 hours prior to any treatment applications in accordance with Chapter 482.2267, Florida Statutes.

3. A telephone hot line system will be established to keep the public informed of program activities and serve as a mechanism for registering and responding to complaints.

4. Beekeepers in the treatment area will be notified 24 hours in advance of any treatment applications.

5. Sensitive areas in or near treatment areas shall be identified prior to chemical treatments and appropriate measures taken to ensure that these areas are not adversely affected.

6. All control actions will be conducted with appropriate concern for potential impact on the public, wildlife, non-target organisms, and sensitive areas.

7. Declaration of Eradication. Following the completion of all treatments, eradication shall be declared when no fruit flies are detected during a period of two fruit fly life cycles (approximately 60 days).

8. Program Evaluation. Following the completion of a fruit fly eradication program, program activities and monitoring results will be reviewed and evaluated and appropriate changes implemented for future programs.

Rulemaking Authority 570.07 (23), 581.031(1) FS. Law Implemented 570.07 (21), 570.32 (5), (6) 581.031(6), (7), (9), (15), (17), (20), (26), 581.101, 581.161, 581.181, 581.201 FS. History—New 6-15-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 15, 2010

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

Division of State Employees' Insurance

RULE NO.: RULE TITLE:
60PER10-1 Benefits

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: This year's General Appropriations Act, which sets the benefits for State of Florida employees, made some important changes to state employee health and life insurance benefits which will become effective July 1, 2010. The Department of Management Services (Department), specifically the Division of State Group Insurance (DSGI) within the Department, must immediately amend Rule 60P-6.0075, F.A.C., to account for these changes in benefits. With this emergency rule amendment to immediately reflect this sessions legislative changes, the regular rule promulgation procedure, rather than the emergency-rule process, will be undertaken to memorialize this delegation.

Without this rule emergency rule, until the Department is able to adopt their new rules following the regular rule promulgation procedure, the actions of DSGI would be open to litigation and rule challenges from the public. Rules which reflect such a drastic change in legislation are critical to ensure the proper functioning of DSGI in handling health insurance claims for all employees Florida State government and their dependents. Absent this emergency rule, which would only "bridge the gap" until the new rules can be adopted through the regular rule promulgation procedure, a lapse in the DSGI's ability to administer these critical functions would result. If DSGI is unable serve these functions, the safety and welfare of the public that has state group health insurance is put at risk. This emergency rule allows the Department's seamless transition from the old rule to the new.

With the filing of this emergency rule, a mirror, non-emergency rule is simultaneously being noticed for promulgation. The non-emergency version of this rule will offer all of the protections required by Chapter 120, F.S. This emergency rule version will only be effective for 90 days or until the permanent rule is promulgated, whichever occurs first.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Management Services (Department) has determined that the adoption procedures used for this emergency rule is fair given the circumstances. The Department is required to adopt this emergency rule without delay in response to new legislation establishing this critical change in the way state group health insurance is administered. With the filing of this emergency rule, a mirror, non-emergency rule is simultaneously being noticed for promulgation. This non-emergency version of this rule will offer all the notices required by Chapter 120, F.S. This emergency rule version will only be effective for 90 days or until the permanent rule is promulgated, whichever occurs first.

SUMMARY: The State will no longer be offering to cover 100% of the premium payments for state group health insurance for Senior Management Service or Selected Exempt Service employees.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905, telephone (850)921-4658, fax (850)488-0252

THE FULL TEXT OF THE EMERGENCY RULE IS:

60PER10-1 (60P-6.0075) Benefits.

(1) Subject to the limitations provided under the Internal Revenue Code to avoid discrimination, the amount of salary reduction which a participant may elect under the Pretax Premium Plan shall be the aggregate amount of employee premiums for coverage under the State Group Insurance Program.

(2) All participants' contributions to any reimbursement account under the Program shall be made by salary reduction except in the case of certain participants of the Medical Reimbursement Account whose employment has terminated.

(3) A participant's gross compensation shall not be affected by participation in any Plan. A participant who contributes to a deferred compensation plan or a tax sheltered annuity may be required to adjust his contributions to such programs. Employee contributions under the State University System Optional Retirement Program will be computed on the participant's adjusted gross income automatically.

(4) ~~The Subject to the appropriation of funds the State shall pay a monthly contribution towards for the following insurance coverage for each full-time member of the Senior Management Service or Selected Exempt Service as funded annually by the Legislature through the General Appropriations Act, or otherwise absorbed within the existing budget authority of the employing agency, as follows; in addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that~~

~~premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency:~~

~~(a) The 100% of the premium for the state individual life insurance policy;~~

~~(b) 100% of the premium for the individual or family state group health insurance plan, or up to an equal dollar amount for a health maintenance organization premium; and~~

~~(b)(c) The 100% of the premium for the state individual disability insurance policy; and~~

~~(c) The premium for a state group health insurance plan.~~

THIS EMERGENCY RULE TAKES EFFECT ON July 1, 2010.

Rulemaking Specific Authority 110.161(5), 110.403(1), 110.605(1) FS. Law Implemented 110.161, 110.205(2), 110.403(1)(c), 110.603(2) FS. History—New 8-26-96, Repromulgated 4-25-02, Amended 7-1-10.

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: July 1, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE NO.: RULE TITLE:

60PER10-2 Spouse Program

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: This year's General Appropriations Act, which sets the benefits for State of Florida employees, made some important changes to state employee health and life insurance benefits which will become effective July 1, 2010. The Department of Management Services (Department), specifically the Division of State Group Insurance (DSGI) within the Department, must immediately amend Rule 60P-6.0075, F.A.C., to account for these changes in benefits. With this emergency rule amendment to immediate reflect this sessions legislative changes, the regular rule promulgation procedure, rather than the emergency-rule process, will be undertaken to memorialize this delegation.

Without this rule emergency rule, until the Department is able to adopt their new rules following the regular rule promulgation procedure, the actions of DSGI would be open to litigation and rule challenges from the public. Rules which reflect such a drastic change in legislation are critical to ensure the proper functioning of DSGI in handling health insurance claims for all employees Florida State government and their dependents. Absent this emergency rule, which would only "bridge the gap" until the new rules can be adopted through the regular rule promulgation procedure, a lapse in the DSGI's ability to administer these critical functions would result. If DSGI is unable serve these functions, the safety and welfare of

the public that has state group health insurance is put at risk. This emergency rule allows the Department's seamless transition from the old rule to the new.

With the filing of this emergency rule, a mirror, non-emergency rule is simultaneously being noticed for promulgation. The non-emergency version of this rule will offer all of the protections required by Chapter 120, F.S. This emergency rule version will only be effective for 90 days or until the permanent rule is promulgated, whichever occurs first.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Management Services (Department) has determined that the adoption procedures used for this emergency rule is fair given the circumstances. The Department is required to adopt this emergency rule without delay in response to new legislation establishing this critical change in the way state group health insurance is administered. With the filing of this emergency rule, a mirror, non-emergency rule is simultaneously being noticed for promulgation. This non-emergency version of this rule will offer all the notices required by Chapter 120, F.S. This emergency rule version will only be effective for 90 days or until the permanent rule is promulgated, whichever occurs first.

SUMMARY: These rules clearly lay out how the employees can become eligible and ineligible for this program. This rule also describes what will happen to coverage should an employee become ineligible.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905, telephone (850)921-4658, fax (850)488-0252

THE FULL TEXT OF THE EMERGENCY RULE IS:

(Substantial rewrite of Rule 60P-2.0036 follows. See Florida Administrative Code for present text.)

60PER10-2 (60P-2.0036) Spouse Program.

(1) The spouse program is pretax family health insurance coverage where each employee contributes to the monthly premiums as determined by the annual funding by the Legislature through the General Appropriations Account.

(2) For the purposes of this section, "Designated Agent" means an entity the Department may contract with to provide benefits administration services, but does not include an employee's agency personnel office or other employees of the employee's agency, unless so designated in writing by the Division.

(3) Participation in the spouse program is voluntary and available to any married state employee whose spouse is also a state employee. To enroll in the spouse program, married state

employees must submit an application completed by both spouses to the Designated Agent within the specified timeframe for one of the following events:

(a) Within thirty-one (31) days of marriage to another state employee in accordance with Rule 60P-2.002 or 60P-2.003, F.A.C.; or

(b) Within sixty (60) days of spouse's new employment or re-employment with the State of Florida; or

(c) During the annual Open Enrollment period.

(4) In no case shall a retroactive effective date be assigned. Spouse program benefits begin the first of the month following receipt and approval by the Designated Agent of the application.

(5) Eligibility for and participation in the spouse program and state contributions shall cease, if one of the following disqualifying events occurs:

(a) One or both employees end employment with the state; or

(b) One or both employees go on leave without pay status; or

(c) The employees divorce; or

(d) The death of a spouse.

(6) All state employees participating in the spouse program shall report any above described disqualifying event to the Designated Agent to avoid any underpayment of premiums.

(7) Upon learning of ineligibility, the Designated Agent shall investigate and determine the effective end-date of participation in the spouse program and make the change, regardless of whether or not one or both spouses submitted an application to terminate participation. The effective end-date of participation in the spouse program shall be as of the date of the disqualifying event listed in subsection (5) above.

(8) Unless otherwise directed by the employee, each disqualifying event will result in the following health insurance coverage levels as follows:

(a) If one employee ends employment with the state, the remaining employee's coverage level will be changed to family coverage level.

(b) If one employee goes on leave without pay status, the remaining employee's coverage level will be changed to family coverage level.

(c) If the employees' divorce, and there are eligible dependents, each remaining employee's coverage will be determined as set forth under the terms and conditions of the divorce decree.

(d) If the employees' divorce, and there are no eligible dependents, each remaining employee will be changed to individual coverage.

(e) If the employees' divorce, at no time will family coverage level include a former spouse.

(f) If one spouse dies, and there are eligible dependents, the remaining employee's coverage level will be family coverage.

(g) If one spouse dies, and there are no eligible dependents, the coverage level of the remaining employee will change to individual coverage.

(9) If participants in the spouse program do not timely notify the designated agent of their disqualifying event, the participants shall be financially liable for medical or prescription drug claims incurred by the participants and their dependents, and any premiums paid by the state during the time the participants and/or their dependents were not eligible.

(10) If an ineligible spouse returns to eligible state employment, the spouse program shall only become effective upon the re-enrollment in the program by both employees in accordance with subsection (3) above.

THIS EMERGENCY RULE TAKES EFFECT ON July 1, 2010.

Rulemaking Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-22-96, Repromulgated 1-31-02, Amended 7-1-10.

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: July 1, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on June 10, 2010, the Department of Community Affairs has issued an order.

NAME OF THE PETITIONER: City of DeFuniak Springs, Florida, DCA10-WAI-111

DATE PETITION WAS FILED: May 17, 2010

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 9B-43.0041(2)(b), Florida Administrative Code

THE GENERAL BASIS FOR THE DECISION: The Petitioner sought a waiver of the grant ceiling limitations imposed upon the City of DeFuniak Springs under the Small Cities Community Development Block Grant Program, referenced in paragraph 9B-43.0041(2)(b), Florida

Administrative Code, and a supplemental award. One of the explicit purposes for the Small Cities Community Development Block Grant program is to provide "activities to improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income." Section 290.0411, Florida Statutes (2007). The project waiver and supplemental award proposed by the Petitioner's application directly fulfill this statutory objective. The Petitioner has demonstrated that, absent the waiver, the City and the recipient of the benefits of the underlying grant will suffer a substantial economic hardship.

A copy of the Order may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on June 14, 2010, the Suwannee River Water Management District, received a petition for variance from Harvey and Jane Lewis, 5340 Great Oak Court, Fernandina Beach, FL 32034, pursuant to Section 120.542, F.S. Petitioner is seeking variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner seeks to elevate the existing building, in Hamilton County, in Township 1 South, Range 11 East, Section 12. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 10-0102.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on June 15, 2010, the South Florida Water Management District (District), received a petition for waiver from the Town of Davie, Application No.: 08-0918-1M, for utilization of Works or Lands of the District known as the C-11 Canal for proposed linear park improvements consisting of landscaping and signs within the north right of way of C-11 Canal, Sections 28, 29, 30, 25, Township 50 South, Range 40 & 41 East; Broward County. The petition seeks relief from subsections 40E-6.011(4) and